



**AGENDA AND SUPPORTING PAPERS
FOR COUNCIL'S MARCH MEETINGS**

**TO BE HELD IN THE OFFICES OF THE WEST COAST REGIONAL COUNCIL
388 MAIN SOUTH ROAD, GREYMOUTH**

TUESDAY, 14 JULY 2020

The programme for the day is:

10.30 a.m:

Resource Management Committee Meeting

On completion of RMC Meeting:

Council Meeting

RESOURCE MANAGEMENT COMMITTEE

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Tuesday, 14 July 2020**

S. CHALLENGER
CHAIRPERSON

M. MEEHAN
Chief Executive Officer

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THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE
HELD ON 9 JUNE 2020, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.****PRESENT:**

S. Challenger (Chairman), A. Birchfield, P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin, J. Douglas, F. Tumahai (via Zoom)

IN ATTENDANCE:

M. Meehan (Chief Executive Officer), R. Mallinson (Corporate Services Manager), H. Mills (Planning, Science & Innovation Manager), N. Costley (Strategy & Communications Manager), R. Beal (Operations Director), T. Jellyman (Minutes Clerk)

Cr Birchfield read the prayer.

1. APOLOGIES

There were no apologies.

2. MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting.

Moved (Ewen / Coll McLaughlin) *that the minutes of the previous Resource Management Committee meeting dated 28 April 2020, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

PRESENTATION

M. Meehan introduced C. Brown (Regional Director – Civil Defence & Natural Hazards) to the meeting. C. Brown provided a presentation on the West Coast Civil Defence Emergency Management's (WCCDEM) involvement with the Covid-19 pandemic. She provided information on the Alert Levels and WCCDEM's role and national direction. C. Brown advised that on 10 March the National Crisis Management Centre (NCCMC) was activated in support of the national health coordination health centre, and this was an all of government response. C. Brown advised that on 11 March the World Health Organisation declared Covid-19 had the characteristics of a global pandemic. On 21 March New Zealand went into Alert level 2, two days later New Zealand moved into Alert Level 3, and 2 days after that New Zealand moved into full lockdown at Alert Level 4. She stated that on 25 March New Zealand declared a national state of emergency. C. Brown advised that during April New Zealand began to move back through the levels, moving from Level 4 to Level 3 on 28 April, on 13 May the state of emergency was replaced with a national transition period, on 14 May New Zealand moved from Alert Level 3 to Alert Level 2 and on 29 May gatherings increased from 10 to 100, and on 1 June New Zealand moved to Alert Level 1. C. Brown advised that WCCDEM is one of 16 CDEM groups around the country and has a responsibility under the New Zealand Influenza Pandemic Action Plan to manage the non-health consequences of the pandemic. She spoke of legal requirements and advised this was a co-led event with DHB and CDEM, and outlined how the event was managed on the West Coast. C. Brown advised that the ECC / EOC was established at Westland Recreation Centre with a Group Controller, Response Manager, iwi liaison, public health information, logistics, intel, operations, welfare, planning and health liaison. She advised that daily intel gatherings were held with daily recordings and status reports carried out. C. Brown advised that an 0800 number was established as a household goods and services helpline. C. Brown explained Caring for Communities and stated that this was direct support for people and food and essential needs. She advised that BDC took 80 calls, GDC 221, WDC 35 phone calls from their districts. C. Brown stated that at a national level there was a lot of concern about

whether groups were getting good intel and it was important that WCCDEM was informed of what was happening both nationally and across the region as this type of event had been dealt with before. She spoke of the various agencies involved locally and the impact of Covid-19 on them. C. Brown spoke of the lessons learnt and the resourcing required during this time.

C. Brown stated that now that New Zealand is back at Alert Level 1, the recovery starts. She offered to answer questions from Councillors. The Chairman stated that an impressive amount of work has gone into this event. He acknowledged that the West Coast was the first region to have a death, but noted that numbers of cases of Covid-19 were low on the West Coast. Cr Hill commented that New Zealand is going to get pandemics regularly, and we need to be prepared for them. Cr Hill stated that New Zealand is in a wonderful position globally and can close borders. He noted that during the pandemic there was no appetite to close West Coast borders to isolate ourselves from the main urban centres. He asked C. Brown if this is a possibility in the future. C. Brown stated that there is still a possibility that New Zealand could move back up the alert levels but is unsure if local and regional borders would close. M. Meehan advised that the regional approach was discussed but the government took that a consistent approach across the country would be taken. Cr Cummings asked if the pandemic plan going to be updated, at a national level. C. Brown advised that at every level, Covid-19 has shown how things can be improved but she is not aware as yet of work in this area. She advised that currently we are still heavily in response, but it is likely that the work programme will continue for a number of years. Cr Ewen queried whether it would have been better to focus the call centre on one council rather than three. C. Brown responded that this was set up quickly, due to the circumstances and there was a need for local knowledge in each of the three districts. Discussion took place on the need for resources such as hand sanitiser, face masks etc. C. Brown stated that there is a critical level of resources that should always be on hand on the West Coast. Cr Birchfield spoke of hearing of people who had come from Christchurch and had cleaned out West Coast supermarkets. M. Meehan noted that there was a lot of panic at supermarkets. He stated that Covid -19 was a very different event for New Zealand. C. Brown answered various questions from Councillors. She stated that remote communities were in need of support and with a lot of need for those who could not get out of their homes including vulnerable people and those suffering from financial hardship and those with mobility issues. C. Brown stated that she felt this was more of an urban issue than rural.

Discussion took place of the rescue of people in mountain areas. C. Brown advised that there has been a lot of work go in to this from councils around the South Island. M. Meehan advised that Development West Coast is the economic recovery lead, but a lot of the work now is in following the lead from NEMA. M. Meehan stated that Council needs to be in a position to respond to any needs from NEMA. He advised that NEMA had funding available for resilience, but due to the Covid situation this was not a normal process. Groups were approached by NEMA and offered temporary shelters with 11 temporary shelters available and the West Coast gaining three temporary shelters. M. Meehan explained how they function and stated that they will be located in Westport, Greymouth and Franz Josef. The Chairman thanked C. Brown for her presentation and acknowledged that there will be a lot of learning coming out of the pandemic.

3. PUBLIC FORUM

There was no public forum.

4. CHAIRMAN'S REPORT

Cr Challenger stated that he has had a quiet month with nothing to report.

5. REPORTS

5.1 PLANNING AND OPERATIONS GROUP

5.1.1 PLANNING REPORT & HYDROLOGY REPORT

H. Mills spoke to his report and advised that RPS is still with the Environment Court. He stated that Plan Change 1 decisions were notified publicly on 29 May, with the statement discussed by Council being added to the decisions report. H. Mills reported that there are some processes on hold for plan changes.

H. Mills advised that the three freshwater groups were put on hold over the lockdown period. He stated that online meetings with the Kawatiri group were held.

H. Mills stated that Minister Parker made the announcement on 28 May for the decision on the Freshwater package, which outlines the high level direction of the Essential Freshwater Package. H. Mills stated this is going to affect the West Coast fairly significantly. He stated that one of the Key issues contained in Council's submission, and the only real traction gained, was on the harvesting of sphagnum moss.

H. Mills advised that non-significant wetlands will be gazetted in July and with regard to Plan Change 2, this may also have effects on the West Coast, he stated that a close eye will be kept on this, as the whole freshwater package will have significant implications for farmers and water users.

H. Mills reported that staff have incorporated feedback received in its submission on the NES for air quality.

H. Mills reported that Council was fortunate to have four projects approved for Envirolink funding with approximating \$80,000 worth of funding received.

H. Mills reported that seven floodwarning alarms were activated during the reporting period but none were recorded during lockdown.

M. Meehan advised that along with the Freshwater Package, government also announced \$700M to support farmers with the implantation of the freshwater package. M. Meehan stated that because of Covid-19 there is a lot of packages opening up, with \$80M to be spent in the next 1 – 3 months for fencing, planting and water reticulation. He stated that the expressions of interest criteria are now to hand so staff are putting together information to be sent to landowners informing them that this funding is available. M. Meehan advised that Council has also applied for funding from the Covid-19 packages for farm planning staff and staff to assist with this going forward. M. Meehan stated that government's focus is not just water quality but getting people into jobs post Covid-19. He advised that Council will put together the funding application and will be reliant on the polytechnic and MSD to find staff and to get training in place. Cr Birchfield expressed concern with the government being able to impose commissioners on Councils. H. Mills advised that the government want to streamline the process and want to rush it through as fast as possible, but Council is able to appoint two councillors, but this committee will get the final say.

Cr Birchfield expressed his concern on matters relating to climate change, including concern that government has set the standards on this but have allowed hospitals to be built at sea level.

Cr Coll McLaughlin asked H. Mills if the timeframes on RMA Amendment Bill are likely to be in place by the end of the year in view of the Bill going through under urgency. H. Mills stated that the timeframe for the Freshwater Package is within the next month.

H. Mill answered questions relating low slope areas in relation to stock exclusion zones. H. Mills advised that there is a slope classification that says if it is steeper than a certain slope then there will be different rules.

M. Meehan stated that most of the areas on the West Coast are considered low slope areas.

Cr Ewen expressed concern with the costs of ecological work on wetlands, he stated that central government needs to be reasonable about this issue, as this is a snowballing cost. He stated that ratepayers will be paying for costs associated with the One District Plan, and he feels that non-significant wetlands will likely become significant following the election. Cr Ewen feels that government should be fronting with costs that have been put onto our region, as we have a low rating base to pay for these type of things. Cr Ewen stated this is getting out of hand, and he is concerned with the impact these costs will have on businesses, and provinces.

Cr Coll McLaughlin stated that at the last meeting of the Te Tai o Poutini committee there was discussion about trying to get some of the funding for the research from other funding streams, through DoC. Cr Ewen requested that congratulations are passed onto staff for getting funding from the various sources. M. Meehan agreed with Cr Ewen's comments on the constant change with freshwater reform and the biodiversity NPS, as Council is awaiting the draft. M. Meehan spoke of the ooverlap between SNA identification, wetland identification and now non-significant wetlands. He stated that it might pay to pause on some of this issues until a clear path is found. M. Meehan stated that most concerning issue is the biodiversity NPS and the impact on the region. He stated that Council needs to understand the non-significant wetlands and the implications of this. Cr Coll McLaughlin noted that the RMA Reform Bill suggests making all district plans aggregated to regional plans, and as Council is already in the middle of doing this, if that is a change then it will inform how Council needs to go about this process.

Cr Challenger expressed concern regarding the NES for air quality, he stated that this could be stifling innovation as if people replace their multifuel fire with a compliant one, the OekoTube makes existing fires compliant. He stated that manufacturers need to make better fires, as West Coaster have a source of energy here. Cr Challenger feels that fires should be improved each time new ones are manufactured. Cr Hill agreed with Cr Challenger's comments. Cr Hill stated that those with coal burners are likely to have to get rid of them next time they replace their fire. Cr Hill stated that a town like Reefton needs to use coal but on a district heating system. He explained how a centralised coal heating system, with a big boiler, offering through a heat exchanger, every household heating. Cr Hill explained how this type of system could work. He stated that government needs to help and support councils to move ahead with technology. H. Mills stated that one of the key points in the submission was to be allowed to use aftermarket products to bring non-complying burners into the standard while still using coal. It was noted that there are currently no burners on the market that are compliant while burning coal. Discussion took place on what could work on the West Coast, it was agreed that a very narrow view has been taken on this. Cr Hill commented that the current government are using the current NES to get rid of coal fired burners. Cr Hill stated that Reefton could become carbon negative by using technology and could be one of the first towns in the world to do

this, and he feels this is where the West Coast should be heading. Extensive discussion ensued on this matter.

4

Moved (Hill / Coll McLaughlin)

1. *That the report is received.*
2. *That the Council approves the submission on the proposed changes to the National Environmental Standard for Air Quality.*

Carried

5.1.2 REEFTON AIR QUALITY SUMMARY

H. Mills spoke to this report and advised that there have been no exceedances of the air quality NES during the reporting period.

Moved (Cummings / Magner) *That the report is received.*

Carried

5.2.1 CONSENTS MONTHLY REPORT

M. Meehan spoke to this report in H. McKay's absence and advised that this covers the Covi-19 lockdown period. He advised that 12 non-notified resources consents were processed, and seven changes to consent conditions were granted during the reporting period. M. Meehan noted that some of the consents coming through are for flood infrastructure in Franz Josef, Westport and Grey.

Moved (Birchfield / Magner)

That the June 2020 report of the Consents Group be received.

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

M. Meehan spoke to this report and advised that this report also covers the Covid-19 lockdown period. He advised staff were still able to do some inspections relating to complaints during the lockdown period. Cr Ewen asked if the two issues at Roa Mine are related. He stated that he has received complaints about the 10 Mile Creek. M. Meehan advised that the site was compliant at the time of inspection. Cr Cummings noted that the creek was clear the next day.

Cr Hill drew attention of to the stormwater complaint at Fairdown, and noted that there was no breach of region rules, but he asked in this case what is the right course of action for the owner to take. M. Meehan responded that stormwater can be difficult to work though in a rural area, as opposed to urban areas. M. Meehan advised that sometimes these issues end up being a civil matter between parties. He stated these are sometimes drainage issues between properties and Council can only deal with issues where a rule has been breached. Cr Coll McLaughlin noted that this is complicated by the fact that a highway is involved and the culvert in this area belongs to NZTA.

M. Meehan answered questions relating to mining discharges and mining work programmes. He confirmed that all mining work programmes are done in house. M. Meehan advised that large mining work programmes are put out to consultants. He explained the process in detail to councillors.

Moved (Ewen / Magner)

1. *That the June 2020 report of the Compliance Group be received.*
2. *That the bond of \$15,000 for RC13158 Hokitika Gold Ltd, \$12,000 for RC98005 MJK Mining Ltd and the \$5,000 for RC91038 Francis Mining be released.*

Carried

GENERAL BUSINESS

There was no general business.

The meeting closed at 11. 37 a.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 14 July 2020
Prepared by: Lillie Sadler – Planning Team Leader
Date: 1 July 2020
Subject: Planning and Hydrology Report

Regional Policy Statement (RPS) approved by Environment Court

The Environment Court released its decision on the RPS mediation changes on 17 June. The Court approved all of the changes to the RPS that were agreed to in the mediation process. The Court made no further changes. Accompanying this report as Appendix 1 is the Environment Court Decision on appeals to the proposed West Coast Regional Policy Statement, including in Appendix A, a copy of the RPS showing track changes from the mediation process. With track changes, added text is shown in underline, and text to be deleted is shown with ~~strikethrough~~.

The track changes have been made to the RPS, and it can now be formally approved and made operative, as required by the First Schedule of the Resource Management Act (RMA). Accompanying this report as Appendix 2 is a clean copy of the RPS. Note that it is not optional for a council to reject an Environment Court determination. Sections 16(1) and 17(1) of the RMA First Schedule require that a local authority shall approve a regional policy statement once it is amended by a Court direction. If Council does not approve the RPS, it is an offence liable for a \$600,000 fine.

Making the RPS operative involves:

- Publicly notifying the date on which the RPS becomes operative (at least five working days before the operative date);
- The Chair affixing the common seal of the Council in the RPS, and sign along with another councillor the page with the operative date and seal.

Plan Change 1 appeal period

The appeals period on Council's Decisions on Plan Change 1 to the Land and Water Plan closes at **4pm on Monday 13 July**. Council's Planning Manager will give a verbal update at the Resource Management Committee (RMC) meeting of any appeals lodged.

Coastal Plan update

Now that the Court has approved the RPS, the proposed Coastal Plan can be progressed. Next steps are to complete the section 42A staff recommendations report, and hold pre-hearing meetings with submitters to try and resolve submission points as much as possible prior to a hearing.

Freshwater Management Unit (FMU) Groups' update

Grey: The final meeting was held on 30 June, and the Group edited their draft Recommendations. They are aiming to present them to the RMC at the August meeting.

Kawatiri: The Group had an additional 11th meeting by Zoom on 17 June to continue drafting their recommendations. They will have one more meeting in person to finalise the recommendations, and aim to present them to the RMC at the September meeting.

Hokitika: The first meeting was held on 23 June in Hokitika. As per the other FMU processes, it was an introductory session.

Government direction on freshwater package

Following on from the June planning report which contained links to information documents about the Freshwater Package changes, attached to this report as Appendix 3 is a summary of the main changes to freshwater policy and regulation. The summary is based on the Freshwater Independent Advisory Panel's Report that was released on 20 May. The announced direction may differ slightly on some matters as it has been through Cabinet. The wording is still being finalised, and staff understand that the Government is aiming to release the new National Environmental Standard with rules for farming activities, and activities affecting wetlands and streams, plus the section 360 Regulations for stock exclusion, in July.

RMA Amendment Bill

The RMA Amendment Bill recently passed its Third Reading, completing the Parliamentary process. It will come into effect in the near future, and includes a new streamlined freshwater planning process.

7

Fast Track Consenting Bill

Parliament passed the Fast Track Consenting Bill through its remaining stages under urgency on 2 July. The Committee stage was marked by a large number of unsuccessful attempts to amend the Bill to add projects to those that are getting fast tracked.

Hydrology

Flood Warning

There were no flood events during the reporting period.

RECOMMENDATIONS

1. *That the report is received.*
2. *That the Resource Management Committee adopts the Environment Courts Determination on the mediation changes to the Regional Policy Statement and approves that it be made operative on 24 July 2020.*

Hadley Mills

Planning, Science and Innovation Manager

Environment Court Decision on appeals to the West Coast Regional Policy Statement, including in Appendix A a copy of the RPS showing track changes from the mediation process

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. 18 [2020] NZEnvC

IN THE MATTER	of the Resource Management Act 1991 (the Act)
AND	of appeals under clause 14 of Schedule 1 of the Act on the Proposed West Coast Regional Policy Statement
BETWEEN	HERITAGE NEW ZEALAND POUHERE TAONGA (ENV-2018-CHC-199) First Appellant
AND	DIRECTOR-GENERAL OF CONSERVATION (ENV-2018-CHC-200) Second Appellant
AND	ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED (ENV-2018-CHC-201) Third Appellant
AND	WEST COAST REGIONAL COUNCIL Respondent

Court: Environment Judge J A Smith (sitting alone under s 279 of the Act)

Hearing: in Chambers in Auckland

Date of Decision: **17 JUN 2020**

Date of Issue: **17 JUN 2020**

DETERMINATION OF THE ENVIRONMENT COURT

A: The deletions marked through by a cross lining within the text and the additions marked by underlining and bolding of text are to be incorporated into the West

HERITAGE NZ POUHERE TAONGA & ORS-v-WEST COAST REGIONAL COUNCIL20200528



Coast Regional Policy Statement (**WCRPS**) forthwith for reasons set out in detail in this Determination. These are set out as **Appendix A**.

- B: The parties do not make application for and nor does the Court make any order as to costs.

REASONS

Introduction

[1] This Determination results from a consent memorandum filed by the parties intended to resolve in full the Appeals of Heritage New Zealand Pouhere Taonga, Director-General of Conservation and Royal Forest and Bird Protection Society of New Zealand Incorporated.

Background

[2] The West Coast Regional Council (**the Council**) notified the WCRPS on 16 March 2015. 72 original submissions and 23 further submissions were made on the WCRPS. Hearings on submissions were held in May 2018. The Council issued its decisions on submissions on 17 August 2018. Three Appeals were lodged in the Environment Court.

[3] The Appeals are:

- (a) ENV-2018-CHC-199: Heritage New Zealand Pouhere Taonga (**HNZ**);
- (b) ENV-2018-CHC-200: Director-General of Conservation (**DOC**); and
- (c) ENV-2018-CHC-201: Royal Forest and Bird Protection Society of New Zealand Incorporated (**F&B**).

Other parties

[4] The following persons joined the HNZ Appeal under s 274 of the Act:

- (a) Federated Farmers of New Zealand Incorporated;
- (b) Buller District Council;
- (c) Ngai Tahu (Te Runanga o Makaawhio, Te Runanga o Ngati Waewae and



- Te Runanga o Ngai Tahu);
- (d) Westpower Limited; and
 - (e) Trustpower Limited.

[5] The following persons joined the DOC Appeal under s 274 of the Act:

- (i) Stevenson Mining Limited;
- (ii) Buller District Council;
- (iii) Grey District Council;
- (iv) Westpower Limited;
- (v) Trustpower Limited;
- (vi) Transpower New Zealand Limited;
- (vii) Bathurst Resources Limited;
- (viii) Ngai Tahu (Te Runanga o Makaawhio, Te Runanga o Ngati Waewae and Te Runanga o Ngai Tahu);
- (ix) Frida Inta;
- (x) Federated Farmers of New Zealand Incorporated; and
- (xi) Royal Forest and Bird Protection Society of New Zealand Incorporated.

[6] The following persons joined the F&B Appeal under s 274 of the Act:

- (a) Stevenson Mining Limited;
- (b) Buller District Council;
- (c) Westpower Limited;
- (d) Trustpower Limited;
- (e) Transpower New Zealand Limited;
- (f) Bathurst Resources Limited;
- (g) Ngai Tahu (Te Runanga o Makaawhio, Te Runanga o Ngati Waewae and Te Runanga o Ngai Tahu);
- (h) Frida Inta;
- (i) Federated Farmers of New Zealand Incorporated;



- (j) Grey District Council;
- (k) Ballance Agri-Nutrients Limited;
- (l) West Coast Fish and Game Council; and
- (m) Director-General of Conservation.

[7] All appellants and s 274 parties are signatories to this joint memorandum. As a general observation the various parties represent a broad cross-section of the various interests in the Region.

Mediation

[8] The parties attended mediation in Greymouth on 11 to 14 March, 27 to 30 May, 29 July to 2 August and 1 to 2 October 2019. The resulting consent memorandum is endorsed by all parties.

Summary of Appeals

Heritage New Zealand Pouhere Taonga

[9] HNZ's Appeal seeks the inclusion of additional methods relating to "*significant heritage*" in Chapter 4, Resilient and Sustainable Communities.

Director-General of Conservation

[10] DOC's Appeal sought changes relating to indigenous biological diversity together with "*any other relief to like effect, including consequential amendments that the Court thinks fit*".

Royal Forest and Bird Protection Society of New Zealand Incorporated

[11] F&B's Appeal sought specific and extensive changes to text of the WCRPS. In addition, F&B's Appeal contended that the provisions appealed against:

- (a) do not give effect to the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement;



- (b) do not give effect to the NPSET;¹
- (c) are not consistent with Part 2 of the Resource Management Act ("the Act");
- (d) do not implement the Council's functions under s 30 of the Act; and/or
- (e) do not represent best resource management practice.

[12] Its notice of Appeal continues:

Where specific wording changes are proposed by way of relief, Forest & Bird seeks in the alternative any wording that would adequately address the reasons for its appeal. Forest & Bird also seeks any consequential changes made necessary by the relief sought below.²

The Consent Memorandum

[13] The parties have filed a detailed consent memorandum, some 122 pages. This includes the proposed alterations to the text of the WCRPS. The alteration to the text is now **annexed as Appendix A** to this Determination. This Determination addresses the reasons for the change in brief and an examination under the Act (especially s 32AA) to the extent required.

[14] It is important to note, that this Court in assessing this proposal is only able to see these amendments in the context of the Policy Statement presented to it.

[15] Given the diverse range of parties involved in this proceeding, we have assumed that various aspects of the public interest are represented by one or more of these parties.

[16] I also recognise that in considering this memorandum, the changes are seen as a package. It is clear that the parties have made concessions in some areas for gains in other areas. That is to be expected with a document as complex as a Policy Statement and the purpose for this Court is not to assess every wording or variance but to be satisfied that overall this advances the purpose of the Act and represents better provisions than those in the Plan currently.

[17] To that extent, our assessment under s 32 (and s 32AA) takes into account the

¹ National Policy Statement on Electricity Transmission.

² Notice of Appeal by the Royal Forest and Bird Protection Society of New Zealand Inc dated 28 September 2018, paragraphs 6 to 8 inclusive



parties' assessments of the situation, unless this Court is not satisfied with that analysis and checks the changes are consistent with superior documents and the Act itself.

[18] We have included only the track changed copy in **Appendix A** and anticipate that the Council will adopt a clean copy with those amendments incorporated. Although this was provided to the Court, I did not consider it is necessary to attach it for the purposes of finalising this Determination. Accordingly, the version that is intended to be adopted by the Council, is the *RPS (MV) clean version* with tracking removed, but incorporating the changes agreed by the parties

[19] Further, we note that every chapter has been changed, although the extent of change varies depending on the area. We intend to briefly deal with each of these changes in accessing whether this achieves the purpose of the Act and s 32 and s 32AA.

[20] Overall, we are satisfied that the approach of the parties is consistent with the Act and s 32 (and s 32AA) in particular and that this approach is as a result of a cohesive and integrated approach to amendments which should aid understanding the application of the Policy Statement.

[21] We now intend to deal with each of the Chapters in turn, briefly explaining the reasoning of the parties for the changes. Reference should be made to **Appendix A** for context.

Chapter 1: Introduction

[22] There are a small number of consequential changes to s1.3. In particular, a new bullet point has been added to s1.3.2 and the wording of another bullet point has been altered slightly.

[23] There is no issue as to the change in form raised by any party and the result is clear. Also, a general standardisation of changes would be permitted under Clause 16 of Schedule 1 of the Act in any event.

[24] In s1.4, there has been a change, largely to add more explanation under the User Guide. This was not a change that was explicitly part of an appeal but was consequential upon changes to chapter 4 Objectives.



[25] I have examined the change in wording, particularly the cross-reference to Objective 2. Again, the matter is one largely of form, but I am unable to see anything that would offend against the provisions of the Act and the greater clarity is to be welcomed. Accordingly, I approve of the change to s1.4.

Chapter 2: Summary of Significant Resource Management Issues for the Region

[26] F&B sought to change three paragraphs in Chapter 2, mostly, minor wording changes. In particular, F&B were concerned that the Statement of Issue should not be a summary and it is acknowledged that it is not in fact a summary.

[27] Accordingly, changes were made to delete the words "Summary of" and also consequential changes to achieve a clearer intent for the Policy Statement.

[28] Again, I have looked at this wording, and I am satisfied, as are the parties, that these changes are both within the scope and achieve a better outcome (in the sense of clarity) than the existing provision.

[29] There is an issue also in relation to other matters in Chapter 2 and these are shown in the text now agreed. Again, essentially this is to clarify the intent of s 6 and s 7 of the Act for the purposes of clarity and certainty. Although not a great deal turns on these provisions, I accept they are better in the sense of s 32 and achieve the purpose of the Act.

Chapter 3: Resource Management Issues of Significance to Poutini Ngai Tahu

[30] There were no Appeals on Chapter 3, but the parties have agreed that there be some consequential changes to clarify the relationship between Chapter 3 and the other Chapters in the WCRPS, including Chapter 6.

[31] Again, I see nothing offensive in the wording "adopted" and the parties clearly consider this establishes the relationship more clearly. In my view, this is a matter of judgement. As they are prepared and accepted by all the parties, I accept that this is within scope as a consequential amendment. These do not substantively change the meaning of Chapter 3.



Chapter 4: Resilient and Sustainable Communities

[32] F&B sought to change Objective 2 and the agreement now is similar to, but a less extensive variation of that sought.

[33] I accept that these are within the jurisdiction of the Court and the Objective is expressed more precisely and therefore gives a better effect to the Act. I also agree with the parties, that the essence of the Objective is retained.

[34] However, the deletion of the words "including those specified in the Anticipated Environmental Results in this RPS", does remove an important link to other chapters. I therefore accept that some consequential changes follow. The first being the consequential changes that I have addressed in relation to the "User Guide" in Chapter 1.4, and secondly those in Chapter 3.

[35] I agree that these changes follow logically and are generally appropriate.

Chapter 4: Methods

[36] HNZ sought two new methods for historic heritage be added to Chapter 4. In the end, the parties have agreed that there should be two additional methods involving both assessing and identifying historic heritage and using regional and district plans. This is recorded in Method 3 and 4.

[37] In terms of the Appeals filed, I accept that these changes are within the jurisdiction of the Court. They probably clarify rather than introduce any substantive change but link the provisions more directly to s 6(f) of the Act itself. They also align with Objective 4 and Policy 5 of Chapter 4.

[38] There are consequential changes to Method 5 (formerly 3) which is shown in the re-wording. This again, is a matter of clarification rather than the substantive change to the wording. Accordingly, I also generally approve the variations to Chapter 4 and I believe they better achieve the purpose of the Act.



Chapter 5: Use and Development of Resources

Chapter 5: Background to the Issues

[39] F&B sought some changes to various paragraphs of the background to the issues including to paragraphs 6, 7 and 8. Parties have agreed on wording changes, similar to those sought by F&B, but again appear to introduce clarifications. Some of these would be permitted under Clause 16 of the First Schedule to the Act, but there is no change in substance or effect.

[40] Accordingly, these changes better achieve the purpose of the Act and are approved.

Chapter 5: Objective 2

[41] There has been a relatively significant change to Chapter 5 Objective 2. Originally, it read:

To recognize that the use and development of natural resources may be incompatible with other land users, in some situations and locations.

The now proposed wording is:

Incompatible use and development of nature and physical resources are managed to avoid or minimize conflict

[42] I accept that the amendment is within the jurisdiction of the Court. Particularly, the F&B Appeal.

[43] Initially the complete change of wording approach might give concern as to whether or not this is an improvement. However, closer examination suggests that the original Objective was unclear as to the purpose of the Policy Statement in relation to use and development of natural resources.

I conclude, the words "managed to avoid or minimize conflict" introduces a clear purpose for the Policy and for the Objective itself. Accordingly, I conclude it not only clarifies the provisions, but introduces better articulation of the resource management outcome



sought.

Chapter 5: Policy 1

[44] Again, F&B sought relatively extensive changes to Policy 1. Those now agreed are somewhat less extensive, but nevertheless clearer.

[45] I agree, words such as “enabling” are better than the broader and more difficult to understand proposition “recognition will be given in resource management processes”.

[46] Accordingly, I agree that the new wording is clear in its intent and therefore better achieves the purpose of the Act.

Chapter 5: Policy 2

[47] Again F&B sought changes. Some of these were for clarification purposes and particularly authorised minerals extractions or sites.

[48] I conclude that the agreed wording, represents a clearer exposition of the natural and physical resources relevant to the regional economy. While some of the changes sought by F&B may have been clearer, i.e., authorised minerals, the agreement to leave the wording at “mineral extraction” would in its terms be appropriate, permitted or otherwise authorised mineral extraction.

[49] On balance, I agree that this better sets out the purpose of the Policy and although the matter is largely one of style, the change is clearly within jurisdiction.

Chapter 5: Method 1

[50] There was no Appeal on Method 1, but the parties have agreed anyway that the use of the word “rules” is misleading. The parties have agreed to substitute this with the word “provisions”. I see this as a minor change for clarity.

Chapter 6: Regionally Significant Infrastructure (RSI)

[51] Regionally Significant Infrastructure (**RSI**) is defined in the Policy Statement. F&B



have sought a change to the final paragraph in the background to the issues and sought a direct reference to the New Zealand Coastal Policy Statement (**NZCPS**). This recognizes the importance of the NZCPS in its application to infrastructure.

[52] The parties have also recognized the importance of the New Zealand Policy Statement on Electricity Transmission (**NPSET**) for the National Grid, and Electricity Generation and the National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**). Accordingly, the parties have agreed to add a new paragraph which is a further explanation of these factors. The parties consider that the new paragraph is within jurisdiction because it clarifies the relationship between the relevant provisions in the WCRPS and helps to ensure that property recognition is given to national policy instruments.

[53] Given the consent of all the parties to its inclusion, I accept it does not prejudice any other party and makes explicit provisions which take effect in considering applications for consent and other matters under the Act in any event.

[54] Given that the final paragraph of the Introduction has already been changed, I am prepared, in the circumstances, to allow the addition of the new paragraph, which in my view, better achieves the purpose of the Act. In particular, clarifying the relationship of regional documents to national policy statements which are applicable.

Chapter 6: Issue 1

[55] F&B again sought an amendment to this Policy and sought also to add a new issue. The parties have agreed to include a new statement of the resource management issue which now reads:

Resilient RSI is essential for the social, economic and cultural wellbeing of the West Coast.

[56] I agree with the parties, that this issue is within jurisdiction and better states the resource management issue to be dealt with, within that Chapter. Accordingly, I generally approve of this amendment.



Chapter 6: Policy 6 (now Policy 5)

[57] F&B again sought a variation of this provision. The amendment is not as sought originally by F&B but does include some elements of that proposed change. They have agreed to retain off-setting of effects other than adverse effects on indigenous biodiversity.

[58] A reference to compensation is added to align with the resource management practice and s 104(1)(ab) of the Act as well as Policy C2 of the NPSREG. In all the circumstances, I consider that the changes are within jurisdiction and re-worded policy now better achieves the purpose of the Act.

Chapter 6: New Policy 6

[59] This related to renewable electricity generation. It appears F&B originally wished to better achieve the purpose of s 6 of the Act and strengthen provisions giving effect to the protective objectives and policies of the NZCPS and the National Policy Statement for Freshwater Management (**NPSFM**).

[60] The end result is that the parties agreed to do this, provided that renewable electricity generation is provided for as well.

[61] The parties agree to a new Policy 6 which captures both of these aspects.

[62] I conclude that it is within jurisdiction, given the nature of the Appeal. It also gives better effect to the relevant provisions of the NZCPS and NPSFM and to some extent the National Policy Statement for Renewable Electricity Generation (**NPSREG**) (as it relates to renewable energy).

[63] Overall, I am also satisfied that it also helps to achieve the chapters objective:

Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure

Chapter 6: New Policy 7

[64] F&B sought to strengthen the protection in the WCRPS for natural character for



s 6 matters, natural features, indigenous vegetation and fauna.

[65] The parties have agreed that Policy 2 does not adequately give effect to the NPSET and should be replaced by a new Policy 7 which consists of two sub-paragraphs 1 and 2. This means that Policy 2 is to be deleted and the new Policy directly relates matters to the National Grid and in particular, how matters relating to the National Grid might seek to achieve s 6.

[66] I agree, this Policy is within the scope of the Appeals and this provision gives better effect to the Act and to the NPSET.

Consequential Changes to Chapter 6 – Policies 1, 3 and 4

[67] There have been a few changes to Policy 1 to make the provision clearer and Policy 2 to include renewable energy and National Grid and Policy 3 to include references to the parts of s 6 of the Act. These appear to be within the frame of the Appeals and the parties have agreed upon them. Accordingly, these appear to better achieve the purpose of the Act in being clearer than the original provisions. Accordingly, I generally approve of these changes.

Chapter 6: Consequential Amendments to Policy Explanations

[68] Consequent upon the change to the Policy wording, explanations must also be amended. The explanations largely follow the logic of the changes already discussed. In the end, these are matters of form rather than substance and I agree that these consequential changes are appropriate to incorporate the new Policies. I generally approve of those changes.

Chapter 7: Biodiversity and Landscape Values

[69] F&B sought that Chapter 7 be divided into different chapters or sub-chapters.

[70] The parties have now agreed to:

- (a) Limit Chapter 7 to indigenous Biodiversity in accordance with s 6(c), s 30 and s 31 of the Act, outside the coastal environment.



- (b) Create a new Chapter 7A for the natural character of wetlands, and lakes and rivers and their margins in accordance with s 6(a) of the Act, outside the coastal environment.
- (c) Deal with natural character in the coastal environment, in accordance with s 6(a) of the Act and the relevant provisions of the NZCPS, in Chapter 9, Coastal Environment.
- (d) Deal with the protection of the significant values of wetlands and of outstanding freshwater bodies in Chapter 8, Land and water.
- (e) Create a new Chapter 7B dealing with outstanding natural features and landscapes in accordance with s 6(b) of the Act, outside the coastal environment.
- (f) Deal with indigenous biological diversity and outstanding natural features and landscapes in the coastal environment in accordance with s 6(b) and s 6(c) of the Act and the relevant provisions of the NZCPS in Chapter 9, Coastal Environment.

[71] In broad terms, I agree this fits within the scope of the Appeals filed and is a reasonable comprise to achieve the objectives of all parties. It does need necessary consequential changes to other provisions.

[72] I make no particular comment on whether this better achieves the purpose of the Act or how. However, I am satisfied these matters of wording and policy do not make any substantive change to the provisions of the plan itself.

[73] Overall, the more direct linkage better achieves the purpose by achieving clarity.

Chapter 7: Background Issues

[74] Because other topics other than indigenous biodiversity have been removed from Chapter 7, there is a necessity to change the background provisions. There is an extensive change to Chapter 7 wording. These appear to have been argued relatively in detail and many of them are consequential on the division of Chapter 7

[75] I am satisfied that they are within the jurisdiction of the Court and the



consequential changes are a matter of form, rather than substance and accordingly, I generally approve of them as better achieving the purpose of the Act, through clarity.

Chapter 7: Statement of Local Authority Responsibilities

[76] Again, F&B have sought a fairly extensive variation of this provision and the parties have agreed that the statement of responsibilities is now clearer and that with some refinement, it can replace the Decision's version. The wording now adopted is agreed and is clearly within the jurisdiction of the Court.

[77] In the end, the question of whether this is better, is a matter of form, rather than substance and I am prepared to accept the position of the parties that this is largely consequential upon other changes and provides better clarity.

Chapter 7: The Significant Issues in relation to the Management of Indigenous Biological Diversity values on the West Coast

[78] There were 3 Issues identified in Chapter 7 and F&B sought to amend Issue 2. It also requested the deletion of Issue 3.

[79] In the end, the parties seem to have agreed on amendments to all Issues 1-3 and again appear to be directed towards the parties' views as to clarity.

[80] Although, not as convinced as the parties on those changes, it cannot be said that the provisions have any greater effect. I am satisfied that, overall, they are better if they lead to clarity by key parties as to the provisions involved.

Chapter 7: Objectives

[81] F&B sought that Objective 1 be deleted and that Objective 2 be amended. They also sought new Objectives. Because of the focus now on Indigenous Biological Diversity, it is clear that Chapter 7 requires amendment anyway.

[82] Objective 1 is to be deleted. The parties have agreed on alternative provisions. It is clear that the provisions are within scope. Although there is extensive evidence, it is difficult to see clear purpose beyond the clarification of Chapter 7 to Indigenous



Biodiversity.

[83] In the end, again, it seems to me a matter of Policy and Form, rather than substance and accordingly, I see no basis on which to alter the wording agreed by the parties.

[84] Therefore, I approve the Provisions on the basis of clarity. I reach no conclusion on whether it gives better effect to ss 6(c), 30(1) (ga) of the Act.

[85] Nevertheless, it does clarify the relationship with indigenous vegetation for Chapter 7.

Chapter 7: Policies

[86] F&B sought the deletion of Policy 1A, with replacement which might be considered the assessment criteria:

- (a) Representativeness
- (b) Rarity
- (c) Diversity
- (d) Ecological context

They sought relatively extensive changes and the parties have agreed to changes.

[87] Again, it is difficult within the context of this hearing to understand exactly the full purpose and effect of these changes. Nevertheless, they appear to have been discussed at considerable detail between the parties.

[88] Overall, I am satisfied that they have provided more clarity and give better effect to the Act. I do not consider I need to particularly reach a conclusion on the wording and its effect. It seems to me where matters of policy and form apply, these are matters on which parties can reasonably have different issues and the provisions in this case, represent a reasonable compromise.

Other Policies managing effects on Biodiversity

[89] F&B have sought the deletion of Policy 1, Policy 2 and Policy 3A. They essentially



sought a re-wording and new provisions and were promoting the concept of no net loss for indigenous biological diversity. DOC also had some concerns with the provisions and both complained that the WCRPS did not properly recognize or provide for national importance in s 6(c) of the Act. They also contended that the Regional Council had failed to discharge its duty under s 30(1) (ga) of the Act to maintain indigenous biodiversity.

[90] In the end, the parties have agreed on a new suite of Policies to maintain indigenous biodiversity. This requires future actions and mapping Significant Natural Areas (**SNA**) and wetlands using the criteria of attached Appendices.

[91] It also uses represents the issues of:

- (a) no net loss; and
- (b) minimization of adverse effects.

[92] The parties in their memorandum note that:

- (a) Policy 2 sets bottom lines which focus on protecting threatened examples of biodiversity and develops elements in the proposed Policies made by F&B for polices 1, 3 and 4;
- (b) Policy 3 deals with the management approach;
- (c) Policy 4 deals with the criteria for Offsetting;
- (d) Policy 5 deals with the criteria for Biodiversity compensation;
- (e) Policy 6 adapts Policy 3A of the RPS(DV) to the new framework of objectives and policies;
- (f) Renew Policies 6, 7 and 8.

[93] There is no doubt that these changes are particularly extensive and appear to follow an agenda of F&B throughout New Zealand. In this case they are supported to some extent by the DOC.

[94] It is not really possible from the wording given to the Environment Court to assess whether they better achieve the purpose of the Act or not. There have been a series of decisions by various divisions assessing similar provisions in contested cases. If it was necessary on every occasion to revisit these arguments, in a consent situation, I conclude it would defeat the purpose of these parties to achieve policies that are appropriate for



their region.

[95] Whilst it is clear that F&B and to a lesser extent DOC are pursuing agendas on a national level, there is of course the need to settle provisions appropriately for this region. In this case, the parties have reached an accommodation between them.

[96] It represents a policy decision reached with a range of interest groups. This Court is reluctant to involve itself in revisiting a policy decision, unless there is a contest of evidence or a disagreement.

[97] I am unable to assess whether these provisions better achieve the purpose of the Act, but I am satisfied that:

- (i) They are within jurisdiction;
- (ii) They are relatively clear; and
- (iii) They are at least as effective as the current provisions.

[98] In my view, any balance in this respect is swung by the fact that other change to the Chapter necessitated changes in any event.

[99] Accordingly, overall, I conclude that these provisions are better, simply because they deal with the Chapter 7 issue (now Indigenous Biodiversity) rather than the wider range of issues previously covered.

Chapter 7: Explanation to the Policies

[100] Again, the explanation seems to be largely consequential upon the significant changes to Chapter 7. There does appear to have been an approach to attempt to be clear in the explanation as to why the various approaches have been taken. I do not comment on the content of them given that they appear to reflect the policy approach that has already been discussed.

[101] I agree that they are consequential and therefore better achieved the outcome of the now changed Chapter to those original provisions.



Chapter 7: Methods

[102] Again F&B sought the removal of the original Methods in Plan 2, 3 and 5.

The parties have agreed to delete Methods 1 and 3 and amend Method 5. They have agreed on two new Methods. The first is to retain part of Method 1 to use the Regional and District Plans to protect significant Biodiversity and maintain the Regions biodiversity. It also gives effect to methods promoted by F&B to use regional and district plans to protect significant biodiversity and maintain indigenous biodiversity.

[103] The new Methods set out in Chapter 7 **annexed in Appendix A** and essentially constitute a re-wording at a reasonably extensive level. Again, it is difficult in the absence of evidence to assess this in any detail.

[104] For the same reasons that I discussed, the earlier adoption of extensive changes to wording in Chapter 7, I conclude that the changes are:

- (a) Within jurisdiction;
- (b) Clear; and
- (c) Agreed by all parties.

and therefore, better than the original Chapter 7 (which were not as explicit).

Principal Reasons for Adopting Objectives, Policies and Methods

[105] It cannot be said that there is any different reason to approach the wording "in the Principal Reasons" than previously. Accordingly, for the same reasons I have given, these are consequential changes which are appropriate for the reasons already given.

Chapter 7: Anticipated Environmental Results

[106] These are largely consequential changes within the jurisdiction of the Appeals and therefore the Court. Again, it is difficult to assess these in the absence of evidence and given the agreement of the parties, I adopt these for the same reasons as previously given in other Chapter 7 matters.

Chapter 7A: Natural Character



[107] This is a new provision and accordingly the wording within it is essentially related to natural character outside the coastal environment.

[108] These consequential changes follow from what I have discussed earlier, and it is difficult to assess these in the absence of detailed evidence.

[109] Overall, however in reading them, they appear to follow a formula which is clear and enables parties to understand the intent. Furthermore, they were originally intended to be covered by Chapter 7 as a whole and are within the scope of the Appeals.

[110] For this reason, the other provisions of Chapter 7A:

- (i) Objectives;
- (ii) Policies;
- (iii) Policy Explanation;
- (iv) Methods;
- (v) Reasons for adopting Objectors;
- (vi) Policies and Methods; and
- (vii) Anticipated Environmental Results;

all tend to flow as consequential changes.

[111] Given the agreement of the parties, and for the same reasons I have explained in respect of Chapter 7, I consider these provisions are better because of the greater clarity in relation to the particular aspects of s 6 of the Act addressed.

Chapter 7B: Natural Features and Landscapes

[112] It must follow that Chapter 7B, dealing with natural features and landscapes separately, follows the same logic of that relating to Chapter 7A and Chapter 7 itself.

[113] For the same reasons, I have given, it is not really possible to assess these provisions in the absence of evidence. I am satisfied that the parties represented a wide range of relevant interests.



[114] I am further satisfied, that this matter was the subject of Appeal by various parties including DOC and F&B and that the division of these is going to have the consequence that the various aspects of Chapter 7 are now included in Chapter 7B including:

- (a) Background to Issues;
- (b) Issues;
- (c) Objectives;
- (d) Policies;
- (e) Policy explanations;
- (f) Methods;
- (g) Principal reasons for adopting Objectives, Policies and Methods; and
- (h) Anticipated Environmental Results

[115] I have made it reasonably clear that approval of these provisions by the Court represents an acceptance of the policy agreements reached between the parties. It does not represent an adoption of this approach for all future cases by this Court. It is essentially a determination based upon the agreement of the parties as to an approach.

[116] Given the clarity to the provisions and that there has been a policy decision to change the approach, it must follow that they are better in achieving that purpose.

Chapter 8: Land and Water

[117] It is probably opportune at this point in this Determination to note that we move now to consider questions of land and water and the coastal environment in Chapters 8 and 9. Both of these have extensive changes, many of which are relatively minor but are important from the perspective of the parties.

[118] In considering this matter, the parties have had in mind the National Policy Instruments in particular the NZCPS, the NZSFM and the National Policy Statement for Electricity Transmission (**NZSET**).

[119] There was concern that the Chapter omits reference to the NPSREG and there are particular concerns by F&B that the Chapter failed to safeguard the life supporting capacity of water both in terms of quality and quantity. The changes sought are comprehensive and start with the Background, with various changes being sought to this.



F&B proposed that the Chapter address the natural character of wetlands, lakes, rivers and their margins.

[120] The parties have agreed to changes which are set out in the Background explanation and deleted the last paragraph of the Decisions version and inserted three new paragraphs. Some of these are minor changes which would take effect under Clause 16 of the First Schedule of the Act. Others are a consequence of further changes made later in the Chapter. There is also clarification on the relationship of this Chapter and other Chapters in the WCRPS.

[121] Parties agree that these changes are within jurisdiction and give effect to national directions in the NPSFM, the NPSET, the NPSREG and the NZCPS.

[122] Given the changes form part of the comprehensive network, we will leave our evaluation to the end of this Chapter.

Chapter 8: The Significant Issues in relation to the Management of Land and Water for the West Coast Region

[123] There are no direct Appeals on the Issues, but the parties sought an additional objective. However, given that the F&B sought an additional objective, the parties have agreed, that the following issue should be added:

3. Activities may adversely affect the significant values of wetlands and outstanding freshwater bodies.

This then gives grounds for the Objectives agreed to be inserted.

Chapter 8: Objectives

[124] There are a number of changes sought to improve and clarify the wording and three new objectives. These are:

- (a) The life supporting capacity of freshwater is maintained and improved for future generations.
- (b) Coastal water quality does not deteriorate due to land use, development



or activities in the CMA.

(c) Protect the significant values of outstanding freshwater bodies

[125] Policy C2 of the NPSFM requires Regional Policy Statements to provide for integrated management of the effects of the use and development of land and freshwater and coastal water. F&B were also concerned that Objectives A2 and B4 of the NPSFM requiring the protection of significant values of wetlands and outstanding freshwater bodies from both water quality and water quantity perspectives were not being reached.

[126] A new Objective 1 has been inserted which corresponds to the first Objective sought by F&B.

[127] Objective 2 is the previous Objective 1 and remains unchanged.

[128] Objective 3 has been modified and broadens the scope of the Objective to require the allocation of water to be within environmental controls.

[129] Objective 4 largely adopts the objective proposed by F&B for the protection of the significant values of outstanding freshwater bodies. The objective is now amended to provide for the identification of those values, as this is a pre-requisite to their protection. While wetlands are not expressly mentioned, the parties are clear that this covered by the NPSFM and in particular Objectives A2 and B4. The parties consider that all the proposed Objectives are within the Courts jurisdiction and give effect to the relevant provisions of the Act and the NPSFM

[130] I am clear that, these matters would arise in terms of the relevant Policy Statements and will leave an overall evaluation of the Objectives to the end of the Chapter, given the integrated nature of the provisions.

Chapter 8: Policies

[131] Again, F&B contended that the Chapter 8 Policies did not give effect to the NPSFM and sought changes to the various Objectives and a number of new Policies. It also sought the amendment of Policy 3.

[132] As noted, the changes to the Objectives also requires consideration of the



Policies that stand beneath them and the Policies have been amended to respond to both the Appeals and to give effect to the revised Objectives of Chapter 8.

[133] However, a number of changes have been made that were not specifically sought in the Appeals, but in the view of the parties, are consequential on the various changes that have been agreed. For the most part, these appear to be matters of clarification and integration with the changed Objectives. The substance and effect of these Policies, to the extent that they are changed in this way, is minor. Where new Policies are added, these are to achieve other Objectives or provisions within the Plan.

[134] All parties agree that the changes therefore to Policy 1 are within the Appeals or to give better effect to the NPSFM or for clarification under Clause 16 of the First Schedule to the Act.

[135] F&B sought a new Policy and the New Policy 3 is a response to this. The existing Policy 3 is to be amended. The parties have agreed on these amendments. Together these amendments:

- (a) Make it clear that the Policy applies pending establishment of any allocation framework which may be developed under the National objectives;
- (b) Make the Policy of general application, not only where there is competition for water;
- (c) A requirement to give consideration to environment effects by talking of "environmental limits";
- (d) That it applies to all activities regulated by s14 of the Act;
- (e) To give effect to the NPSFM, i.e., efficient use of water;
- (f) Minor drafting changes without altering the substance or effect of the Policy.

[136] The parties have also agreed to delete Policy 4 because the purpose of that Policy



is now subsumed within the other Policies in Chapter 8, including Policies 1,2,3,5,7 and 8. There is also a concern that original Policy 4 was similar to a method and duplicates Method 7. This is considered to a consequential change within the jurisdiction of the Court.

[137] F&B also sought a new Policy and the parties considered that it had two parts:

1. Maintaining or improving water quality;
2. Protecting significant values of outstanding freshwater bodies and wetlands.

[138] Accordingly, it is now proposed that there be two new Policies:

5. Maintaining or improve water quality within freshwater management units.
6. Identify significant values of wetlands and outstanding freshwater bodies in regional plans and protect those values.

[139] It is considered that this is within jurisdiction and adopted in part F&B's Appeal but also give better effect to the NPSFM and in particular Objectives A2 and B4. It also implements the new Chapter 8 – Objective 4.

[140] There is also a concern that the WRRPS failed to implement the NPSFM and in particular, Policy C2. The parties propose a new Policy 7:

7. Encourage the coordination of urban growth, land use and development, including the provision of infrastructure to achieve integrated management of effects on fresh and coastal water.

[141] The parties have agreed, that this would give effect to Objective 5 (as amended) and also respond to the Appeals.

[142] All parties consider it is within jurisdiction and gives better effect to the NPSFM.

[143] The parties also propose a new Policy 8:

8. Provide for the social economic and cultural wellbeing derived from the use and development of land and water resources, while maintaining or improving water quality and aquatic



ecosystems.

[144] It is acknowledged Policy 8 was not expressly sought in the Appeals. However, the use and development of natural resources is considered by the parties to be part sustainable management as well as their protection. Also, F&B sought that the WCRPS give effect to the NPSFM and this includes objectives for social and economic wellbeing of people through the use of water within limits.

[145] Overall, the parties consider the matter is within the jurisdiction and gives better effect to the NPSFM.

[146] The parties also sought a new Policy 9:

9. Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.

[147] This again was not sought expressly in the Appeals but arises from the F&B Appeal which contends that the WCRPS failed to give effect to the NPSFM.

[148] The parties consider that the new Policy is within jurisdiction and gives better effect to the NPSFM.

Chapter 8: Policy Explanations

[149] There are a number of consequential changes to the explanations which are shown in the crossed version and these are as a result from the amendments to the Policies that have been discussed earlier and are consequential on the other changes. The parties consider them therefore, to be within the jurisdiction of the Court.

Chapter 8: Methods

[150] There have been a number of changes to the Methods in Chapter 8. Some of which are wording changes to existing Methods, i.e., Method 1.

[151] Two new Methods are introduced to implement Policy 6 and to achieve new Objective 4. The new Methods are:



4. Develop with stakeholders regionally consistent criteria to identify the significant values of wetlands and outstanding freshwater bodies.
5. Identify the significant values of wetlands and outstanding freshwater bodies in a regional plan.

[152] Method 5, which is now renumbered to 6, has been changed to include the question of managing effects of urban growth, development and infrastructure on fresh and coastal water.

[153] Consequential changes relating to identification of significant values and old Method 6 is now renumbered as 7.

[154] The parties consider all of this, is within the scope of the NPSFM issues and also the jurisdiction of the Court in terms of the Appeals.

Chapter 8: Principal Reasons for adopting Objectives, Policies and Methods

[155] There has been a significant change to the Principal Reasons and it was not subject to any direct Appeals.

[156] However, the parties consider that these changes are consequential and within the jurisdiction of the Court, given the more substantive changes made through the Chapter.

Chapter 8: Anticipated Environmental Results

[157] There are no Appeals directly on this, but because of the changes to Objectives, Policies and Methods in Chapter 8, consequential changes are proposed by the parties.

[158] Again, these are considered to be consequential and within the jurisdiction of the Court.

Evaluation of Chapter 8

[159] It is difficult for the Court to make an overall evaluation of the precise wording used in Chapter 8. Clearly, with the introduction of new Objectives and Policies, consequential changes need to be made throughout the Chapter and in some cases



elsewhere to achieve an integrated management approach.

[160] All parties consider the matters are within jurisdiction. To the extent that the Court can evaluate this from the information provided, I am satisfied that the changes are generally within the scope of the various Policy documents and/or Appeals.

[161] It is important to keep in mind that there are a number of National Policy Statements affecting land and water, particularly in the coastal environment.

[162] I am also satisfied that the key stakeholders in these Appeals represent broad aspects of the public interest and participation in these types of issues.

[163] The end result appears to be, to the extent that I am able to examine it from the documents, a relatively clear and integrated approach to the management of land and water in this area. Many of the changes are matters of style or preference and may achieve more clarification.

[164] I am satisfied, to the extent that I can be, that the provisions now proposed are better than those originally in the plan, given that they have been subject to far more detailed examination and an attempt to integrate them across the entire plan.

[165] Accordingly, I am satisfied that these provisions can properly be made subject to an overall evaluation of the changes at the conclusion of this Determination.

Chapter 9: Coastal Environment

Again, the Coastal Environment deals with similar issues but specifically in the context of the NZCPS, although affected by other National Policy documents as well.

[166] F&B sought a number of changes to the Background statement and more generally was concerned that Chapter 9 did not give effect to the NZCPS.

[167] The parties have subsequently agreed on amendments to the Background. There are a number of changes to this which appear to balance the relevant National Policy Statement requirements and also provide some clarification.



[168] It is difficult to assess from reading the papers at this stage, the extent to which this makes a significant difference. However, it is important to note that this is a Background document to help inform the formation of the Objectives and Policies which follow.

[169] The parties also explain the inaccuracies and omissions have been remedied as minor corrections under Clause 16 of the First Schedule to the Act and this has helped clarify the document.

[170] The parties are satisfied that the changes generally are within the Background to better recognise the relevant provisions of the Act and superior national planning instruments.

[171] I will leave an overall evaluation to the end of this Chapter.

Chapter 9: Statement of Local Authority Responsibilities

[172] There was no Local Authority Responsibilities in Chapter 9 and F&B sought a statement as to their responsibilities which they consider mandatory.

[173] The parties have agreed that a statement should be included, and the proposed statement is included **Appendix A**.

[174] They consider it accords with s62(1)(i)(iii) of the Act and is within the jurisdiction of the Court.

[175] Again, I do not consider I can address the specific wording, but the intent of the provision appears to be quite clear as it ties back directly to s62(1)(i)(iii) of the Act.

Chapter 9: The Significant Issues in relation to the Management of the Coastal Environment of the West Coast Region

[176] F&B sought changes to Issue 1. The parties agree that the tension between development and protection in the coastal environment is a key issue.

[177] They have therefore agreed to replace Issue 1 with the following:



1. Protecting the values of the coastal environment whilst enabling sustainable use and development to provide for the region's social and cultural wellbeing.

[178] The parties consider that the restatement of the Issue is within the jurisdiction of the Court. Given there was an Appeal to Issue 1, I am in no doubt that there is jurisdiction. I also consider that the wording is commendably concise and although it may still have room for improvement, it is a significant improvement on the more generic wording in the original Issue. Particularly, Chapter 9 Objectives.

[179] F&B sought changes to both Objectives 1 and 2 of the Decision's version and it is now proposed that there be two new Objectives 1 and 2 in Chapter 9. Objectives 1 and 2 are **annexed in Appendix A**.

[180] The parties consider these Objectives better reflect the requirements of Part 2 of the Act, and in particular, ss 6(a), (b) and (c) of the Act and the relevant Objectives and Policies in the NZCPS. They consider they are within the jurisdiction of the Court.

[181] So far as jurisdiction is concerned, it is clear that this issue has been raised and the response adopted is both to clarify and enhance those provisions. Again, the brevity and conciseness would tend to suggest that the provisions will be better understood by all people and functionaries utilising the provisions.

Chapter 9: Policies

F&B sought changes to Policy 1 and contended that Chapter 9 as a whole did not give effect to the NZCPS.

[182] The parties essentially now intend to replace Policy 1 with a new Policy 1 which is **annexed in Appendix A**. It follows on from earlier provisions requiring identification of significant biodiversity, character, natural features and avoiding adverse effects on significant indigenous and avoiding significant adverse effects on indigenous etc.

[183] This follows much more closely with the Act and the decisions of the Court in respect of this provision and also benefits from being a more concise statement that sources are more directly shown, for example Policies 11, 13 and 15 of the NZCPS.



[184] I accept that it is within jurisdiction and to that extent, must be better than the original wording.

[185] In relation to Chapter 9 Policy 2, F&B sought relatively major changes to this provision. F&B also proposed a new Policy to provide a framework to avoid or mitigate adverse effects on the coastal environment from the use and development of natural and physical resources of the coastal marine area and commercial activities on the water and foreshore and seabed.

[186] The parties agree, provisions must be made for subdivision use and development of the coastal environment. In particular, consideration needs to be given to activities which have a functional need to locate in the coastal environment. In particular, national grid and renewable electricity generation which are recognised as a national significance by the NPSET and NPSREG.

[187] The parties have reached agreement that three policies could replace Policy 2 of the Decisions version. Again, this is a substantive change, but one can see that it follows in a consistent pattern from the other provisions we have discussed. It deals with the national grid infrastructure and then moves on to subdivision use or development and then finally for renewable electricity generation.

[188] The provisions appear to be within the scope of the Appeals and certainly within the jurisdiction of the Court to give effect to the Act and the relevant national instruments.

[189] F&B also sought a new Policy 9 and the parties have agreed to include one reading: "Consider opportunities for the restoration or rehabilitation of natural character". Again, this gives effect to the NZCPS and the parties consider the Policy is within the jurisdiction of the Court. In broader terms, it also finds a basis on which one can look for new improvement to the natural character of the coastal area. Especially in areas where such character has been depleted.

[190] Overall, this appears to follow on from a number of provisions within the NZCPS and within the broader Objectives of this Plan. The Policy explanation has been changed. Although there are fairly extensive changes, the parties agree that these are consequential upon the other changes made and seem to give a reasoning as why they



have been adopted.

[191] Accordingly, these appear to be within jurisdiction or may even be considered to be a minor amendment under Clause 16 of the First Schedule to the Act given the other amendments if the other amendments are made.

Chapter 9: Methods

[192] Again, the parties agree that further consequential changes are needed. However, F&B also sought a new Method relating to the identification of significant, diversity, character, features and landscapes. The parties consider that this Method is appropriate and have adopted a new Method 1, which reads:

1. Regional and District Councils to identify areas of significant indigenous biological diversity, outstanding and high natural character areas and outstanding natural features and landscapes of the coastal environment, set out the characteristics and qualities of each area in a plan schedule, and show areas on maps where practicable.

[193] The parties agree that the Method is within the jurisdiction of the Court and it appears to me that it follows from the Appeals. Moreover, it follows from a number of decisions of the Court and strengthens the earlier provisions about the importance of identifying significant values and characteristics and qualities.

[194] It is now proposed that an amended version of Method 1 become Method 2 and moves from allowing appropriate use and development to managing adverse effects of subdivision use and development of the coastal environment.

[195] Again, this seems to follow from the Objectives and Policies and more properly relates to the role of the various authorities under the Act.

Chapter 9: Principal Reasons for Adopting Objectives, Policies and Methods

[196] There were no Appeals on this. However, due to the changes to the Objectives, Policies and Methods, the parties agree that there should be some consequential changes. The parties agree these are within jurisdiction as they seem to effectively clarify the content of the relationship between the various National Policy Statements.



Chapter 9: Anticipated Environmental Results

[197] Again, there has been consequential changes proposed and these are matters to some extent of style and correction, but also explicitly identify inappropriate subdivision, use and development and the protection of indigenous biological diversity in the coastal environment.

[198] This must therefore, been seen as consequential from the changes already agreed, if those are appropriate.

Evaluation of Chapter 9

[199] Again, as with Chapter 8, Chapter 9 can be seen as an integrated approach to these matters. From a practical point of view, there is greater clarification around the Policy Statement intentions and requirements. The tension between development and protection is explicitly addressed and tools are provided within the WCRPS for consequential plans to address this in more detail.

[200] Looking at the matter in a jurisdictional sense, I am satisfied that these changes are ones that could have been generally sought as a result of the Appeal filed by F&B and that the approach adopted in a practical sense is clearer and therefore better than that earlier.

[201] Without evidence, it is difficult to evaluate whether the provisions are best or most appropriate. In practical terms, many of the concepts now encapsulated reflect provisions in Regional documents elsewhere in New Zealand and in Court Decisions.

[202] I am satisfied that the various aspects of the public interest and the participatory nature of the Act have been recognised by the various parties involved in these matters. Where it comes to matters of style or drafting, these are matters that the parties are best placed to address. Overall, I am satisfied that these changes are within jurisdiction and represent a better outcome in terms of the various National Policy Statements and the Act.



Chapter 12: Glossary

[203] The words “or biodiversity” have been deleted as that is not defined in the Act.

[204] A definition of “significant indigenous biological diversity” has now been included as well as “significant natural area” and “values”. These are consequential on the various changes that have been made in Chapter 7 and 7B. More particularly, they provide more certainty to parties reading the document.

Appendix 1

[205] This is the “Ecological Criteria for identifying Significant Terrestrial and Freshwater Indigenous Biological Diversity”. It is part of the agreed amendments to Chapter 7 and is in fact a common approach throughout New Zealand.

[206] I am therefore satisfied it is within jurisdiction and appropriate.

Appendix 2

[207] “Ecological Criteria for Identifying Significant Wetlands”. Again, this is a consequential change to Chapter 7 and also reflects an approach to having stated criteria to provide for transparency and evaluation.

Overall Conclusion under s 32 and s 32AA

[208] Under s 32AA of the Act, the Court is required to undertake an evaluation to the extent that is necessary having regard to the changes made. For this reason, I have gone into some detail through the various provisions that were proposed by the parties.

[209] The evaluation must be undertaken at a level that is appropriate to the level of change. In practical terms, it is difficult where the parties have agreed on the outcomes to achieve this in a forensic way by examination of evidence. Nevertheless, the Court is able to evaluate the proposals to see if they fit within the general framework and therefore the level of intervention required by the Court is minimal.

[210] In doing so, in examining the most appropriate way in which the Objectives could be achieved, the Court can rely of course, on the significant number of decisions on this



point and the other plans that have been adopted throughout New Zealand.³ I also consider that it can have regard to the fact that parties represent wide aspects of the public interest and that these are parties that have been involved in the process over a number of plans, i.e., F&B.

[211] In the end, I do not consider that the words "most appropriate" can require some form of general investigation by the Court into the best method of achieving an outcome where it is not either part of the proposed policy statement or within the scope of an appeal.⁴

[212] Furthermore, it is difficult for the Court to become involved in the details of word drafting, when it is being asked to endorse a consent agreement. Even in contested hearings, the Court generally relies on the parties to finalise the wording and resolves in areas of dispute.

[213] This Determination, under s 32(1)(a)(b) of the Act, has examined the various provisions, objectives and policies and evaluated them in relation to provisions the Decisions version. It has dealt with them at some level of detail given the significance of these matters. On the other hand, it is also important that the Court has regard to the provisions of the Act and the various national policy statements in evaluating these provisions.⁵

[214] Under s 32(2) of the Act, the Court is required to identify and assess the benefits and costs of the various economic, social and cultural effects anticipated. This is particularly difficult to do at any level of detail given that the parties have reached an agreement. I consider this provision can properly be met on a determination, where the Court is satisfied that the questions of benefits and costs have been taken into account and evaluated by the parties.

[215] In this case, I have a great deal of confidence on costs and benefits given the

³ See for example *Rational Transport Society Incorporated v New Zealand Transport Agency* [2012] NZRMA 298, where Gendall J found that "most appropriate" means most "suitable" and not the most "superior".

⁴ The Court seeks to obtain the optimum planning solution within the scope of the appeal before it. See *Briggs v Christchurch City Council* C 45/08, 24 April 2008.

⁵ The evaluation of a policy, rule, or other method should be done by considering all the applicable provisions of the Act: See *Gunbie v Rodney District Council* A143/06, 14 November 2006.



recognition in various provisions of the tension between the need to protect s 6 matters, while at the same time provide for appropriate development. These tensions are implicit within the Act and the Court must rely, to some extent, on the authority and the other parties to identify this in the appropriate method.

[216] Overall, it is my view that the greater clarity of these provisions is likely to have a beneficial effect in terms of overall impact, given that it enables greater certainty and therefore all parties to proceed without the uncertainty and costs that would follow from a more generalized plan wording.

[217] In relation to s 32(2)(c) of the Act, I consider that the risk of not adopting these provisions is that the WRCPS would then lack clarity and certainty. Overall, I consider that the parties are agreed that the changes would be beneficial and lead to greater certainty in terms of the plan. Therefore, I consider that one of the risks I must assess if refusing to issue a determination in circumstances where that delay in itself, may constituted a risk to the environment and to the sustainable management that the Act is seeking to achieve.

[218] Overall, the question of the relevance of this, must be seen in the context of s 32AA. The evaluation is one that this Court must undertake in the context of this application for Determination of the matter by consent. I conclude that this Determination would therefore constitute the evaluation report under s 32AA(v) of the Act. I keep in mind that the Court must adopt a pragmatic approach to these matters, given that it has over the years issued consent orders in respect of policy statement resolution. I do not consider it was the intention of the statute to prevent this occurring in the future.

[219] Furthermore, I am satisfied that the parties appear to have approached this matter in a responsible and practical manner and it appears to me that the balance achieved is one that represents the various interests of the parties.

Outcome

[220] I have therefore concluded that in terms of my duty under the Act, that the Court has a discretion to make a Determination granting these provisions. The provisions of the Act and policy statements have been largely met. To the extent that there may be differences of drafting or interpretation and those are matters on which I cannot reach a



conclusion on the evidence, I am not required to do so for the purposes of this decision.

[221] Accordingly, I am satisfied that the provisions **attached in Appendix A** are the most appropriate provisions in all the circumstances and are endorsed by the Court.

[222] I therefore, direct that the Council is to make the changes as soon as practicable to the WRCPS for finalisation.

[223] No party has sought costs and I make no order as to costs.

[224] I commend the parties on their practical approach to this matter and on the clarity of the provisions that have been achieved.

For the Court:





J A Smith
Environment Judge

Appendix A



West Coast Regional Policy Statement clean copy to be made operative



THE WEST COAST
REGIONAL COUNCIL

Proposed West Coast Regional Policy Statement



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Part A
Introduction and background



1. Introduction

1.1 Role of the Regional Policy Statement – Its Scope and Effect

The role of the Regional Policy Statement (RPS) is to promote the sustainable management of the natural and physical resources of the West Coast. It does this by:

- Providing an overview of the resource management issues of the region; and
- Identifying policies and methods to achieve integrated management of the West Coast's natural and physical resources.

The RPS is the vehicle for identifying and dealing with the significant resource management issues on the West Coast. It takes account of all those issues relating to resources such as land, water, infrastructure, and the coastal environment that are of importance to the region, and puts in place policies and methods to achieve the integrated management of those resources.

The RPS has an important role in setting the overall direction for the management of natural and physical resources and the environment of the West Coast. Although the RPS does not contain rules to regulate activities, the West Coast Regional Council (WCRC) and the District Councils of the region are required to give effect to this document when preparing or changing regional or district plans (which may contain such rules). In addition, the WCRC and the Territorial Authorities are required to "...have regard to" relevant objectives and policies in the RPS when considering an application for a resource consent (section 104(1) of the Resource Management Act (RMA)).

The Regional Council must have a RPS in place at all times – this will be the West Coast's second one. The RMA prescribes what the RPS must cover (section 62) and the responsibilities of regional and district councils (sections 30 and 31).

1.2 Regional Policy Statement Guiding Principles

The WCRC has developed this RPS using the following principles. They provide strategic direction on what is important to the communities of the West Coast.

PEOPLE

People are at the heart of this Regional Policy Statement. All district and regional plans should have regard to people and communities and their need for a healthy environment, well managed infrastructure, employment, business opportunities and education for their wellbeing and long-term economic success.

ECONOMY AND ENVIRONMENT

The RPS seeks to give due consideration to economic and environmental factors in resource management decision-making. It recognises that a healthy West Coast economy needs a healthy environment. This RPS is enabling, balancing improving the economy and using our resources wisely, with managing and investing in the environment to achieve our future aspirations for improvement throughout the West Coast.

EFFECTIVENESS

The Regional Council believes that environmental regulation needs to be clear and simple with quick processes. It recognises that solutions must be affordable, fit for purpose and achieve the objectives. The policy instruments used should match the resource



management issues and opportunities identified. In line with affordability this avoids unnecessary compliance costs.

ADAPTIVE MANAGEMENT

The management of the natural and physical resources of the West Coast is a complex task as the environment, resources and systems are dynamic. Understanding of these also changes over time. The management regime is therefore adaptive and able to respond to change as required in order to achieve sustainable resource management.

AFFORDABILITY

There may be circumstances where current resource management practices may have to change over time in order for these resources to be managed sustainably. Where these changes may impose a significant financial burden, or a practical solution is not currently available, a reasonable time is to be allowed for desired environmental outcomes to be achieved. This is to take into account the need for change and the costs and effects of not acting, or not acting quickly.

1.3 Statutory and Planning Framework

1.3.1 POLICIES, PLANS AND OTHER INSTRUMENTS

The RPS is the key document for identifying issues related to the development, use and protection of natural and physical resources on the West Coast and establishing a management framework for dealing with them. It is, however, only part of a broader policy and planning framework under the RMA. The RMA provides for a hierarchy of resource management policy statements and plans related to the three levels of government – central, regional and district.

At the national level, the main statutory instruments include:

National environmental standards – Regulations made by Order in Council on the recommendation of the Minister for the Environment, to prescribe technical standards relating to the use, development and protection of natural and physical resources. National standards override existing provisions in plans that require a lesser standard.

National policy statements – Issued on recommendation by the Minister for the Environment, they state policy on matters of national significance relevant to achieving the purpose of the RMA. Regional and district-level planning documents prepared under the RMA must give effect to these.

New Zealand Coastal Policy Statement – Prepared and issued by the Minister of Conservation, it states policies for achieving the purpose of the RMA in relation to the coastal environment of New Zealand. Regional and district-level planning documents prepared under the RMA must give effect to the NZCPS.

Water conservation orders – Issued on the recommendation of the Minister for the Environment and made by Order in Council to recognise and sustain outstanding amenity or intrinsic values associated with a waterbody that warrants protection. The RPS must not be inconsistent with these.

At the regional or district level, the main statutory instruments include:

Regional policy statements – Prepared by regional councils to achieve the purpose of the RMA by providing an overview of the significant resource management issues for the region, and the policies and methods to achieve integrated management.

Regional coastal plan – Prepared by regional councils these are intended to assist the regional council, in conjunction with the Minister of Conservation, to manage the coastal



marine area where each has specific functional responsibilities. The coastal marine area generally encompasses the foreshore, coastal water, and the air space above the water, between mean high water springs and the outer limits of the territorial sea. Regional coastal plans may contain rules to control activities and effects.

Regional plans – Prepared by regional councils to assist them in carrying out their functions under the RMA, they must give effect to the RPS. Regional plans are optional and may contain rules to control activities and effects.

District plans – Prepared by district councils these plans assist them in carrying out their specific functional responsibilities under the RMA, particularly those relating to controlling the effects of land use and subdivision, and the provision of associated public works and utilities. District plans may contain rules to control activities and effects. The RMA requires that district plans must "give effect" to the Regional Policy Statement of a region and must "not be inconsistent with" regional plans.

Resource consents – Required either from a regional or district council (or both) to carry out activities that would otherwise contravene the restrictions in the RMA on the use and development of natural and physical resources. Under section 104(1) of the RMA, a consent authority considering a resource consent must have regard to any relevant regional policy statement.

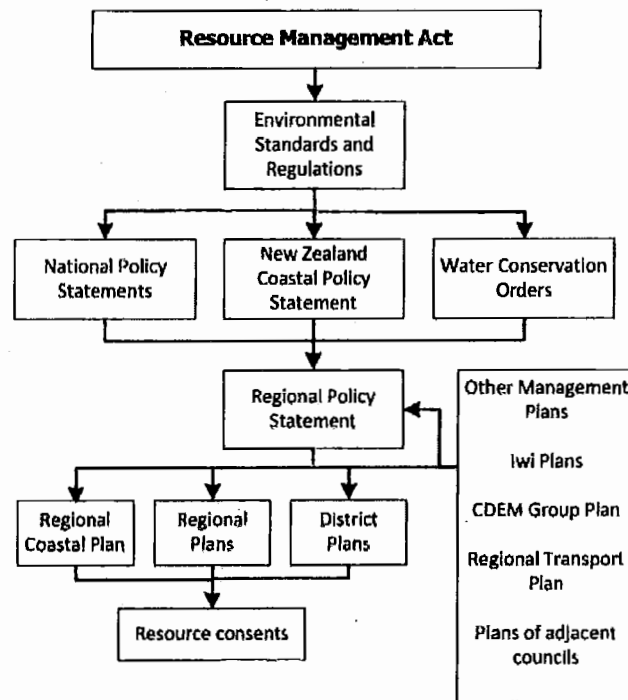


Figure 1: Regulatory Framework

Duties in relation to Māori

The RMA recognises that the Principles of the Treaty of Waitangi are an integral part of promoting the sustainable management of natural and physical resources. Section 61 of the RMA requires that regional policy statements must be prepared in accordance with Part 2 matters, including the Treaty of Waitangi principles, and recognising and providing for the culture and traditions of Māori in the region, and their relationship with their ancestral lands, water, sites wāhi tapu and other taonga. Section 62 of the RMA requires a RPS to state the resource management issues of significance to iwi authorities in the region. Te Rūnanga o Ngāi Tahu is the iwi authority for the entire West Coast region. Poutini Ngāi Tahu are the tangata whenua of Te Tai o Poutini (the West Coast). Under section 9 of the Te Rūnanga o Ngāi Tahu Act 1996 the two papatipu rūnanga who



represent the tangata whenua interests of Poutini Ngāi Tahu on the West Coast are Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

Section 220 of the Ngāi Tahu Claims Settlement Act 1998 recognises the mana held by Ngāi Tahu in relation to specific sites and resources, known as Statutory Acknowledgement Areas. These are acknowledgements by the Crown of the special relationships that Ngāi Tahu have with the Areas for cultural, spiritual, historical, and traditional reasons. On the West Coast the Statutory Acknowledgement Areas are: Ōkari Lagoon, Taramakau River, Kōtukuwhakaoka (Lake Brunner/Moana), Lake Kaniere, Pouerua-hāpua (Saltwater Lagoon), Ōkārito Lagoon, Makaawhio (Jacob's River), Karangarua Lagoon, and Lake Paringa. The West Coast Councils will consider Te Rūnanga o Ngāi Tahu and the respective papatipu rūnanga to be affected parties where resource use may adversely affect Statutory Acknowledgement Areas.

1.3.2 FUNCTIONS AND POWERS

To give effect to the purpose and principles of the RMA, central government, regional and district councils have specific functions, powers and duties.

Regional and district councils have been given primary responsibilities for the management of natural and physical resources within their areas, subject to the requirements of central government as exercised through the instruments available under the RMA or through other legislation (such as the Local Government Act 2002 or Civil Defence Emergency Management Act 2002).

Under section 30 of the RMA, the WCRC is responsible for the control of:

- Water, air, and land (for the purpose of soil conservation, water management, natural hazards avoidance and mitigation and hazardous substances management); and
- The maintenance and enhancement of ecosystems in waterbodies and coastal water;
- The investigation of land for the purposes of identifying and monitoring contaminated land;
- The coastal marine area (In conjunction with the Minister of Conservation);
- The discharge of contaminants into the environment;
- River and lake beds; and
- The establishment, ~~and implementation~~ and review of objectives, policies and methods for maintaining indigenous ~~biodiversity~~ biological diversity; and,
- The strategic integration of infrastructure with land use through objectives, policies and methods.

Under section 31 of the RMA, the three district councils are responsible, in relation to their district, for the preparation of objectives and policies for the:

- Integrated management of the effects of land use;
- Control of the effects of land use, including responsibility for the:
 - avoidance and mitigation of natural hazards;
 - use, disposal or transportation of hazardous substances;
 - prevention and mitigation of the adverse effects of the use of contaminated land; and
 - ~~the maintenance of indigenous biodiversity~~ biological diversity;
- Control of the emission of noise; and,
- Control of activities on the surface of water in rivers and lakes.



Under section 30(1)(a) of the RMA, the WCRC is further responsible for preparing objectives, policies and methods to achieve integrated management of the natural and physical resources of the region and for preparing objectives and policies in relation to any actual or potential effects of the use, development, and protection of any land which is of significance. The RPS has been developed to give effect to this responsibility.

1.3.3 STATEMENT OF REGIONAL AND DISTRICT COUNCIL RESPONSIBILITIES

The RPS must state the local authority responsible for specifying the objectives, policies and methods for the control of the use of land –

- To avoid or mitigate natural hazards or any group of natural hazards; and
- To maintain indigenous biological diversity

This RPS has identified the management of indigenous biological diversity and natural hazards and ~~indigenous biological diversity~~ as significant resource management issues for the West Coast and consequently addresses the roles and responsibilities within Chapters 7, 8, 9, and 11, and ~~7~~ respectively.

1.4 User Guide to the RPS

Part A (this part) contains the introduction. This includes the purpose and the key principles of the RPS and an overview of the RMA which provides the statutory framework relevant to the implementation of objectives, policies and methods in the RPS.

Part B contains the significant resource management issues for the West Coast, including the issues of significance to Poutini Ngāi Tahu. It ~~provides a summary lists~~ of these issues in Chapters 3-11 and ~~sets out~~ explains how the objectives, policies, methods and anticipated environmental results relating to them. This includes the objectives, policies and methods to take into account the principles of the Treaty of Waitangi and for recognising and providing for the relationship of Māori with ancestral lands, water, sites, wāhi tapu and other taonga. Chapter 3 provisions must be read together with all other relevant chapters.

~~To assist the reader in locating all relevant policies, related policies (for example where policies in several chapters are relevant to a proposed activity) are cross-referenced in Chapters 3-11.~~

The RPS must be read as a whole. If a matter relates to more than one chapter, then the relevant objectives and policies in those chapters must be read together. For example, municipal sewage effluent discharges into coastal water will involve the consideration of Chapter 3: Resource Management Issues of Significance to Poutini Ngāi Tahu, and Chapter 9: Coastal Environment. Flood protection walls along rivers will involve the consideration of Chapter 3: Resource Management Issues of Significance to Poutini Ngāi Tahu, Chapter 6: Regionally Significant Infrastructure (for Rating District stopbanks), Chapter 8: Land and Water, and Chapter 10: Natural Hazards.

Part C sets out the administrative procedures relating to the implementation of the RPS. They include the processes that the WCRC will use to promote integrated management and deal with issues that cross local authority boundaries, and the procedures to monitor the effectiveness of the RPS and for its review.

Glossary - To assist readers in using the RPS, a glossary has been prepared and is located at the back of this document.



Part B
Significant resource management issues for the
West Coast



2. Summary of Significant Resource Management Issues for the West Coast

This Chapter summarises brings together all the significant resource management issues for the West Coast region, including resource management issues of significance to Poutini Ngāi Tahu, and explains the RMA planning framework of objectives, policies and methods of implementation. These issues are summarised listed in Table 2 1, and are taken directly from Chapters 3-11 of this RPS.

Table 2-1: List Summary of the Significant resource management issues for the West Coast

Issues	
Significant issues for Poutini Ngāi Tahu	<ol style="list-style-type: none"> 1. Expression of rangitiratanga through active involvement in resource management decision-making. 2. The need for integrated environmental management of and between all resources, reflecting ki uta ki tai. 3. It is important to Poutini Ngāi Tahu that the life-supporting capacity of the environment is safeguarded, and this capacity is restored where it has been impaired by use and development of resources. 4. The need to use resources, including mahinga kai resources, to sustain the community. 5. The obligation to protect wāhi tapu and other taonga for future generations. 6. 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.
Resilient and Sustainable Communities	<ol style="list-style-type: none"> 1. The West Coast is at risk of experiencing population decline. It is critical that our planning documents address this risk by enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management. 2. West Coast industries are traditionally susceptible to fluctuating cycles and global commodity prices which can affect the social and economic wellbeing of our communities. Councils' management of natural and physical resources needs to contribute, where possible, to making our communities more resilient and sustainable in the long term. This includes ensuring that communities retain their sense of place, identity, heritage and amenity values. 3. The implementation of the RMA by local authorities can, support economic growth and creation of employment in the region; whilst also avoiding, remedying or mitigating any associated adverse effects.
Use and Development	<ol style="list-style-type: none"> 1. Recognising the central role of resource use and development on the West Coast. 2. Managing the conflicts arising from the use, and development and protection of natural and physical resources.
Regionally Significant Infrastructure	<ol style="list-style-type: none"> 1. Recognising the benefits of, and providing for, the establishment and continued operation of regionally and nationally significant infrastructure particularly where it crosses district and/or regional boundaries. 1. Resilient RSI is essential for the social, economic and cultural wellbeing of the West Coast. 2. Strategically integrating infrastructure and land use.
Biodiversity and Landscapes	<ol style="list-style-type: none"> 1. The RMA requires councils to provide protection to significant indigenous vegetation and significant habitats of indigenous fauna. Where these areas are located on private land, that can be of concern to affected land owners.



<p><u>Ecosystems and indigenous biological diversity</u></p>	<ol style="list-style-type: none"> 1. <u>Activities which contribute to people's wellbeing may adversely affect indigenous biological diversity.</u> 2. <u>In the context of the current abundance of indigenous vegetation, much of which is on land managed by the Department of Conservation, a cross-agency approach to management, including both regulatory and non-regulatory measures, is required.</u> 2. <u>In the context of extensive indigenous vegetation and habitats, much of which is on land managed by the Department of Conservation, an integrated management approach is required.</u> 3. <u>The relatively unmodified environment of the West Coast provides a wealth of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and areas with outstanding natural character. While these areas must be protected, it is possible to carefully manage them in a way that enables appropriate future employment, regional growth and development.</u> 3. <u>Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biodiversity biological diversity under the RMA, to the extent practicably possible.</u>
<p><u>Natural Character</u></p>	<ol style="list-style-type: none"> 1. <u>Activities which contribute to people's wellbeing may adversely affect the natural character of the region's wetlands, and lakes and rivers and their margins.</u>
<p><u>Natural Landscapes and Features</u></p>	<ol style="list-style-type: none"> 1. <u>Activities which contribute to people's wellbeing may adversely affect outstanding natural features and outstanding natural landscapes.</u>
<p>Land and Water</p>	<ol style="list-style-type: none"> 1. Managing adverse effects on water quality arising from point source and diffuse source discharges to waterbodies from activities on land. 2. Potential overuse of water resources can occur in certain areas during drier seasons. 3. <u>Activities may adversely affect the significant values of wetlands and outstanding freshwater bodies.</u> 4. 3: Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.
<p>Coastal Environment</p>	<ol style="list-style-type: none"> 1. The NZCPS requires the avoidance of adverse effects on certain indigenous coastal biodiversity, and outstanding natural character and landscapes in the coastal environment. These areas are widespread on the West Coast as it has a relatively large proportion of unmodified coastal environment. However, there is also a need to enable appropriate future employment, growth and development, to provide for the Region's economic, social and cultural wellbeing. 1. <u>Protecting the values of the coastal environment whilst enabling sustainable use and development, to provide for the region's economic, social and cultural wellbeing.</u> 2. Enabling appropriate subdivision, use, and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.
<p>Air Quality</p>	<ol style="list-style-type: none"> 1. In urban areas during winter time, emissions of particulate matter can potentially affect people's health. It is critical that people are able to keep warm in their homes while winter time particulate matter emissions are reduced to meet the NESAQ. 2. Allowing point source discharges to air while managing adverse effects of those discharges on air quality and other values.



Natural Hazards	<ol style="list-style-type: none"> 1. Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast. 2. Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient. 3. Subdivision, use and development can contribute to natural hazard risk.
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For each of these the resource management topic chapters (3-11) issues, the RPS sets out:

- The background to the issues;
- The objectives to be achieved in response to the issues;
- The policies ~~that will meet these~~ to achieve each objectives (and an explanation of those policies);
- The principal reasons for adopting the objectives, policies and methods of implementation; and
- The environmental results anticipated from the implementation of those policies and objectives.

In formulating the objectives, policies and methods of this RPS the WCRC has recognised the fundamental purpose of the RMA, to promote the sustainable management of the natural and physical resources of the region. In preparing this RPS, Council recognises the role of resource use and development, as well as protection, in the West Coast region and their contribution to enabling people and communities to provide for their economic, social and cultural wellbeing, while at the same time ensuring that any adverse effects on the environment are avoided, remedied or mitigated.

For each of the Regionally Significant Issues identified, the objectives, policies and methods have been developed as a generally high level principles approach. Much of the specific detail relating to their implementation is included within the regional and district plans.

The significant resource management issues may address the use, development or protection of resources depending on the focus or relevance to the West Coast of the issue in question. The objectives, policies and methods which follow the issues then establish the framework for its sustainable management.

The objectives have been formulated to focus on the long-term outcomes for the region ~~sought in relation to the issues identified~~. These are high level goals to be aimed for. The WCRC recognises that some of these objectives may not be fully achieved over the life of this RPS. However, the objectives do establish an overall outcome that is to be worked towards.

Policies are statements of a general course of action in working towards the achievement of the objectives. They may deal with resource use, development or protection, or all of these. Some policies in the RPS are broad in their application, reflecting the high level principles approach adopted, while others are more specific. All policies (and related objectives and methods) when read as a whole are designed to promote the sustainable management of resources.

The methods of implementation listed in the RPS are the specific actions to implement the policies.

Issues, objectives, policies or methods in this RPS may refer to avoiding, remedying or mitigating adverse effects on the environment. The Council considers that in carrying out its functions under the RMA, it must consider any adverse effects of activities on the environment, including minor effects, in line with the requirements of section 5(2)(a), (b)



and (c). However, adverse effects will be addressed by the Council in different ways to reflect the different nature and scale of effects. It may not always be possible or necessary to completely avoid, remedy or mitigate all adverse effects. Some effects will be so small as to be insignificant or inconsequential and can be ignored. Other effects may be more than minor but may not be able to be avoided, remedied or mitigated fully, and positive effects and benefits may outweigh any adverse effects. In some instances, it may be acceptable to allow residual effects to be addressed by biodiversity offset or environmental compensation proposals which provide an environmental benefit outside the application site. The degree and significance of effects, including the potential for cumulative effects, will need to be considered in the circumstances of each case, and assessed against the relevant RPS and plan provisions.

Other matters

The RMA, through sections 6 and 7, sets out a number of matters of national importance (section 6) that must be recognised and provided for, as well as having particular regard to other provisions (section 7). Not all of these are considered to be regionally significant issues for the West Coast, ~~and therefore do not warrant having specific objectives and policies within this RPS. However, where relevant they are recognised, provided for and given regard to as necessary to achieve the RMA and ensure integrated management of natural and physical resources in the region. generally throughout this document, Regional and district plans provide more specific provisions to address these matters where required, and in the resource consenting process.~~



3. Resource Management Issues of Significance to Poutini Ngāi Tahu

POUTINI NGĀI TAHU AND THE MANAGEMENT OF NATURAL RESOURCES

There is a distinctive cultural context to the way that Poutini Ngāi Tahu think about and respond to resource management issues in their takiwā. This cultural context is a reflection of:

- The connection between the natural world and Poutini Ngāi Tahu through whakapapa, where people are descended from Papatūānuku, the ancestral earth mother and Ranginui the ancestral sky father.
- A body of knowledge about the land, water and resources that was developed over generations of collective Poutini Ngāi Tahu experience in Te Waipounamu;
- The relationship between tangata whenua and the environment, and a worldview that sees people as part of the world around them and not masters of it;
- An understanding that 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; and
- The desire to protect key cultural values such as mauri and mahinga kai that are critical to identity, sense of place and cultural well-being.

A brief overview of key values, principles and practices is provided here:

1. Kaitiakitanga

Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly. Poutini Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngāi Tahu, kaitiakitanga entails an active exercise of responsibility in a manner beneficial to the resource. Kaitiaki, the people who practice kaitiakitanga, do so because they hold the authority and responsibility to do so. To Poutini Ngāi Tahu, kaitiakitanga is not a passive custodianship and they are required to play an active kaitiaki role in the day to day management of natural resources.

Section 7(a) of the RMA requires the Council to have particular regard to kaitiakitanga. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations.

2. Rangatiratanga

Rangatiratanga involves having the mana or authority to exercise the relationship of Poutini Ngāi Tahu and their culture and traditions with the natural world. Article II of the Treaty of Waitangi and sections 6(e) and 8 of the RMA are concerned with this same relationship.

Traditionally, rangatiratanga incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom. Today, it is similar to the functions of the WCRC and is expressed through the relationship between Poutini Ngāi Tahu and the Council. A practical expression of rangatiratanga is the active involvement of Poutini Ngāi Tahu in resource management decision-making processes. The Regional Council has long recognised the need to consult with Poutini Ngāi Tahu - and to provide opportunities for their active involvement in resource management



processes. The two rūnanga have been invited to appoint members to the Council's Resource Management Committee and this arrangement has worked well for many years. Poutini Ngāi Tahu will continue to have a voice in all resource management decision making.

3. Mauri

For Poutini Ngāi Tahu, mauri is the life force that comes from wairua – the spirit, or source of existence and all life. Mauri is the life force in the physical world. As a life principle, mauri implies health and spirit. In the environment, mauri can be used to describe the intrinsic values of all resources and of the total ecosystem. In the natural environment, mauri is of paramount importance to the wellbeing of the people. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of all natural resources is paramount to Poutini Ngāi Tahu to ensure that natural and physical resources may be used sustainably by present and future generations. The overall purpose of resource management for Poutini Ngāi Tahu is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded.

There are indicators within the environment, both physical and spiritual, that Poutini Ngāi Tahu use to measure mauri. These include the presence of healthy mahinga kai and healthy flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Spiritual indicators are those from the atua (gods), which can take many forms and are recalled in the kōrero pūrūkau (stories) of whānau and hapū.

4. Mahinga kai

Mahinga kai refers to Poutini Ngāi Tahu cultural values in association with food and other natural resources and includes such resources as those used for weaving, carving, and rongoā Māori or Māori medicine. It also includes the places where such resources are gathered such as rivers and coastal waters. The term mahinga kai encompasses social and educational elements as well as the process of gathering cultural materials/natural resources. It includes the way such resources are gathered, the place where they are gathered from, and the actual resource itself.

5. Ki Uta Ki Tai

The principle of Ki Uta Ki Tai ("the mountains to the sea") reflects the holistic nature of traditional resource management, particularly the interdependent nature and function of the various elements of the environment within a catchment. This principle requires an integrated management approach across the land and water boundary.

6. Wāhi tapu

Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Wāhi tapu include kōiwi (human remains), urupā (burial sites), waiwhakaheke tūpāpaku (water burial sites), historic pa, buried whakairo (carvings) tuhitihi o neherā (archaeological and rock art sites), tohu ("markers" such as landmarks, mountains, mountain ranges, and some trees), ana (caves), and tauranga waka (canoe landing sites).

7. Taonga

All natural resources – air, land, water and indigenous biodiversity biological diversity are taonga. Taonga are treasures, things highly prized and important to Poutini Ngāi Tahu,



derived from the Atua (Gods) and left by the tīpuna (ancestors) to provide and sustain life. Taonga include sites and resources such as wāhi tapu, tauranga waka, and mahinga mātaītai, other sites for gathering food and cultural resources, tribally significant landforms, and features. The term cultural landscapes is an inclusive expression for taonga sites and areas.

Pounamu is a taonga of utmost importance to Poutini Ngāi Tahu/Ngāi Tahu culture and tradition, and the two papatipu rūnanga have each prepared a pounamu management plan to manage appropriate use and protection of pounamu. Councils must have regard to these management plans when preparing regional and district plans, and when considering resource use activities that might affect pounamu resources.

The significant resource management issues for Poutini Ngāi Tahu on the West Coast are:

1. Expression of rangitiratanga through active involvement in resource management decision-making.
2. The need for integrated environmental management of and between all resources, reflecting ki uta ki tal.
3. It is important to Poutini Ngāi Tahu that the life-supporting capacity of the environment is safeguarded, and this capacity is restored where it has been impaired by use and development of resources.
4. The need to use resources, including mahinga kai resources, to sustain the community.
5. The obligation to protect wāhi tapu and other taonga for future generations.
6. The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate, having regard to the effects of the use.

Note: Some of these issues are dealt with in other chapters of this RPS.

OBJECTIVES

1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the RMA.
2. Recognise and provide for the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga within the West Coast Region.

POLICIES

1. Acting cooperatively and in good faith, the Regional and District Councils will continue to provide opportunities for active involvement of tangata whenua in resource management processes under the RMA.
2. In consultation with Poutini Ngāi Tahu, provide for the protection of ancestral land, wāhi tapu, water, sites, and other taonga from the adverse effects of activities, in a manner which is consistent with the purpose of the RMA.
3. The special relationship that Poutini Ngāi Tahu have with te taiao (the environment), and their economic, cultural, and spiritual values, including their role as kaitiaki, will be given particular consideration in resource management decisions and practices.
4. The aspirations of Poutini Ngāi Tahu concerning the development of papakāinga housing on Poutini Ngāi Tahu land will be recognised and supported.



EXPLANATION TO THE POLICIES

Policy 1 is intended to reflect Treaty principles and gives effect to section 8 of the RMA. 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. In this context the Regional and District Councils' responsibilities are to take into account the principles of the Treaty as defined by the Act and clarified by the courts.

The ways in which active involvement should be provided will need to be determined in consultation between the Councils and Poutini Ngāi Tahu. As well as consultation on specific matters, active involvement could be implemented by methods including, but not limited to, information sharing, development of Mana Whakahono a Rohe iwi participation arrangements or other relationship agreements, support for Poutini Ngāi Tahu environmental initiatives, and representation on hearing panels.

The Regional and District Councils will endeavour to:

- a) Ensure that their 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:
 - act reasonably and in good faith;
 - make informed decisions;
 - consider whether active steps are needed to protect Māori interests;
 - not take actions which would prevent the redress of claims; and
 - recognise that the government must be able to govern.

Policy 2 gives effect to section 6(e) of the RMA by recognising that some resources, places or things are of special significance to Māori. These include wāhi tapu sites, archaeological sites, other historic sites or places and natural landscapes or features of cultural or traditional importance to Māori. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The policies aim to protect such sites and values from the adverse effects of resource use and development as far as is practicable.

Policy 3: Policy 3 gives effect to section 6(e) of the RMA, and also to Section 7(a), which requires that particular regard be given to kaitiakitanga. The role of Poutini Ngāi Tahu as kaitiaki is an integral part of the special relationship Poutini Ngāi Tahu have with their land, and all living things. Poutini Ngāi Tahu already have input into identifying and assessing adverse effects on their economic, cultural, and spiritual values through RMA planning and consent processes. Further consultation may be undertaken in the future between the Regional and District Councils and Poutini Ngāi Tahu, about how their kaitiakitanga role can be enabled.

Policy 4 also gives effect to section 6(e) of the RMA by seeking to ensure that tangata whenua face no unnecessary barriers in the development of their Poutini Ngāi Tahu lands.

RELATED POLICIES

Chapter 4 Policy 5

All other policies in this RPS.



APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide for consultation with Poutini Ngāi Tahu in a way which is timely, practicable, meaningful and continuous as provided by the Te Rūnanga o Ngāi Tahu Act 1996, and in accordance with Poutini Ngāi Tahu tikanga.
2. Councils must consult with Poutini Ngāi Tahu about the appropriate form of their involvement in:
 - a) Plan development, and resource consent processes;
 - b) Other council RMA decision-making processes; and
 - c) Enabling the kaitiakitanga role of Poutini Ngāi Tahu.
3. Recognise Poutini Ngāi Tahu initiatives to articulate their resource management values and methods through iwi management plans.
4. Inform affected Poutini Ngāi Tahu Rūnanga of resource consent applications as they are received.
5. Add conditions to resource consents incorporating iwi protocols to protect ancestral lands, water, sites, wāhi tapu and other taonga where appropriate to avoid, remedy or mitigate adverse effects on iwi values.
6. In preparing regional and district policies and plans, and when making decisions relating to resource consents, have regard to Statutory Acknowledgements Areas; and mataitai reserves, and take into account iwi management plans.
7. District councils must consult with Poutini Ngāi Tahu to determine how papakāinga housing can be provided for in the District Plans.

PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES AND METHODS

All those exercising functions and powers under the RMA are required by section 8 to take into account the principles of the Treaty of Waitangi. These provisions reflect current practice which is working well, and will enable the Regional Council to continue to carry out its obligation under the RMA to provide for tangata whenua active involvement in the management of the region's natural and physical resources and to recognise and provide for the relationship of Poutini Ngāi Tahu, their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. This is important to sustaining Poutini Ngāi Tahu identity and wellbeing.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Wāhi tapu and other taonga are recognised and provided for when managing the adverse effects of the use and development of natural and physical resources.
2. Helping to maintain the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga within the West Coast Region.
3. Recognition of the principles of the Treaty of Waitangi, and making resource management decisions which take these principles into account.



4. Resilient and Sustainable Communities

BACKGROUND TO THE ISSUES

To plan for the future we must first examine and learn from our past. Prior to European settlement and the discovery of gold circa 1864, the West Coast was home to Poutini Ngāi Tahu. Reciprocity or balanced exchange encompassed all areas of general trade - timber, pounamu, mahinga kai, art and weaponry, and land access agreements, internally and inter-tribally. Post 1864 the West Coast had its economic roots in the mining industry – both gold and coal. Timber, fisheries and agriculture also played a big role.

Due to a historical reliance on the export of commodities from the region, our towns and communities' populations have fluctuated - dramatically in some cases. When employment declines people often move away, and communities can lose their sense of identity. Less money is available and towns and settlements can become run down, losing their amenity values.

To be resilient and sustainable, our communities require a skilled workforce in more consistent and reliable employment, a decent household income and local access to modern health, education and recreation services. Our regional community cannot grow and prosper without new economic development that is driven by infrastructure, innovation, capital, international connections and a skilled workforce. Without this, there is a very real risk that this region will start to experience population decline and the loss of core services.

The emergence of the dairy and tourism sectors have provided income sources additional to the mineral extraction industries. But the future of the region cannot rely on these three sectors alone. Further diversification of the West Coast economy is crucial - to counteract fluctuations caused by external influences such as the commodities market, exchange rates and the needs and wants of our export and tourism markets. The dispersed nature of the West Coast means that even small to medium-sized investment can have significant positive impacts. The West Coast needs to present itself as an attractive place to live, learn, innovate and do business, inviting diversification of the key industries and providing alternatives from, and added value to, the cornerstones of the traditional earners. Achieving diversification can be assisted by enabling reliable access to the natural and physical resources of the region, promoting an availability of quality living environments, and ensuring sound, consistent and reliable regulatory processes.

The high quality living environment on the West Coast is made up of many things that our communities value. The long proud history of the West Coast remains visible in the numerous historic buildings, places, monuments and landscapes, including our rivers, lakes and coastal environments. It is from these resources that a sense of place and identity are derived. To ensure our communities prosper, we must protect the significant values of these resources as far as practicably possible whilst encouraging opportunities for growth and development that do not undermine those values.

Poor quality regulation and high compliance costs can act as a brake on business growth, investment and job creation. Councils need to be mindful of the impact of regulation on the economy – good quality regulation can be used to stimulate economic growth. Consistency in interpreting and implementing the law has been identified as a desirable yet problematic feature of any regulatory environment. Businesses require a reasonable degree of certainty to operate with confidence, especially when it comes to larger investments. Consistency between Councils with approaches that are timely and effects based, and provide both certainty as well as flexibility where it is required, is critically important for business confidence.



Each of the Councils recognise the importance of economic growth and development for their districts and have taken steps, individually and collectively, to raise the profile of this through the development of district and regional economic strategies. While this RPS does not seek to drive economic development of itself, it can establish the importance of developing an enabling RMA framework in our region, within which growth is welcomed, by ensuring that the regional and district plans enable development whilst also achieving environmental outcomes.

The significant issues in relation to resilient and sustainable communities on the West Coast are:

1. The West Coast is at risk of experiencing population decline. It is critical that our planning documents address this risk by enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management.
2. West Coast industries are traditionally susceptible to fluctuating cycles and global commodity prices which can affect the social and economic wellbeing of our communities. Councils' management of natural and physical resources needs to contribute, where possible, to making our communities more resilient and sustainable in the long term. This includes ensuring that communities retain their sense of place, identity, heritage and amenity values.
3. The implementation of the RMA by local authorities can support economic growth and creation of employment in the region; whilst also avoiding, remedying or mitigating any associated adverse effects.

OBJECTIVES

1. To enable sustainable and resilient communities on the West Coast.
2. ~~This To ensure the region's planning framework enables appropriate existing and new economic use, development and employment opportunities while ensuring sustainable environmental outcomes are achieved, including those specified in the Anticipated Environmental Results in this RPS.~~
3. To ensure that the West Coast has physical environments that effectively integrate subdivision, use and development with the natural environment, and which have a sense of place, identity and a range of lifestyle and employment options.
4. The significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural wellbeing of the West Coast.
5. To recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes.

POLICIES

1. To sustainably manage the West Coast's natural and physical resources in a way that enables a range of existing and new economic activities to occur, including activities likely to provide substantial employment that benefits the long term sustainability of the region's communities.
2. Regional and district plans must:
 - a) Contain regulation that is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;
 - b) Be as consistent as possible;



- c) Be as simple as possible;
 - d) Use or support good management practices;
 - e) Minimise compliance costs where possible;
 - f) Enable subdivision, use and development that gives effect to relevant national and regional policy direction; and
 - g) Focus on effects and, where suitable, use performance standards.
3. To consider the transfer and delegation of regional and district council functions (as provided by sections 33 and 34 of the RMA) where it would result in increased efficiencies and/or effectiveness in achieving resource management objectives, using shared services principles.
 4. To promote:
 - a) The sustainable management of urban areas and small settlements, along with the maintenance and enhancement of amenity values in these places; and
 - b) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.
 5. Promote the sustainable management of historic heritage, through:
 - a) Identification of significant values associated with historic heritage;
 - b) Ensuring that subdivision, use and development does not detract from the significant values of historic heritage; and
 - c) Encouraging the adaptive reuse of historic heritage where appropriate and practicable.
 6. Cultural landscapes are appropriately identified, and effects of activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu.

EXPLANATION TO THE POLICIES

The implementation of Policy 1 supports diversification of the economy in order to create communities that are both more resilient and sustainable. The importance of managing natural and physical resources in a sustainable way is acknowledged, recognising that it is through the protection, use or development of those resources that our communities' economic and social wellbeing will be provided for in the future. Enabling opportunities for a wide range of industries to establish in the region will provide a variety of employment options assisting with reducing the potential market fluctuations on individual industry sectors. Enabling growth will also provide incentives for businesses to develop in the region, as well as encouraging people to reside on the West Coast.

Policy 2 aims to provide a regulatory framework that promotes diversity, innovation, and encourages businesses to invest in the region and grow. The policy seeks to make the regional and district plans as 'business friendly' as possible (while still maintaining environmental standards). Consistency over like matters is efficient for Councils, businesses, developers, communities and individuals. It can lead to smarter shared services, and ensuring that regulation is effective and not excessively costly.

Adopting or supporting good/best practice through other tools such as performance standards or codes of practice should avoid regulation from becoming out of date as well as promoting ownership of environmental performance and reduce compliance costs.

Enabling subdivision, use and development in regional and district plans can be achieved in a number of ways. Most obviously this is through activity status (for example permitted



or controlled activities), but there are other tools such as limited notification of resource consent applications and setting out resource consent application information requirements.

Effects of activities should be the focus of plans. This encourages innovation and avoids unnecessarily restricting uses and developments that are able to meet environmental outcomes. There will be circumstances whereby specific constraints are justified. However, plans should provide the ability to innovate and adapt where possible.

Policy 3 seeks to achieve efficiency and consistency in the management of Council functions particularly where one Council may have expertise.

The implementation of Policy 4(a) incorporates concepts of aesthetically pleasing, stimulating and vibrant urban areas and smaller settlements. It also seeks to promote a range of amenity values to present choices to meet the diverse needs of residents throughout the region. It is important to not only apply this in the recognised urban towns but the smaller settlements with which people feel a strong connection to, and identity with. In reference to Policy 4(b), it is important that public access to these natural environments is maintained where possible (except, for example, where it is unsafe) so that people and communities can provide for their wellbeing.

Policy 5 promotes the sustainable management of historic heritage. This requires regional and district plans to include schedules of significant historic heritage; and that the effects of any subdivision, use and development on those identified values are appropriately recognised and managed. This approach also encourages consideration to be given to the economic viability of proposals involving historic heritage.

Policy 6 recognises that the traditions of Poutini Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. Indicators of these intergenerational landscapes include pā and kainga, ara tawhito (traditional trails), pounamu, mahinga kai, wāhi tapu and wāhi ingoa (place names). Protection of Poutini Ngāi Tahu cultural landscapes from inappropriate use, development and subdivision is important to Poutini Ngāi Tahu culture, identity and wellbeing, and consultation with Poutini Ngāi Tahu is required to determine appropriate means of addressing this in particular locations.

RELATED POLICIES

All other policies in this RPS.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. The Regional and District Councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, must:
 - a) Consider:
 - i) Removing unnecessary regulation;
 - ii) Opportunities for streamlined, efficient processes;
 - iii) Increasing flexibility of approach, certainty of provisions, and consistency of process; and
 - iv) Taking a risk based approach;



- b) Consider the benefits, costs and risks of combining planning documents and joint plan changes, in part or in total, including on specific resources or geographical areas; and
 - c) Consider the use of good management practices (including environmental best practice guidelines, and codes of practice).
2. Undertake joint consent processes where appropriate.
 3. Assess and identify in regional and district plans significant historic heritage according to criteria based on the following matters: (a) Historic (b) Cultural (c) Architectural (d) Archaeological (e) Technological (f) Scientific (g) Social (h) Spiritual (i) Traditional (j) Contextual (k) Aesthetic.
 4. Use regional and district plans, and the resource consent process, to recognise and protect significant historic heritage from inappropriate subdivision, use and development.
 - ~~5.3.~~ Use regional and district plans, and the resource consent process, ~~to identify significant heritage values and to recognise the contribution of public access and significant heritage values to the economic, social and cultural wellbeing of people and communities, and to manage adverse effects on these~~ this and other amenity values.
 - ~~6.4.~~ Regional and district councils will consult with Poutini Ngāi Tahu about appropriate provision for cultural landscapes in regional and district plans.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, polices and methods of implementation have been adopted to enhance the quality of life for the residents of the West Coast by creating sustainable and resilient communities that have vibrant, safe and cohesive town centres with a range of residential and business opportunities. Providing a region that is welcoming to business and that will enable growth, diversification and innovation within a framework of sustainable management is one step towards achieving this leading to greater community wellbeing. Promoting the ongoing viability of existing town centres by creating a sense of place and identity with sufficient levels of service is vital to retaining and growing our population into the future. The intent is for development that is compatible with surrounding uses and values, is served by the appropriate level of social infrastructure and is appropriate within the context of the surrounding environment. Good planning (and urban design) can improve West Coasters' social and cultural wellbeing, strengthen our sense of place, enhance our ability to access services and connect with our wider community. This includes, for example, provision for protecting significant heritage values, and maintaining public access to natural resources.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Improved coordination and collaboration with resource management and related functions between the Regional and District Councils, using shared services principles.
2. Simplified application of regulation.
3. The amenity values of urban areas and small settlements, as well as public access to the coastal marine area, lakes and rivers, are maintained and enhanced, where possible.
4. The significant values of historic heritage are protected as much as practicably possible, and contribute to the economic, social and cultural wellbeing of the West Coast.



5. The traditional and ongoing relationships of Poutini Ngāi Tahu with cultural landscapes are sustained for the benefit of future generations.



5. Use and Development of Resources

BACKGROUND TO THE ISSUES

The sustainable management of natural and physical resources means managing the use, development and protection of natural resources in a way or at a rate that enables people and communities to provide for their economic, social and cultural wellbeing while meeting the requirements of section 5(2)(a), (b) and (c) of the RMA.

The state and availability of natural resources is relatively more important for the West Coast's economy than for many other regions in New Zealand. The unique geological and climatic conditions of the region have resulted in creating a landscape unlike any other in New Zealand. This environment not only provides opportunity for economic growth, but is also treasured by its many visitors as well as those who live here. Hence, the West Coast is extremely reliant on the natural and physical resources of the region for its economic, social and cultural wellbeing.

Traditionally mining (coal and gold) has been the primary employer in the region. Farming is also a significant contributor, particularly through the dairy industry. In addition to direct farm income from milk production, the added value by the processing of the product is a significant contributor to regional employment and income. Many engineering and other support businesses exist because the mining and farming activity, and related value-added activities, creates the demand for their products and services. Tourism has also had a long history on the West Coast, starting in the mid-1800's with local guiding of early European explorers by Poutini Ngāi Tahu. The tourism sector continues to play an increasingly important role in the West Coast economy. The region is rich in natural landscapes, coastal environments, rivers and lakes, and with world renowned attractions such as World Heritage Parks, the region is gaining traction in international markets. The West Coast has a high rate of tourism growth.

Aside from these three mainstays of the economy, other industries based on natural resources include forestry, fishing (including for whitebait), extraction of other minerals such as ironsands and garnets, horticulture, sphagnum moss harvesting, and food production as well as a thriving arts industry using pounamu, gold, wood, stone and copper. Aggregate extraction and production is important for the construction, operation, and maintenance and upgrading of infrastructure and for broader economic activity across the West Coast within the building and construction sectors. The manufacturing and construction sectors, through heavy and light engineering industries, have developed to service these primary sectors and now play an important role in the regional economy itself. Future growth in the region is likely to continue to be based around the use and development of natural resources in the first instance, with supporting industries developing alongside these, followed by other sectors as demand determines or sectors diversify.

The West Coast has a significant proportion of public land administered by the Department of Conservation. The use and protection of public conservation land, for example through national parks or world heritage areas, is a form of resource use that is central to the long term sustainability of West Coast communities. New development of new tourism related infrastructure within public conservation land the conservation estate will provide incentives for growth and investment in the wider region. There are also a number of other activities that occur on land administered by the Department including grazing licences, mining and sphagnum moss harvesting.

The Department issues concessions under the Conservation Act, or access arrangements under the Crown Minerals Act in the case of mining, for these activities to occur. While this includes consideration of environmental effects under the Conservation Act, regional and district council functions under the RMA still apply on public conservation land, and the environmental effects are considered through this process. This indicates that while



large portions of land are not freehold in the region, appropriate use and development can occur, generating growth opportunities while still protecting the values of natural resources and the wider environment. ~~Recognition of the Department of Conservation as a major landowner, and contributor to economic development, is extremely important for the future of the West Coast.~~

Some land and resource use activities may be incompatible with others, for example mining near residential areas. Planning ~~for~~ and managing ~~for~~ these potentially conflicting activities ~~is~~ are essential to ensure that the cultural, economic and social wellbeing of communities is looked after. There are also instances where mutually beneficial outcomes can be achieved, for example, where ecological values are protected whilst development occurs. Where these situations arise on public conservation land, they will not only be managed by regional and district plans, but also through the Department's Conservation Management Strategy.

The reliance on the natural resources of the region requires that the environment remain in a healthy functioning state to provide for this. People choose to invest, do business, live and recreate on the West Coast due to the unique and special nature of the region and its natural resources. On the West Coast, most conflicts arise from the desire of some parties to use resources and the desire of others to protect them. Use, development and protection of the region's natural and physical resources ~~is~~ are therefore a significant resource management ~~issues~~ for the West Coast.

The significant issues in relation to the use and development of resources on the West Coast are:

1. Recognising the central role of resource use and development on the West Coast.
2. Managing the conflicts arising from the use, development and protection of natural and physical resources.

OBJECTIVES

1. To recognise the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.
- ~~2. To recognise that the use and development of natural resources may be incompatible with other land uses, in some situations and locations.~~
2. Incompatible use and development of natural and physical resources are managed to avoid or minimise conflict.

POLICIES

1. ~~Recognition will be given in resource management processes to the role of~~ Enabling sustainable resource use and development on the West Coast and its contribution to contribute to enabling people and communities to provide for their the economic, social and cultural wellbeing of the region's people and communities.
2. To recognise that natural and physical resources important for the West Coast's economy need to be protected from significant negative impacts of new subdivision, use and development ~~with particular emphasis on both~~ by:
 - a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities ~~being inappropriately~~ located near existing:
 - i) Primary production activities;
 - ii) Industrial and commercial activities;



- iii) Minerals extraction*;
- iv) Significant tourism infrastructure; and
- v) ~~current and planned~~ Regionally significant infrastructure;** and
- b) ~~Generally avoiding~~ Managing new activities ~~precluding to retain~~ the potential future use of:
 - i) Land with significant mineral resources; or
 - ii) Land which is likely to be needed for regionally significant infrastructure.

*Minerals extraction includes aggregates and other mining activities.

~~**The term "planned regionally significant infrastructure" in Policy 2(a)(v) refers to infrastructure and/or sites identified by designations, Asset Management Plans, or included in other plans or strategies adopted by the West Coast Councils.~~

EXPLANATION TO THE POLICIES

The implementation of Policy 1 recognises the importance of the role of resource use and development on the West Coast and its contribution to the social, economic and cultural wellbeing of people and communities. Use and development of resources may be of regional and national importance providing benefits to people and communities on the West Coast and to New Zealand as a whole. The use and development of resources must be undertaken in a way which promotes the sustainable management purpose of the RMA. This will mean enabling people and communities to provide for their economic, social and cultural wellbeing and for their health and safety while meeting the requirements of section 5(2)(a), (b) and (c) of the RMA to meet the reasonably foreseeable needs of future generations, safeguard life-supporting capacity of resources, and avoiding, remedying or mitigating adverse effects on the environment.

Policy 2 aims to create a framework for getting the right development in the right place at the right time. It is a strategic and proactive policy, designed to give effect to section 30(1)(g)(b) of the RMA which gives regional councils the function of strategically integrating infrastructure with land use. The policy seeks to ensure that there is a planned and coordinated approach to developing the built environment. Well-designed development also provides for the wellbeing of people and communities now and into the future. It also recognises that some types of development are incompatible when in close proximity to each other and that some activities can only occur in certain places because of the functional needs of that activity. Should other development occur there, then this can lead to a lost opportunity for a higher value use of that land.

RELATED POLICIES

All other policies in this RPS.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide for the sustainable use and development of natural resources through regional and district plan rules provisions and resource consents.
2. Encourage discussion and co-operation between existing resource users (including land used for primary production) and those proposing new use and development



of natural and physical resources (including the provision of infrastructure), to resolve conflicts and achieve integration of these activities.

Note: Method 2 relates to Policy 5-4 in Chapter 6 Regionally Significant Infrastructure.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation have been adopted to ensure that the role of sustainable resource use and development in enabling people and communities to provide for their economic, social and cultural wellbeing is recognised in resource management decision making processes. Such recognition is a core part of the sustainable management of resources and our communities.

Land, and the natural resources that can be derived from this land, is one of the most important assets that the West Coast has. Recognition of this, and the conflicts that can arise through poor decision making, need to be taken into account through both regional and district plans and resource consenting processes.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Resource use and development is able to occur in accordance with the sustainable management purpose of the RMA.
2. The ability to access or use significant natural resources is not compromised by inappropriate subdivision, use or development.



6. Regionally Significant Infrastructure (RSI)

BACKGROUND TO THE ISSUES

There is a need to recognise the social, economic, and environmental benefits that accrue locally, regionally and nationally from the establishment and continued operation of RSI. Energy enables people to provide for their wellbeing, and is a key facet of the regional (and national) economy. Transport services provide vital access and freight links to and within the region. Tele and radio communication networks provide an important everyday and emergency facility to people and businesses. Municipal water, sewage and stormwater systems enable communities to maintain a healthy standard of living. The region's flood protection schemes protect individual and community assets, productive capability, community safety, and other infrastructure networks.

The ambition of West Coast communities is to develop world class infrastructure, including high speed broadband and enhanced cellular coverage, and to use this infrastructure to enable new diversified economic development and employment opportunities on the West Coast. The RMA processes that are required for this infrastructure therefore need to be simple, quick and low cost.

Section 30(1)(gb) of the RMA gives regional councils the functions of:

"...the strategic integration of infrastructure with land use through objectives, policies, and methods:..."

The government has also acknowledged that renewable electricity generation and the National Grid are matters of national importance, and developed the following policies and regulations:

- National Policy Statement on Electricity Transmission 2008 (NPSET);
- National Environmental Standard for Electricity Transmission Activities 2009 (NESETA); and
- National Policy Statement for Renewable Electricity Generation 2011 (NPSREG).

For the purposes of Chapter 6 of the RPS, electricity generation, transmission and distribution infrastructure that is recognised as nationally significant is also identified as regionally significant in the Glossary. Relevant provisions of the national electricity policies are incorporated into regional plans, particularly the Regional Land and Water Plan, which also provides for other significant infrastructure.

The NPSREG and NPSET requires that some matters be addressed in RPS's. The potential for certain activities to disrupt, or risk disrupting, the safe and efficient operation of RSI needs to be managed. Additionally, practical constraints associated with RSI can limit their ability to avoid, remedy or mitigate adverse effects. For instance, infrastructure facilities are often located on public conservation land, as hydro electricity generation structures need to locate where the water resources are. The positive and negative impacts, and limitations of suitable sites, are some of the matters that need to be weighed up during the consenting process.

~~In respect of negative impacts, it is recognised that RSI can have adverse environmental effects depending on its scale and location, amongst other factors. Except for offsetting, this Chapter does not have objectives or policies to generally avoid, remedy or mitigate adverse environmental effects of RSI as these are addressed in regional and district plans, and elsewhere in this RPS.~~

RSI can have adverse environmental effects depending on its scale and location, amongst other factors. This Chapter generally does not contain provisions for managing the adverse effects of RSI on the environment. There are two exceptions. One is a policy for



the National Grid. The other is a policy recognising the scope for offsets and compensation for non-biodiversity adverse effects that cannot be avoided, remedied or mitigated. All relevant provisions in this RPS must be considered in managing the adverse effects of RSI activities.

For RSI activities in the coastal environment, Chapters 6 and 9 must be considered.

The significant issues in relation to RSI for the West Coast are:

- ~~1. Recognising the benefits of, and providing for, the establishment and continued operation of regionally and nationally significant infrastructure particularly where it crosses district and/or regional boundaries.~~
1. Resilient RSI is essential for the social, economic and cultural wellbeing of the West Coast.
2. Strategically integrating infrastructure and land use.

OBJECTIVE

1. Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure.

POLICIES

- ~~1. Recognise the importance of Provide for a secure supply of energy to meet the needs of people and communities on the West Coast, and to meet the foreseeable future needs of economic growth in the region.~~
- ~~2. Provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities and National Grid infrastructure.~~
2. Provide for the development, operation, maintenance and upgrading of any other new and existing RSI including renewable electricity generation activities and National Grid infrastructure.
3. When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.
4. Recognise that RSI important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.
5. When considering any residual adverse environmental effects of RSI that cannot be avoided, remedied or mitigated, other than effects on indigenous biological diversity, decision-makers must have regard to any offsets and compensation proposed which benefit the natural environment and or the community affected, including biodiversity offsets within the same catchment or habitat that are located, where practicable, close to where the residual adverse effects occur.
6. Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission



networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment.

7. (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.
- (2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects, on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and the natural character of wetlands, and lakes and rivers and their margins outside the Coastal Environment.
8. Land use and infrastructure should be integrated to avoid as much as practicably possible:
 - a) Constraints through the lack of supporting infrastructure;
 - b) Unsustainable demands being placed on infrastructure to meet new growth;
 - c) Significant adverse effects on existing land uses.

Note: Policy 5 4 relates to Method 2 in Chapter 5 Resource Use and Development of Resources.

EXPLANATION TO THE POLICIES

Policy 1 seeks to ensure that the West Coast has a secure supply of energy to meet the needs of people and communities from either non-renewable or renewable sources. The Policy applies to infrastructure which supplies energy rather than energy supplies per se.

~~Policy 2 gives effect to Policies E1-E4 of the NPSREG which seek to enable renewable electricity generation. Policy E2 for hydro electricity generation is the most relevant for the West Coast. Policy 2 also gives effect to Policy 2 of the NPSET which requires recognition of the National Grid. Renewable electricity generation, and the National Grid, are important contributors to the wellbeing of the Region.~~

~~Additionally, Policy 3 2 seeks to ensure that other RSI are provided for to meet the needs of the people and communities of the West Coast. RSI is defined in the Glossary. Policy 2 also gives effect to Policies E1-E4 of the NPSREG which requires provision for renewable electricity generation, and Policy 2 of the NPSET which requires recognition of the National Grid.~~

~~Policy 4-3 gives effect to Policy C1 of the NPSREG, and Policy 3 of the NPSET. Electricity generation infrastructure needs to be located at source where the resource is and the electricity needs to be conveyed to users. The location of the necessary infrastructure can sometimes be physically, technically or operationally constrained. Those constraints can also apply to other forms of RSI, infrastructure not covered by the NPSREG and NPSET, but which is listed in the Glossary definition of RSI. Such infrastructure may need to be located within areas containing high, outstanding or significant natural values.~~

~~Policy 5-4: The operation, maintenance and future development of RSI can be significantly constrained by the adverse environmental impact of encroaching activities and development, also known as reverse sensitivity, or by the effects of existing resource use. Policy 5-4 gives effect to Policies 10 and 11 of the NPSET for managing reverse sensitivity effects on RSI including the National Grid.~~



Policy 6-5: The linear nature of many infrastructure networks determines its form, shape and location. Technical and operational requirements associated with infrastructure networks can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects. Consequently in some cases it may be appropriate for new infrastructure to be located in, or traverse parts of, a sensitive environment to achieve a net benefit, or lower overall adverse effects. These situations and the appropriateness of imposing offsets and compensation need to be determined on a case by case basis having regard to relevant case law, national policy and good practice guidelines on offsets and compensation, and expert advice. Chapter 7 applies to offsetting and compensating adverse effects on indigenous biological diversity. Policy 5 applies to other adverse effects.

Policy 6 gives effect to the NPSREG and provides for existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character or containing significant or outstanding values throughout the region.

Policy 7 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and natural character. Policy 7 sets the policy framework for the effects of the National Grid to be assessed in a considered manner, taking into account the technical and operational constraints of the network and the route, site and method selection process. It enables a case-by-case merits assessment of specific National Grid projects, taking into account the nature of the adverse effects and the values adversely affected.

Policy 78 recognises the need for planning for growth and development and the provision of local, regional and national infrastructure to proceed side-by-side in a coordinated and integrated way.

RELATED POLICIES

~~Policy 2 of Chapter 3 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 1, 4 and 5 of Chapter 4 [Resilient and Sustainable Communities]; Policy 1 and 2 of Chapter 5 [Use and Development of Resources]; Policy 1, 2 and 3 of Chapter 7 [Biodiversity and Landscape Values]; Policy 1, 2, 3 and 4 of Chapter 8 [Land and Water]; Policy 1, 2, 3, 4 and 5 (in relation to roading) in Chapter 9 [Coastal Environment]; Policy 2 in Chapter 10 [Air Quality]; Policy 2 and 4 in Chapter 11 [Natural Hazards].~~

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide for the development, operation, maintenance and upgrading of micro and small-scale hydro electricity generation activities, subject to appropriate conditions, in regional plans as permitted or controlled activities, and in district plans, where appropriate.
2. Through regional and district plan rules, or conditions of resource consents:
 - a) Recognise the positive benefits of RSI;
 - b) Recognise the constraints imposed by the locational, technical and operational requirements of RSI, including electricity transmission, distribution and renewable electricity generation infrastructure; and



- c) Manage adverse environmental effects on the safe and efficient operation of RSI.
3. As part of regional and district plan development or review processes, regional and district councils must consult with the National Grid operator about identifying appropriate buffer corridors to manage the adverse effects of subdivision, use and development on the National Grid.
 4. Maintain river control and flood protection works and services.

Notes:

Method 1: Policy F of the NPSREG requires that RPSs include methods to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district. Many of the region's rivers and creeks have potential for hydroelectric development for individual domestic and small-scale business use, with no more than minor effects. Appropriate hydro schemes can be developed and the adverse effects reduced by careful design and location of structures. Increased generation in the region would improve security of supply.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

RSI is important for the economic and social wellbeing of people and communities on the West Coast, and plays a vital role in daily life. Provision for the safe, reliable, and efficient functioning of such facilities and their maintenance and upgrading is provided for in this document in recognition of their importance, and to ensure that they are effectively integrated with land use.

The provisions in this Chapter also give effect to national legislation, policies and standards which direct Councils to address matters of national importance. These are incorporated where they are considered relevant to the resource management of infrastructure activities on the West Coast.

ANTICIPATED ENVIRONMENTAL RESULTS

1. A perpetually secure supply of energy to meet the needs of people, communities and industry on the West Coast.
2. Increased use and development of renewable electricity resources.
3. Continued development, operation, maintenance and upgrading of RSI.
4. Effective management of resource management conflicts arising from reverse sensitivity effects on existing RSI, or between the provision of RSI and existing resource use.
5. New land use generated by growth and development strategically integrated with local, regional and national infrastructure, particularly transport, so as to avoid an unsustainable approach to infrastructure provision and funding.



7. Biodiversity and Landscape Values Ecosystems and Indigenous Biological Diversity

BACKGROUND TO THE ISSUES

Under section 6(c) of the RMA councils have responsibilities to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, also referred to as Significant Natural Areas (SNAs), and outstanding natural landscapes and features, and the preservation of natural character. Sections 30 and 31 of the Act also give regional and district councils the functions to role of developing objectives, policies, and methods for maintaining indigenous biological diversity. It is important to recognise the roles and functions of the various other organisations and groups on the West Coast involved in the sustainable management of indigenous biological diversity and landscape values and ecosystems. While the Department of Conservation has a key role in this, regional and district council functions under the RMA still apply across the region.

Indigenous biological diversity in the coastal environment is addressed in the Coastal Environment Chapter, as the New Zealand Coastal Policy Statement (NZCPS) provides specific direction on these matters. This Chapter covers the rest of the Region inland from the landward coastal environment boundary.

This Chapter applies to sustainably managing terrestrial and freshwater indigenous biological diversity. Additionally, the National Policy Statement for Freshwater Management (NPSFM) provides direction to, amongst other things, safeguard the life-supporting capacity of fresh water ecosystem processes and indigenous species, and protect the significant values of wetlands and outstanding freshwater bodies. Both this Chapter and Chapter 8 Land and Water may need to be considered for any proposed activities affecting fresh water ecosystems and habitats.

The West Coast region has a land area of 2,300,000 ha with the Department of Conservation managing 1,912,000 ha or 84% of this land¹ leaving approximately 388,000 ha (16%) of land on the West Coast not under their control. In addition, there is roughly 40,647 km of streams and rivers in the region, of which 33,094 km (81%) are in Department of Conservation managed lands. In a national context, one quarter of New Zealand's protected land, and 10% of the total length of rivers in New Zealand, is located on the West Coast. Compared to other regions, the West Coast is rich in its level of remaining indigenous biodiversity biological diversity. The extent of indigenous vegetation provides other benefits and positive effects including, for example, well-vegetated upper catchments that reduce flooding, erosion and sedimentation downstream.

Poutini Ngāi Tahu as kaitiaki have a responsibility to manage and protect indigenous biological diversity. The ability of mana whenua to engage with indigenous species is important to enable Poutini Ngāi Tahu to maintain their identity and cultural traditions into the future. This is further detailed in Section Chapter 3.

Where there is a threat to biodiversity, it is most often on the farmed productive lowland environments. This Chapter sets the objectives and policies to be given effect to in Through district and regional plans, including through the use of rules, to achieve the protection of the significant fauna, SNAs, and habitats in these areas are afforded recognition and protection and to maintain indigenous biological diversity. The Chapter also states the responsibilities of the region's local authorities to maintain indigenous

¹ West Coast Conservation Management Strategy 2010 – 2020 Volume I.



biological diversity, giving effect to the relevant sections of the RMA referred to above. The regional plans manage the potential effects on wetlands and the district plans manage significant natural areas. In some instances there is an overlap in these areas and in that situation the rules in both plans apply.

Biodiversity protection under the RMA is not necessarily absolute. The region's terrestrial and fresh water indigenous biological diversity must be maintained. In some circumstances, adverse effects are unacceptable and must be avoided. In other circumstances, adverse effects may be able to be managed through the mitigation hierarchy, as resource consents can be granted for appropriate development within some significant areas, as well as where biodiversity values are not regionally significant. The West Coast councils and Department of Conservation are committed to using both regulatory and non-regulatory measures to ensure that significant indigenous vegetation and significant habitats of indigenous fauna are sustainably managed and protected appropriately.

The West Coast is internationally recognised for its landscape features and natural character. The glaciers, Pancake Rocks, Heaphy Track and many other attractions are managed by the Crown for the purpose of visitor appreciation. The most frequented sites are regionally significant for the West Coast given that tourism is currently one of the top three economic drivers for the region. Ensuring that we retain a region that is attractive to visitors and our own communities requires management of potential adverse effects on these landscapes, biodiversity and natural character values. Other parts of the region also contribute to local landscapes but it is difficult to quantify that contribution other than on a case-by-case assessment. For the coastal marine area, the Regional Coastal Plan identifies specific areas with outstanding natural features and landscapes, and outstanding natural character.

Statement of Local Authority Responsibilities

Section 62(1)(i)(iii) of the Act requires a regional policy statement to state the local authority responsible, in the whole or any part of the region, for specifying the objectives, policies and methods for the control of the use of land to maintain Indigenous biological diversity.

The West Coast Regional Council will be responsible for specifying the objectives, policies and methods to maintain indigenous biological biodiversity by controlling activities:

1. In the CMA;
2. affecting water bodies, including significant wetlands;
3. affecting the beds of lakes and rivers;

Control of the use of land to maintain indigenous biological biodiversity in lake and river margins, and for earthworks and vegetation clearance activities, is a shared responsibility between Regional and District Councils.

Territorial authorities will be responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological biodiversity for all other activities.

The significant issues in relation to the management of biodiversity indigenous biological diversity and landscape values on the West Coast are:

1. The RMA requires councils to provide protection to significant indigenous vegetation and significant habitats of indigenous fauna. Where those areas are located on private land, that can be of concern to affected land owners.



1. Activities which contribute to people's wellbeing may adversely affect indigenous biological diversity.
2. In the context of the current abundance extensive of indigenous vegetation and habitats, much of which is on land managed by the Department of Conservation, a cross-agency approach to management, including both regulatory and non-regulatory measures, an integrated management approach is required.
3. ~~The relatively unmodified environment of the West Coast provides a wealth of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and areas with outstanding natural character. While these areas must be protected, it is possible to carefully manage them in a way that enables appropriate future employment, regional growth and development.~~
3. Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biodiversity biological diversity under the RMA, to the extent practicably possible.

OBJECTIVES

1. ~~A regulatory framework that reflects the abundance of the West Coast's indigenous biodiversity, natural character, natural features and natural landscapes whilst enabling West Coast communities to provide for their economic, social and cultural wellbeing.~~
1. ~~2. Protecting~~ Identify in regional and district plans, and through the resource consent process, areas of significant indigenous vegetation and significant habitats of indigenous fauna in a regionally consistent manner, using both regulatory and non-regulatory measures.
2. Protect significant indigenous vegetation and significant habitats of indigenous fauna.
2. ~~Protecting outstanding natural features and natural landscapes and preserving outstanding natural character in a regionally consistent manner.~~
3. Provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing in areas of significant indigenous vegetation and significant habitats of indigenous fauna.
4. Maintain the region's terrestrial and freshwater indigenous biological diversity.

POLICIES

- 1A. ~~Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and outstanding natural features, outstanding natural landscapes and areas of outstanding natural character; will be identified through the use of regionally consistent criteria.~~
1. ~~Adverse effects on significant indigenous vegetation, significant habitat of indigenous fauna, outstanding natural features, outstanding natural landscapes, and outstanding natural character arising from inappropriate subdivision, use and development will be avoided.~~
2. ~~When having regard to Policy 1, the appropriateness of any subdivision, use or development must be assessed against the following criteria:~~



- a) ~~The value, importance or significance of the habitat, fauna, feature or landscape at the local, regional, or national level;~~
 - b) ~~The degree and significance of actual or potential adverse effects on the habitat, fauna, feature or landscapes, including cumulative effects, and the efficacy of measures proposed to avoid, remedy or mitigate such effects;~~
 - c) ~~The benefits to be derived from the proposed subdivision, use or development at the local, regional and national scale and any technical or operational constraints on its proposed location;~~
 - d) ~~The degree of existing modification of the habitat, fauna, feature or landscape from its natural character; and~~
 - e) ~~The vulnerability of the habitat, fauna, feature or landscape to change, and its capacity to accommodate change, without compromising its values~~
- 3A. ~~Appropriate subdivision, use and development in the areas listed in Policy 1 can be enabled provided the adverse effects of the activity are avoided, remedied, mitigated or offset.~~
- 1A. a) Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and outstanding natural features, outstanding natural landscapes and areas of outstanding natural character; will be identified using the criteria in Appendix 1; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan and the district plans, through the use of regionally consistent criteria.
- b) Significant wetlands will be identified using the criteria in Appendix 2; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan.
2. Activities shall be designed and undertaken in a way that does not cause:
- a) The prevention of an indigenous species' or a community's ability to persist in their habitats within their natural range in the Ecological District, or
 - b) A change of the Threatened Environment Classification to category two or below at the Ecological District Level;² or
 - c) Further measurable reduction in the proportion of indigenous cover on those land environments in category one or two of the Threatened Environment Classification at the Ecological District Level;³ or
 - d) A reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Classification Categories 1 – nationally critical, 2 – nationally endangered, and 3a – nationally vulnerable⁴.
3. Provided that Policy 2 is met, when managing the adverse effects of activities on indigenous biological diversity within SNAs:
- a) Adverse effects shall be avoided where possible; and
 - b) Adverse effects that cannot be avoided shall be remedied where possible; and
 - c) Adverse effects that cannot be remedied shall be mitigated.

² The Threatened Environment Classification system is managed by Landcare Research. (Walker S. et al 2007. Guide for users of the Threatened Environment Classification. [Lincoln, Canterbury], Landcare Research New Zealand. 1 – 35 p.)

³ ibid

⁴ Department of Conservation threat classification: Townsend, A, de Lange, P; Clinton, A; Duffy, A; Miskelly, C; Molly, J; Norton, D. 2008. New Zealand Threat Classification System Manual



- d) In relation to adverse effects that cannot be avoided, remedied or mitigated, biodiversity offsetting in accordance with Policy 4 is considered; and
- e) If biodiversity offsetting in accordance with Policy 4 is not achievable for any indigenous biological diversity attribute on which there are residual adverse effects, biodiversity compensation in accordance with Policy 5 is considered.
4. Provided that Policy 2 is met, and the adverse effects on a SNA cannot be avoided, remedied or mitigated, in accordance with Policy 3, then consider biodiversity offsetting if the following criteria are met:
- a) Irreplaceable or significant indigenous biological diversity is maintained; and
- b) There must be a high degree of certainty that the offset can be successfully delivered; and
- c) The offset must be shown to be in accordance with the six key principles of:
- i. Additionality: the offset will achieve indigenous biological diversity outcomes beyond results that would have occurred if the offset was not proposed;
 - ii. Permanence: the positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity;
 - iii. No-net-loss: the offset achieves no net loss and preferably a net gain in indigenous biological diversity;
 - iv. Equivalence: the offset is applied so that the ecological values being achieved are the same or similar to those being lost;
 - v. Landscape context: the offset is close to the location of the development⁵; and
 - vi. The delay between the loss of indigenous biological diversity through the proposal and the gain or maturation of the offset's indigenous biological diversity outcomes is minimised.
- a. The offset maintains the values of the SNA.
5. Provided that Policy 2 is met, in the absence of being able to satisfy Policies 3 and 4, consider the use of biodiversity compensation provided that it meets the following:
- a) Irreplaceable or significant indigenous biological diversity is maintained; and
- b) The compensation is at least proportionate to the adverse effect; and
- c) The compensation is undertaken where it will result in the best practicable ecological outcome, and is preferably:
- i. Close to the location of development; or
 - ii. Within the same Ecological District; and
- d) The compensation will achieve positive indigenous biological diversity outcomes that would not have occurred without that compensation; and
- e) The positive ecological outcomes of the compensation last for at least as long as the adverse effects of the activity; and
- f) The delay between the loss of indigenous biological diversity through the proposal and the gain or maturation of the compensation's indigenous biological diversity outcomes is minimised.

6. Allow for subdivision, use or development within SNAs, including by:

⁵ Maseyk, F., Ussher, G., Kessels, G., Christensen, M., Brown, M., for the Biodiversity Working Group on behalf of the BioManagers Group, September 2018. Biodiversity Offsetting under the Resource Management Act: A guidance document. Pages 4, 5, 25.



- a) Allowing existing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity;
 - b) Allowing activities with no more than minor adverse effects provided that the values of the SNA are maintained.
7. Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:
- a) Allowing activities with no more than minor adverse effects;
 - b) Avoiding, remedying or mitigating more than minor adverse effects;
 - c) Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.
8. Maintain indigenous biological diversity, ecosystems and habitats in the region by:
- a) Recognising that it is more efficient to maintain rather than to restore indigenous biological diversity;
 - b) Encouraging restoration or enhancement of indigenous biological diversity and/or habitats, where practicable; and
 - c) Advocating for a co-ordinated and integrated approach to reducing the threat status of indigenous biological diversity.
- 9.3. Give effect to Objective 2 of Chapter 3 by:
- a) Providing for the kaitiakitanga role of Poutini Ngāi Tahu in the management of indigenous biological diversity; and
 - b) Provided that Policy 2 is met, recognising and providing for subdivision, use and development in a SNA where it is for the purpose of papakainga, cultural harvest or mahinga kai gathering by papatipu rūnanga in a manner that accords with tikanga and kaitiakitanga;
 - c) Where practicable, provide for Poutini Ngāi Tahu customary use of indigenous species in a manner that accords with tikanga and kaitiakitanga, within the framework of the regional and district council's RMA functions.

EXPLANATION TO THE POLICIES

Policies 1-6 and 9 give effect to sections 5, 6(c), and 6(e) of the RMA by providing a framework to protect significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of activities, and enable activities, including cultural activities, in or near areas with these values to be undertaken where the significant values can be maintained. All of the Chapter 7 Policies also contribute to maintaining indigenous biological diversity in the region, to give effect to sections 30 and 31 of the RMA.

The ecological criteria referred to in Appendices 1 and 2 of Policy 1 will be used to determine whether terrestrial or aquatic areas of indigenous vegetation, as well as habitats of indigenous fauna, are ecologically significant or not. Significant terrestrial indigenous biological diversity will be mapped in district plans once identified.

It is intended that SNAs will be identified and mapped in the preparation of district and regional plans. They may also be identified during resource consent processes, for example in the preparation of an Assessment of Environmental Effects (AEE). If an area is identified as meeting the criteria in Appendix 1 or 2 it is to be managed as an SNA, whether or not it has been mapped in the relevant plan at that time. Additional SNAs identified through the resource consent process will be identified and mapped in regional and district plans when proposed plan, or plan change, processes are undertaken.



Policy 1A recognises that using regionally consistent criteria for determining and identifying significant and outstanding areas Significant Natural Areas (SNAs) helps to assist with achieving integrated sustainable management. It needs to be evident where significant areas are located is best practice to map SNAs in plans, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

Policy 1 requires adverse environmental effects to be managed in a way that gives effect to Part 2 of the RMA. Policy 2 does not preclude activities from being undertaken provided that they meet the 'bottom lines' identified. In making this assessment, decision-makers need to take into account any measure, (except indigenous biological diversity offsetting or biodiversity compensation) proposed to prevent the effects in Policy 2 from occurring.

To assist decision makers deciding whether a proposed subdivision, use or development would be inappropriate in the areas listed in Policy 1, Policy 2 requires consideration of the nature and scale of effects, the significance of the values affected as well as the impact on the economic and social wellbeing of the community, and how these contribute to the overall purpose of sustainable management. Decision makers need to apply this in context of the West Coast and the abundance of biodiversity, natural character, and natural features and landscapes remaining throughout the region. Schedule 1 wetlands in the Land and Water Plan contains significant indigenous vegetation and significant habitats of indigenous fauna, and are protected by provisions in that Plan.

Policies 3-5 provide a cascading framework to give direction to regional or district plan development and consideration of consent applications for activities in a SNA. The cascade follows the mitigation hierarchy recognised in resource management practice.

Policy 3A recognises that following the application of the criteria listed in Policy 2, if a proposed subdivision, use and development is found to be appropriate, it can be enabled provided adverse effects arising from it are avoided, remedied, mitigated or offset.

Policy 6 recognises that there are existing activities in SNAs, and there are circumstances when new activities can occur within SNAs which will maintain the values of the SNA.

Policy 7 sets out the management approach to adverse effects in locations which do not contain significant indigenous vegetation or significant habitats of indigenous fauna.

Policy 8 gives effect to sections 30 and 31 of the Act requiring councils to develop, implement and review objectives, policies and methods to maintain indigenous biological diversity. It recognises that West Coast councils cannot single-handedly maintain indigenous biological diversity in the region. Work undertaken by the Department of Conservation, community groups, landowners and through the Biosecurity Act to control vertebrate and plant pests, for example, will contribute substantially to maintaining indigenous biological diversity, by taking an integrated and co-ordinated approach.

Policy 9 links to Objective 2, and Policies 2 and 3 of Section Chapter 3 Resource Management Issues of Significance to Poutini Ngāi Tahu. To give effect to kaitiakitanga it is important that regional and district councils engage meaningfully with Poutini Ngāi Tahu. Regional and district councils should recognise that the exercise of kaitiakitanga, and the continuing ability to carry out cultural practices in accordance with tikanga, including within SNAs, by papatipu rūnanga are important to sustaining Poutini Ngāi Tahu identity and wellbeing. In developing regional and district plan provisions for management of indigenous biodiversity biological diversity, regional and district councils need to consult work with Poutini Ngāi Tahu and have regard to how the kaitiakitanga role of mana whenua can be enabled and how customary use can be provided for within the framework of the RMA.

RELATED POLICIES



~~Policy 2 and 3 of Chapter 3 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 2 and 6 of Chapter 4 [Resilient and Sustainable Communities]; Policy 1 of Chapter 5 [Use and Development of Resources]; Policy 2, 3, 4, 5 and 6 of Chapter 6 [Regionally Significant Infrastructure]; Policy 1, 2 and 3 of Chapter 8 [Land and Water]; Policy 1 and 2 of Chapter 9 [Coastal Environment].~~

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

- ~~1. Maintain the regional and district plans with objectives, policies, rules and methods of implementation addressing potential impacts on significant indigenous biodiversity.~~
- ~~1. 5. Regional and district councils will work together to agree on a consistent set of criteria Use the ecological criteria in Appendices 1 and 2 for identifying significant indigenous vegetation and significant habitats of indigenous fauna, and significant wetlands respectively, and the areas identified using the criteria will be mapped in district and regional plans. to be given effect to in regional and district plans.~~
- ~~2. Encourage the use of non regulatory measures to provide for the sustainable management of areas of significant indigenous fauna or indigenous vegetation.~~
- ~~2. Use regional and district plans and nationally recognised guidance to protect SNAs and maintain the region's indigenous biological diversity.~~
- ~~3. Use regional and district plan rules and/or resource consent processes to manage the adverse effects of subdivision, use and development on outstanding natural character and outstanding natural features and landscapes.~~
- ~~3. Maintain indigenous biological diversity by using non-regulatory means, including liaising/working with the Department of Conservation, Poutini Ngāi Tahu, affected landowners and other organisations and community groups.~~
- ~~4. Regional and district councils will work together with Poutini Ngāi Tahu to identify opportunities to enable their kaitiakitanga role in relation to the use and protection of indigenous biodiversity biological diversity under the RMA, including managing adverse effects of subdivision, use and development on the customary use of indigenous biodiversity biological diversity.~~

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for the protection of areas of significant indigenous vegetation, and significant habitats of indigenous fauna, as a matter of national importance. ~~and outstanding natural character, natural features and natural landscapes, from inappropriate development.~~ The Objectives, Policies and Methods in this Chapter ~~aim to~~ implement these statutory requirements in a pragmatic, efficient and effective way to ensure that both the protection of ~~the natural environment~~ SNAs, and provision for the economic, social and cultural wellbeing of the West Coast, are achieved.

Regard must also be had to the role given to councils by Sections 30 and 31 of the Act in maintaining indigenous biodiversity biological diversity, and how this can be woven in with the regional and district council's regulatory functions and non-regulatory obligations to work together with Poutini Ngāi Tahu ~~and~~ given their kaitiakitanga role, as well as the



Department of Conservation and other organisations, and community groups and landowners.

A range of methods are proposed to implement the policies and achieve the objectives. Where regulatory tools are to be applied these are to be targeted to significant values, not preventing appropriate use and development. Method 2.3 recognises that non-regulatory measures also have an important role to play in the sustainable management maintenance of significant indigenous biodiversity biological diversity fauna and vegetation on the West Coast. These measures could include, but are not limited to, covenants, land swaps or exchanges in ownership between private land owners and the Department of Conservation, and vertebrate and plant pest control. This Method lends support to these approaches, and Using non-regulatory tools also encourages cross sector collaboration. This overall approach is more likely to result in community acceptance and support for indigenous biodiversity biological diversity and landscape protection.

~~In accordance with section 62(1)(i)(iii) of the RMA, the three district councils of the region will be responsible for specifying the objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity except where the control of the use of land relates to the WCRC's functions under the RMA regarding:~~

- ~~• the coastal marine area;~~
- ~~• the beds of rivers, lakes and scheduled wetlands; and~~
- ~~• land use activities managed in the Regional Land and Water Plan.~~

ANTICIPATED ENVIRONMENTAL RESULTS

1. Maintenance and enhancement of areas with significant indigenous biodiversity biological diversity values in the West Coast region.
3. ~~Appropriate protection of outstanding natural features and landscapes, in particular the iconic tourist vistas that attract visitors to the region.~~
- 2.4. Appropriate subdivision, use and development is able to occur, and regulatory processes do not unduly delay appropriate resource use and development taking place.
3. Non-regulatory work to maintain indigenous biological diversity is undertaken in an integrated, collaborative and co-ordinated way.
2. 4. Opportunities are provided for Poutini Ngāi Tahu to exercise their kaitiakitanga role in relation to the use and protection of indigenous biodiversity biological diversity where this is consistent with the West Coast Councils' RMA roles.



7A. Natural Character

BACKGROUND TO THE ISSUES

Under section 6(a) of the RMA, councils must recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development as a matter of national importance. Natural character preservation in the coastal environment is addressed in the Coastal Environment chapter, as the New Zealand Coastal Policy Statement provides specific direction on these matters. This Chapter covers the rest of the region inland from the landward coastal environment boundary.

Natural character is the expression of natural elements, patterns and processes. The level of naturalness is affected by the degree of human modification.

~~The West Coast is internationally recognised for its landscape features and natural character. The glaciers, Pancake Rocks, Heaphy Track and many other attractions are managed by the Crown for the purpose of visitor appreciation. The most frequented sites are regionally significant for the West Coast given that the West Coast is attracting large numbers of tourists seeking natural experiences. As a result, tourism is currently one of the top three economic drivers contributors to for the region. The natural character of the region's wetlands, and lakes and rivers and their margins and their associated amenity values are enjoyed by both residents and visitors.~~

Ensuring that we the region retains those aspects that are a region that is attractive to visitors and our own communities requires management of potential adverse effects on these landscapes, biodiversity and natural character values. For example, activities such as flood and erosion control are recognised as important for people's wellbeing, however they can affect the natural character of wetlands, and lakes and rivers and their margins. For the coastal marine area, the Regional Coastal Plan identifies specific areas with outstanding natural character.

The significant issues in relation to the natural character for the West Coast are:

- ~~3. The relatively unmodified environment of the West Coast provides a wealth of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and areas with outstanding natural character. While these areas must be protected, it is possible to carefully manage them in a way that enables appropriate future employment, regional growth and development.~~
1. Activities which contribute to people's wellbeing may adversely affect the natural character of the region's wetlands, and lakes and rivers and their margins.

OBJECTIVES

- ~~1. A regulatory framework that reflects the abundance of the West Coast's indigenous biological diversity, natural character, natural features and natural landscape whilst enabling West Coast communities to provide for their economic, social and cultural wellbeing.~~
- ~~3. Protecting outstanding natural features and natural landscapes, and preserving outstanding natural character in a regionally consistent manner.~~
1. Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.



2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

POLICIES

- ~~1A— Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and outstanding natural features, outstanding natural landscapes and areas of outstanding natural character; will be identified through the use of regionally consistent criteria.~~
- ~~1.— Adverse effects on significant indigenous vegetation, significant habitat of indigenous fauna, outstanding natural features, outstanding natural landscapes, and outstanding natural character arising from inappropriate subdivision, use and development will be avoided.~~
- ~~2.— When having regard to Policy 1, the appropriateness of any subdivision, use or development must be assessed against the following criteria:~~
- ~~a) — The value, importance or significance of the habitat, fauna, feature or landscape at the local, regional, or national level;~~
- ~~b) — The degree and significance of actual or potential adverse effects on the habitat, fauna, feature or landscape, including cumulative effects, and the efficacy of measures proposed to avoid, remedy or mitigate such effects;~~
- ~~c) — The benefits to be derived from the proposed subdivision, use and or development at the local, regional and national scale and any technical or operational constraints on its proposed location;~~
- ~~d) — The degree of existing modification of the habitat, fauna, feature or landscape from its natural character; and~~
- ~~e) — The vulnerability of the habitat, fauna, feature or landscape to change, and its capacity to accommodate change, without compromising its value.~~
- ~~3A.— Appropriate subdivision, use and development in the areas listed in Policy 1 can be enabled provided the adverse effects of the activity are avoided, remedied, mitigated or offset.~~
- ~~3.— Give effect to Objective 2 of Chapter 3 by providing for the kaitiakitanga role of Poutini Ngāi Tahu in the management of indigenous biological diversity and, where practicable, provide for Poutini Ngāi Tahu customary use of indigenous species in a manner that accords with tikanga and kaitiakitanga, within the framework of the Regional and District Council's RMA functions.~~
1. Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins.
2. Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:
- a) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;
- b) The value, importance or significance of the natural character at the local, or regional level;
- c) The degree of naturalness;



- d) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and
 - e) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.
4. Allow activities which have no more than minor adverse effects on natural character.

POLICY EXPLANATION

~~Policy 1A 1 recognises that using regionally consistent criteria to identify the natural character of wetlands, and lakes and rivers and their margins for determining and identifying significant and outstanding areas helps to assist with achieving integrated sustainable management. It needs to be evident where significant areas are located, so when a subdivision, use or development proposal is put forward, These criteria will be used in both planning and consent processes to determine the characteristics, and their significance, of the natural character present. robust decisions can be made regarding its appropriateness.~~

~~Policy 1 requires adverse environmental effects to be managed in a way that gives effect to Part 2 of the RMA.~~

Policy 2 seeks to protect the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins from adverse effects arising from inappropriate subdivision, use and development. What is "inappropriate" is assessed by reference to what is to be "protected".

~~Policy 3 is to To assist decision-makers to determine deciding whether a proposed subdivision, use or development would be is inappropriate, in the areas listed in Policy 1, Policy 2 requires consideration of the nature and scale of effects, the significance of the values affected as well as the impact on the economic and social wellbeing of the community, and how these contribute to the overall purpose of sustainable management. Decision-makers need to apply this in the context of the West Coast and the abundance of biodiversity, natural character and natural features and landscapes remaining throughout the region. Schedule 1 wetlands in the Land and Water Plan contains significant indigenous vegetation and significant habitats of indigenous fauna, and are protected by provisions in that Plan.~~

~~Policy 3A recognises that following the application of the criteria listed in Policy 2, if a proposed subdivision, use and development is found to be appropriate, it can be enabled provided adverse effects arising from it are avoided, remedied, mitigated or offset.~~

Policy 4 recognises that some activities will result in effects that are no more than minor and provides for these to take place as a permitted activity, or in accordance with a resource consent.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

- 3. ~~Use regional and district plan rules and/or resource consent processes to manage the adverse effects of subdivision, use and development on outstanding natural character and outstanding natural features and landscapes.~~



- ~~5. Regional and district councils will work together to agree on a consistent set of criteria for identifying significant indigenous vegetation and significant habitats of indigenous fauna to be given effect to in regional and district plans.~~
1. Include a regionally consistent set of criteria for the identification of the natural character of wetlands, and lakes and rivers and their margins in the regional and district plans.
 2. Identify the natural character of wetlands, and lakes and rivers and their margins through the resource consent process.
 3. Use provisions in the regional and district plans, and the resource consent process to protect the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for the preservation of areas of significant indigenous vegetation, significant habitat of indigenous fauna, and outstanding the natural character, of wetlands, and lakes and rivers and their margins, natural features and natural landscapes, and the protection of them from inappropriate development as a matter of national importance. The Objectives, Policies and Methods in this Chapter aim to implement these statutory requirements in a pragmatic, efficient and effective way to ensure that both the protection and preservation of the natural character, environment and provision for the economic, social and cultural wellbeing of the West Coast, are achieved.

ANTICIPATED ENVIRONMENTAL RESULTS

- 1.3. Appropriate protection Preservation of outstanding the natural character of wetlands, and lakes and rivers and their margins, natural features and landscapes, in particular the iconic tourist vistas that attract visitors to the region.
- 2.4. Appropriate subdivision, use and development is able to occur, and regulatory processes do not unduly delay appropriate resource use and development taking place.



7B. Natural features and landscapes

BACKGROUND TO THE ISSUES

Under section 6(b) of the RMA councils must recognise and provide for the protection of outstanding natural landscapes and outstanding natural features from inappropriate subdivision, use and development as a matter of national importance. Protection of these areas in the coastal environment is addressed in the Coastal Environment chapter, as the New Zealand Coastal Policy Statement (NZCPS) provides specific direction on these matters. This Chapter covers the area inland from the landward coastal environment boundary. The landscape provisions in this Chapter may apply to both terrestrial and fresh water areas, as terrestrial and aquatic landscape values are often closely interlinked.

Chapter 8 Land and Water has provisions for identifying and protecting the significant values of wetlands and outstanding freshwater bodies under the National Policy Statement for Freshwater Management (NPSFM), which can include landscape values. Any proposed activities potentially adversely affecting fresh water landscapes should consider both this Chapter and Chapter 8.

The West Coast is internationally recognised for its outstanding natural landscapes and outstanding natural features, and natural character. The glaciers, Pancake Rocks, Heaphy Track and many other attractions are managed by the Crown for the purpose of visitor appreciation. The most frequented sites are regionally significant for the West Coast given that the West Coast is attracting large numbers of tourists seeking natural experiences. As a result, tourism is currently one of the top three economic drivers contributors to for the region. The amenity value of these outstanding natural features and outstanding natural landscapes, such as the Franz Josef and Fox Glaciers, make an important contribution to the wellbeing of West Coast communities and visitors.

Ensuring that we the region retains those aspects that are a region that is attractive to visitors and our own communities requires management of potential adverse effects on these outstanding natural feature and landscape values. For example, activities such as roads are recognised as important for people's wellbeing, however they can affect outstanding natural features and landscapes, landscapes, biodiversity and natural character values. Other parts of the region also contribute to local landscapes but it is difficult to quantify that contribution other than on a case by case basis assessment. For the coastal marine area, the Regional Coastal Plan identifies specific areas with outstanding natural features and landscapes, and outstanding natural character.

The significant issues in relation to the natural character features and landscapes for the West Coast are:

3. The relatively unmodified environment of the West Coast provides a wealth of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and areas with outstanding natural character. While these areas must be protected, it is possible to carefully manage them in a way that enables appropriate future employment, regional growth and development.
1. Activities which contribute to people's wellbeing may adversely affect outstanding natural features and outstanding natural landscapes.

OBJECTIVES

1. A regulatory framework that reflects the abundance of the West Coast's indigenous biological diversity, natural character, natural features and natural landscape whilst



~~enabling West Coast communities to provide for their economic, social and cultural wellbeing.~~

- ~~3. Protecting outstanding natural features and natural landscapes, and preserving outstanding natural character in a regionally consistent manner.~~
1. Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development on, in or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

POLICIES

- ~~1A. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and outstanding natural features, outstanding natural landscapes and areas of outstanding natural character; will be identified through the use of regionally consistent criteria.~~
- ~~1. Adverse effects on significant indigenous vegetation, significant habitat of indigenous fauna, outstanding natural features, outstanding natural landscapes, and outstanding natural character arising from inappropriate subdivision, use and development will be avoided.~~
- ~~2. When having regard to Policy 1, the appropriateness of any subdivision, use or development must be assessed against the following criteria:

 - a) The value, importance or significance of the habitat, fauna, feature or landscape at the local, regional, or national level;
 - b) The degree and significance of actual or potential adverse effects on the habitat, fauna, feature or landscape, including cumulative effects, and the efficacy of measures proposed to avoid, remedy or mitigate such effects;
 - c) The benefits to be derived from the proposed subdivision, use or development at the local, regional and national scale and any technical or operational constraints on its proposed location;
 - d) The degree of existing modification of the habitat, fauna, feature or landscape from its natural character; and
 - e) The vulnerability of the habitat, fauna, feature or landscape to change, and its capacity to accommodate change, without compromising its value.~~
- ~~3A. Appropriate subdivision, use and development in the areas listed in Policy 1 can be enabled provided the adverse effects of the activity are avoided, remedied, mitigated or offset.~~
1. Use regionally consistent criteria to identify outstanding natural features and outstanding natural landscapes.
2. Protect the values which together contribute to a natural feature or landscape being outstanding, from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:

 - a) Whether the activity will cause the loss of those values that contribute to making the natural feature or landscape outstanding;



- b) The extent to which the outstanding natural feature or landscape will be modified or damaged including the duration, frequency, magnitude or scale of any effect;
 - c) The irreversibility of any adverse effects on the values that contribute to making the natural feature or landscape outstanding;
 - d) The resilience of the outstanding natural feature or landscape to change;
 - e) Whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;
4. Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects.

POLICY EXPLANATION

Policy 1A 1 recognises that it is best practice to using regionally consistent criteria for determining and identifying significant and outstanding areas helps to achieve integrated management, natural features and landscapes, to contribute to an integrated management framework across the region. Outstanding natural landscapes and features may cross district boundaries. It needs to be evident where significant outstanding areas are located, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

~~Policy 1 requires adverse environmental effects to be managed in a way that gives effect to Part 2 of the RMA.~~

Policy 2 seeks to protect the values of outstanding natural features and landscapes from inappropriate subdivision, use and development. What is "inappropriate" is assessed by reference to what is to be "protected".

~~Policy 3 is to assist decision-makers to determine deciding whether a proposed subdivision, use or development would be is inappropriate, in the areas listed in Policy 1, Policy 2 requires consideration of the nature and scale of effects, the significance of the values affected as well as the impact on the economic and social wellbeing of the community, and how these contribute to the overall purpose of sustainable management. Decision-makers need to apply this in context of the West Coast and the abundance of biodiversity, natural character and natural features and landscapes remaining throughout the region. Schedule 1 wetlands in the Land and Water Plan contains significant indigenous vegetation and significant habitats of indigenous fauna, and are protected by provisions in that Plan.~~

~~Policy 3A recognises that following the application of the criteria listed in Policy 2, if a proposed subdivision, use and development is found to be appropriate, it can be enabled provided adverse effects arising from it are avoided, remedied, mitigated or offset.~~

Policy 4 recognises that some activities will result in effects that are no more than minor and provides for these to take place as a permitted activity, or in accordance with a resource consent.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.



METHODS

- ~~3. Use regional and district plan rules and/or resource consent processes to manage the adverse effects of subdivision, use and development on outstanding natural character and outstanding natural features and landscapes.~~
- ~~5. Regional and district councils will work together to agree on a consistent set of criteria for identifying significant indigenous vegetation and significant habitats of indigenous fauna to be given effect to in regional and district plans.~~
1. Develop a regionally consistent set of criteria for the identification of outstanding natural features and outstanding natural landscapes and their values, and include the criteria in the regional and district plans.
2. Identify outstanding natural features and outstanding natural landscapes in regional and district plans, and through the resource consent process.
3. Use provisions including maps in the regional and district plans, and the resource consent process to protect outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for the protection of areas of significant indigenous vegetation, significant habitat of indigenous fauna, and outstanding natural character, natural features and outstanding natural landscapes, from inappropriate development as a matter of national importance. The Objectives, Policies and Methods in this Chapter aim to implement these statutory requirements in a pragmatic, efficient and effective way to ensure that both the protection of outstanding natural features and outstanding natural landscapes, the natural environment and provision for the economic, social and cultural wellbeing of the West Coast, are achieved.

ANTICIPATED ENVIRONMENTAL RESULTS

- 1.3. ~~Appropriate protection of outstanding natural features and landscapes, in particular the iconic tourist vistas that attract visitors to the region.~~
- 2.4. ~~Appropriate subdivision, use and development is able to occur, and regulatory processes do not unduly delay appropriate resource use and development taking place.~~



8. Land and Water

BACKGROUND TO THE ISSUES

The West Coast has high rainfall and water is generally abundant in most areas. Given the development pressures facing other regions, West Coast experiences of the natural environment are being keenly sought, with many of these experiences centred around coastal and freshwater environments. The region's natural beauty and resulting popularity with tourists is, in no small measure, due to the pristine nature of most water bodies. Management of these resources needs to take into account the high recreational and habitat values these water bodies provide.

To Poutini Ngāi Tahu, wai māori (freshwater) and moana (coastal waters) are taonga. The life-giving and life-sustaining properties of water are intrinsically linked to the spiritual, cultural, economic, environmental and social wellbeing, survival and identity of Poutini Ngāi Tahu whānui. Poor water quality and activities such as abstraction, damming or diversion of water can have adverse effects on the relationship of Poutini Ngāi Tahu to fresh and coastal waters, including on their culture and traditions. This is because the life-supporting capacity and/or mauri of the resource can be affected, including its ability to support healthy habitat for mahinga kai and to provide for the harvest of kaimoana and other customary uses. The life supporting capacity of water is not just of importance for cultural values, but also has relevance for trout, salmon and other species.

State of Environment reporting has shown that freshwater quality is improving on the West Coast. Council's Long Term Plan now includes five water quality parameters and Council measures progress with these parameters and reports on this annually.

Water quality management has been mainly focused on addressing point source (direct) discharges of contaminants. Continued work on the way land is used and managed to reduce diffuse run-off and leaching will enable further improvements in water quality. Council has been working closely within specific catchments to improve water quality through both regulatory and non-regulatory approaches, with some success.

Compared with other regions, there are relatively few significant water use pressures on water bodies on the West Coast. However, water availability is coming under increased seasonal pressure due to extraction for irrigation in the upper Grey Valley. This may require further work to prioritise water allocation between water uses such as drinking water and in-stream uses (for example fish habitat/aquatic ecology and other in-stream needs).

~~The NPSFM was gazetted in 2014. The RPS must give effect to the NPSFM. The objectives, policies, rules and methods in the Regional Land and Water Plan are meeting the requirements of the NPSFM through managing the effects of land use and their potential impact on waterbodies. Further emphasis on the requirement for integrated management, particularly on the effects of the use of land on fresh water for both the Regional and district councils, will give further effect to the NPSFM. An integrated approach also considers the effects of land and freshwater use on coastal water.~~

The National Policy Statement for Freshwater Management (NPSFM) was gazetted in 2017, and recognises the importance of freshwater resources. It gives councils direction for both providing for water use and protecting the values of freshwater, including aquatic ecosystems and wetlands. Protection of freshwater indigenous biological diversity is addressed in Chapter 7 Ecosystems and Indigenous biological diversity as section 6(c) of the RMA also gives direction on these matters.

To give effect to the NPSFM, the Regional Council has a Progressive Implementation Plan (PIP) identifying Freshwater Management Units (FMU's) in the region, and outlining when it will set up FMU community groups to identify values, objectives and limits for each



FMU. This work will result in changes to the Regional Land and Water Plan under Schedule 1 of the RMA.

This Chapter of the RPS provides overarching and high level policy direction to give effect to the NPSFM throughout the region. It also provides for integrated management with the water-related provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS), by managing effects of land and fresh water use that originate from outside the coastal environment, on inshore coastal water. It also gives effect to the relevant provisions of the National Policy Statement for Renewable Electricity Generation (NPSREG).

The significant issues in relation to the management of land and water for the West Coast region are:

1. Managing adverse effects on water quality, arising from point source and diffuse source discharges to waterbodies from activities on land.
2. Potential overuse of water resources can occur in certain areas during drier seasons.
3. Activities may adversely affect the significant values of wetlands and outstanding freshwater bodies.
4. Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.

OBJECTIVES

1. The life-supporting capacity of freshwater is maintained or improved.
- 2.1. Provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while maintaining or improving water quality and aquatic ecosystems⁶.
- 2.2. ~~Determine allocation of water within environmental controls, priorities for water in catchments where there are competing or conflicting demands.~~
4. Identify and protect the significant values of wetlands and outstanding freshwater bodies.
- 5.3. Achieve the integrated management of water and the subdivision, use and development of land within catchments, recognising the interconnections between land, fresh water, and coastal water, including by managing adverse effects of land and water use on coastal water quality.

POLICIES

1. Adverse effects on ~~the significant values of~~ fresh and coastal water quality and aquatic ecosystems arising from:
 - a) Subdivision, use or development of land;
 - b) Discharges of contaminants to water and to land in circumstances which may result in contaminants entering water;
 - c) Water use and take abstractions; and
 - d) Activities in, or on, water including damming and diversion,

will be avoided, remedied or mitigated, to thereby ensuring that water quality and aquatic ecosystems are maintained or improved.

⁶ Including the habitat of trout and salmon.



2. To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:
- A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;
 - The value of riparian margin vegetation for water quality and aquatic ecosystems; and
 - Effects on the sustainability of mahinga kai, and protection of taonga areas.
3. To give effect to Objective 2 of Chapter 3, manage land and water use in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:
- Estuaries, hāpua lagoons, and other coastal wetlands; and
 - Shellfish beds and fishing areas.
- ~~3) Subject to the requirements of Part 2 of the Resource Management Act (RMA) the allocation of water will generally be dealt with on a "first-come, first-served" basis but will take into account the reasonable needs of water users. In catchments where there is likely to competition for the use of water, allocation decisions will be made having particular regard to the following:~~
- 3.4. Until priority frameworks for water take and use are developed through the FMU processes and added to a regional plan, consent applications will be processed on a "first-come, first served" basis, and in making decisions, the following matters must be considered:
- The Reasonably foreseeable future requirements for domestic and community water supply needs, stock drinking, and firefighting;
 - The degree of community, regional or national benefit from the taking and use take, use, damming or diversion of water;
 - ~~That~~ Any adverse environmental effects from the allocation take, use, damming or diversion of water will be avoided, remedied or mitigated including where applicable by applying provisions of the regional plan; in accordance with other policies of this RPS or regional plans, and the requirements of the RMA; and
 - Applying rates of take, volume limits and residual flows at the point of take to ensure that there is enough water for the purpose of the take, and to maintain or improve water quality and aquatic ecosystems;
 - The extent to which the proposal maximises the efficient allocation and efficient use of water; and
 - The reasonable needs of other water users.
4. ~~Regional and district plans are integrated to manage the effects of the use and development of land on water, including coastal water.~~
5. Maintain or improve water quality within freshwater management units.
6. Identify the significant values of wetlands and outstanding freshwater bodies in regional plans and protect those values.



7. Encourage the coordination of urban growth, land use and development including the provision of infrastructure to achieve integrated management of effects on fresh and coastal water.
8. Provide for the social, economic and cultural wellbeing derived from the use and development of land and water resources, while maintaining or improving water quality and aquatic ecosystems.
9. Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.

EXPLANATION TO THE POLICIES

Policy 1 gives effect to the NPSFM and Objective 1 above by requiring that subdivision, use and development activities on land, discharges of contaminants, water ~~abstractions~~ takes and uses, and activities in, or on, water are managed in a way that reduces the adverse effects of those activities. Explicit detail on how this will be achieved ~~is~~ will be set out in the Regional Land and Water Plan, as well as provisions in the district plans and through conditions on individual resource consents. This includes providing for discharges to land where this is more appropriate than discharging contaminants to water, for example dairy shed effluent, and requiring treatment of certain contaminants prior to discharging into water, such as sewage effluent. ~~Giving effect to Policy 1 will also ensure that the significant values of water including, but not limited to, aquatic ecosystems and recreational uses will be provided for. Significant values can include the national and local values referred to in the NPSFM.~~

Regarding Policies 2 and 3, the discharge of contaminants to water is a significant environmental and cultural concern to Poutini Ngāi Tahu because of its impact on the health and mauri of water bodies, including adverse effects on coastal shellfish beds and fishing areas. To achieve the sustainability of mahinga kai, the health of these taonga must be maintained to provide for the needs of future generations. Discharge of sewage effluent to water is particularly offensive to Poutini Ngāi Tahu. Discharges to land are preferred where practicable, and where the effects are less than for discharges to water. Where possible, Poutini Ngāi Tahu encourage land-based treatment of stormwater, acknowledging that this may not be feasible in all situations on the West Coast given the high rainfall and soil types. Poutini Ngāi Tahu also promote the maintenance and enhancement of riparian vegetation to protect water quality and aquatic ecosystems. ~~Adverse effects on cultural values can be assessed and managed in consultation with tangata whenua through the resource consent and plan development processes. Mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are, or will be, identified in the regional and district plans.~~

The regional and district councils need to have regard to the downstream effects of land and water use on coastal mahinga kai areas. Adverse effects on cultural values can be assessed and managed in consultation with tangata whenua through the resource consent and plan development processes. Mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are, or will be, identified in the regional and district plans.

~~Policy 34 sets out the approach to be taken to determine allocation applies to the taking, use, damming and diversion of water. priorities for the use of water. Subject to Part 2 of the RMA, Until Freshwater Management Unit (FMU) provisions are established in regional plans, the Council will generally allocate water on a 'first-come, first-served basis'. However where there is likely to be competition for the use of water, the Council will need to 'prioritise' water allocation among competing users. Policy 34 establishes that allocations are made subject to after considering the matters listed, and Part 2 of the Act including the need to safeguard the life-supporting capacity of water and protect instream uses and values. This will be done in accordance with any relevant provisions in other policies in the RPS as well as the operative regional plans to safeguard the life-supporting capacity of water, and the requirements of the RMA. In making decisions on~~



~~the allocation of water under this policy, some water users will need to be given priority because they provide important economic, social, or health and safety benefits to the community, the region, New Zealand, or because of the strategic nature of their business or operations. Water will be managed and prioritised where allocation pressures exist. The intent is to avoid, remedy or mitigate the adverse effects that the use and development within these catchments may have on these water resources whilst still enabling communities to meet their social, cultural and economic wellbeing. While this issue is fairly limited at this time, future development, and use of freshwater, in the region may put other catchments under pressure.~~

Policy 5 is to implement the NPSFM by establishing FMUs and, subsequently through plan changes, developing a framework with freshwater objectives and environmental limits for each FMU.

Policy 6 reflects the NPSFM Objectives A2 and B4 which require the protection of the significant values of wetlands and outstanding freshwater bodies. While indigenous biological diversity, natural character and landscape values of wetlands are addressed in Chapters 7, 7A and 7B, wetlands can have other values, for example, cultural, recreational and hydrological values, and the provisions of this Chapter apply to all significant wetland values.

The NPSFM requires the RPS to provide for the integrated management of the effects of the use and development of land and water on fresh and coastal water. This ~~is to~~ includes encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure. Policy 4-7 recognises the connectivity between activities on land and ~~its~~ their effects on water, ~~and that~~ These must be managed through both the regional and district plans. Activities upstream can also affect coastal water quality. An example of where integrated management is necessary ~~is~~ includes ensuring sufficient infrastructure capacity is provided for stormwater disposal and discharge from new subdivision and land development, in order to avoid stormwater overflows flooding adjoining land, ~~or~~ eroding riverbanks, or causing sedimentation of water bodies.

Policy 4-7 also gives effect to the NZCPS policies for integrated management of activities that affect the coastal environment, including effects on coastal water from upstream land uses.

Policy 8 The NPSFM recognises the importance to people of using water within environmental limits to ensure water quality and aquatic ecosystem outcomes are achieved. The use of water is necessary for a variety of activities that contribute to people's economic, social and cultural wellbeing.

Policy 9 gives effect to the Regional Council's obligation to fully implement the NPSFM.

RELATED POLICIES

~~Policy 2 of Chapter 3 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 1, 2, 4 and 5 of Chapter 4 [Resilient and Sustainable Communities]; Policy 1 and 2 of Chapter 5 [Use and Development of Resources]; Policy 1, 2, 3, 4, 5, and 6 of Chapter 6 [Regionally Significant Infrastructure]; Policy 1 and 3 [DR 7.126] of Chapter 7 [Biodiversity and Landscape Values]; Policy 2 of Chapter 9 [Coastal Environment].~~

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS



1. ~~Maintain a~~ Include in regional plans ~~with objectives, policies, rules and methods of implementation~~ to ensure that any adverse effects of point and diffuse source discharges to land and water are avoided, remedied or mitigated, and that water quality is maintained or improved in accordance with relevant national policy statements.
2. Include in district plans, policies, rules, guidelines or other information to avoid, remedy or mitigate the adverse effects of land use activities and management practices on water quality.
3. Regional and district councils, in their plan development and resource consent processes, will consult with Poutini Ngāi Tahu about avoiding, remedying or mitigating adverse effects originating from land and freshwater use on their cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.
4. ~~Maintain a regional plan with objectives, policies, rules and methods of implementation to ensure the prioritisation of freshwater in catchments where conflict may arise during dry periods.~~
4. Develop with stakeholders regionally consistent criteria to identify the significant values of wetlands and outstanding freshwater bodies.
5. Identify the significant values of wetlands and outstanding freshwater bodies in a regional plan.
- 6.5. Regional plans are integrated across land and water resources (including coastal water), and regional and district plans are integrated across statutory functions to manage the effects of urban growth, development, and infrastructure on fresh and coastal water.
- 7.6. In accordance with the WCRC's Progressive Implementation Programme, establish Freshwater Management Units (FMUs), and set freshwater objectives and limits through provisions in regional plans. ~~undertake water quality monitoring, further investigative work, plan changes to the Land and Water Plan, and any subsequent implementation actions necessary to enable implementation of the NPSFM, including identification of the significant values referred to in Objective 1 and Policy 1.~~

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

~~It is the activities that occur on land that have the greatest influence over the quality of our fresh and coastal water. The Regional Land and Water Plan provides a comprehensive tool for the integrated management of land and fresh water. The RPS objectives, policies and methods do, at their broadest level, establish a policy framework for maintaining and improving freshwater on the West Coast. Their aim is to maintain the West Coast's generally high to excellent water quality and to enhance that water quality by addressing the effects of water contamination from diffuse and point sources. Further detail and the specific approaches to the management of these issues is provided in the Regional Land and Water Plan. Regulation, through the inclusion of rules in the regional and district plans, as well as conditions on resource consents, provide a simple, efficient and effective method of controlling adverse effects associated with the use of land and water.~~

Maintaining or improving fresh water quality on the West Coast will be achieved principally through the implementation of the NPSFM. This will require the establishment of the FMU's, and their own fresh water objectives and environmental limits in a regional plans. Until that time, there is a framework to provide for water use and allocation on an interim basis.



Water takes and uses will also be managed in accordance with the NPSFM. The aim is to provide for the many uses of land and water and to balance these competing demands while also maintaining, and where appropriate, enhancing water quality. giving effect to Objective B1 for water quantity in the NPSFM. Through the statutory framework in place, and in particular the use of regional rules, the Regional and district plans, Councils can provide for the use of these resources for the economic, social and cultural wellbeing of our communities while managing any adverse effects. There is a framework to provide for water take and use on an interim basis until FMUs are established in a regional plan.

Integrated management of the effects of land and fresh water use on coastal water is important for maintaining coastal water quality in areas with significant cultural values. These values include shellfish beds, fishing areas, and other mahinga kai and taonga areas, that are sensitive to water contamination.

~~Council will continue to monitor water quality through State of Environment Reporting and as part of the Council's Long Term Plan. Further work will be undertaken to determine what more needs to be done to implement the NPSFM, including considering whether additional objectives are required for specific water bodies within the Region (freshwater management units). Consideration will also be given to the approach to monitoring progress toward achieving any identified objectives of the NPSFM and whether the information available in respect of freshwater takes and contaminants needs improving in order to achieve these objectives. Where necessary, detailed direction will be provided through provisions in regional plans.~~

ANTICIPATED ENVIRONMENTAL RESULTS

1. Water quality is maintained or improved on the West Coast.
2. West Coast communities can use and develop land and water resources to provide for their economic, cultural and social wellbeing.
- 3.2 Water allocations are prioritised and managed within limits to maintain or improve water quality and water quantity.
4. Significant values of wetlands and outstanding fresh water bodies are protected from the adverse effects of activities that compromise these values.
- 5.3 Regional and district plans are integrated to effectively manage land and water effects on fresh and coastal water.
6. Life supporting capacity and ecosystem processes of freshwater are safeguarded.



9. Coastal Environment

BACKGROUND TO THE ISSUES

This Chapter identifies resource management issues of regional significance affecting the West Coast's coastal environment. Resource management of the coastal environment is shared between regional and district councils, as follows:

- a) The coastal environment from marine area (CMA) covers from the line of mean high water springs (MHWS) out to the 12 nautical mile limit at sea; is the coastal marine area (CMA), wherein the Regional Council has the primary function to manages the effects of occupation and other activities through the Regional Coastal Plan;
- b) The coastal environment also extends inland from the MHWS line inland to the extent of "where coastal processes, influences, or qualities are significant" (Policy 1(2)(c), NZCPS). The three district councils manage effects of land use, development and subdivision in this part of the coastal environment of in their respective districts via their the district plans. The Regional Council manages the effects of activities such as earthworks and discharges in this part of the coastal environment through its regional Land and Water plan.

Section 62(3) of the RMA requires that this RPS must, among other things, give effect to the NZCPS. The Minister of Conservation prepared and approved a revised NZCPS in 2010 covering a range of coastal matters. The NZCPS policies of particular relevance to this chapter of the RPS are:

- Policy 6 which has clauses recognising the contribution of activities in the coastal environment to the social, economic and cultural wellbeing of people and communities;
- Policy 7 which requires consideration of where, how and when to provide for activities in the coastal environment, and where protection from inappropriate activities is needed;
- Policies 11, 13 and 15 which require set out requirements for the protection of significant Indigenous biological diversity, areas of outstanding natural character, and outstanding natural features and landscapes from adverse effects of activities; and
- Policies 24, 25, 26 and 27 which provide direction on managing coastal hazard risk.

The RPS must give effect to the National Policy Statements for Electricity Transmission (NPSET for the National Grid) and Renewable Electricity Generation (NPSREG), where activities covered by these NPS's occur in the coastal environment. This Chapter provides policy direction when considering the specific requirements of the electricity NPSs and the NZCPS. The provisions of Chapter 6 Regionally Significant Infrastructure (RSI) also need to be considered for electricity and other RSI in the coastal environment.

Some provisions in other chapters of this RPS may also apply in the coastal environment; for example, Poutini Ngāi Tahu provisions in Chapter 3, heritage provisions in Chapter 4 in the Resilient and Sustainable Communities, and Land and Water chapters, and the Downstream effects of land and freshwater use above Mean High Water Spring on coastal water are addressed under the integrated management provisions in the Land and Water in Chapter 8. These provisions are referred to in the Related Policies section of this chapter, and generally give effect to other NZCPS policies. Further details of policies in the NZCPS 2010 which are relevant to the West Coast CMA are given effect to in the Regional Coastal Plan and district plans.

As referred to in Chapter 7 on Biodiversity and Landscape Values, the West Coast has a dramatic coastline with extensive areas of high scenic and natural values in a largely unmodified state. Tourists are attracted to the West Coast to view iconic coastal scenic



areas such as the Pancake Rocks at Punakaiki, an abundance of natural habitat, natural character, and landscapes, including within the coastal environment. Protection of these values in accordance with the NZCPS does not necessarily prohibit appropriate subdivision, use and development. While there is currently a relatively low level of development particularly in the coastal marine area, there is the potential for further resource use and development in the coastal environment in appropriate locations and forms, and within appropriate limits. Tourists are attracted to the West Coast to view iconic coastal scenic areas such as the Pancake Rocks at Punakaiki. Natural materials such as sand, gravel, driftwood, and minerals such as ilmenite and garnets can be used to provide for people's social and economic wellbeing.

A large proportion of the development and land use activities including subdivision in the region is located in, or traverses through, the coastal environment. RSI may also need to be located within the coastal environment of the region. While there is currently a relatively low level of development pressure for new activities, particularly in the coastal marine area, there is the potential for further resource use and development in the coastal environment, in appropriate locations and forms, and within appropriate limits. Tourists are attracted to the West Coast to view iconic coastal scenic areas such as the Pancake Rocks at Punakaiki. Natural materials such as sand, gravel, driftwood, and minerals such as ilmenite and garnets can be used to provide for people's social and economic wellbeing.

This Chapter does not have objectives or policies to manage effects of all activities that are in the coastal environment. That level of detail is addressed in regional and district plans, including, for example, effects of activities in or near river mouths on fish migration and aquatic ecology, both upstream of the coastal environment and within it.

Climate change can potentially affect the coastal environment via sea level rise, and changes to the intensity and frequency of storm surges and waves. This can affect river mouth migration and lagoon flood levels. The coast is a highly dynamic environment because of a combination of marine, terrestrial and tectonic environments, and this, combined with climate change, means that more frequent or greater erosion and inundation can be expected in coming decades. Inappropriate subdivision, use and development can increase the exposure of people and communities to risks from coastal hazards. This Chapter proposes guidance on allowing appropriate development in the coastal environment while managing inappropriate development that increases the risk of hazards that affect people and communities. A risk-based approach to assessing coastal hazard risk includes taking a precautionary approach as required by the NZCPS 2010. Chapter 11 Natural Hazards also has provisions that are relevant to the coastal environment.

Statement of Local Authority Responsibilities

Section 62(1)(i)(iii) of the Act requires a regional policy statement to state the local authority responsible, in the whole or any part of the region, for specifying the objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity.

The West Coast Regional Council will be responsible for specifying the objectives, policies and methods to maintain indigenous biological diversity by controlling activities:

1. in the CMA;
2. affecting water bodies, including significant wetlands;
3. affecting the beds of lakes and rivers.

Control of the use of land to maintain indigenous biological diversity in lake and river margins, and for earthworks and vegetation clearance activities, is a shared responsibility between Regional and District Councils.



Territorial authorities will be responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological diversity for all other activities.

The significant issues in relation to the management of the coastal environment for the West Coast region are:

- ~~1. The NZCPS requires the avoidance of adverse effects on certain indigenous coastal biodiversity, and outstanding natural character and landscapes in the coastal environment. These areas are widespread on the West Coast as it has a relatively large proportion of unmodified coastal environment. However, there is also a need to enable appropriate future employment, growth and development, to provide for the Region's economic, social and cultural wellbeing.~~
1. Protecting the values of the coastal environment whilst enabling sustainable use and development, to provide for the region's economic, social and cultural wellbeing.
2. Enabling appropriate subdivision, use and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.

OBJECTIVES

- ~~1. A regulatory framework that protects significant indigenous coastal biodiversity, outstanding natural character areas, and outstanding natural features and natural landscapes from adverse effects of inappropriate⁸ activities.~~
- ~~2. Recognise appropriate and sustainable subdivision, use and development in the coastal environment and its contribution to enabling people and communities to provide for their economic, social and cultural wellbeing.~~
1. Within the coastal environment:
 - a) Protect indigenous biological diversity;
 - b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and
 - c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.
- 4.3 Ensure that any new subdivision, use or development in the coastal environment has appropriate regard to the level of coastal hazard risks.
- 5.4 Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

POLICIES

- ~~1. Where new subdivision, use or development is proposed in the coastal environment:~~
 - a) ~~avoid adverse effects on the taxa, ecosystems, areas and habitats listed in NZCPS 2010 Policy 11(a);~~



- ~~b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the taxa, ecosystems, areas and habitats listed in NZCPS 2010 Policy 11(b);~~
- ~~c) avoid adverse effects of inappropriate²¹ subdivision, use and development on areas of outstanding natural character, outstanding natural features and outstanding natural landscapes;~~
- ~~d) avoid significant adverse effects of inappropriate⁸ subdivision, use and development and avoid, remedy or mitigate other adverse effects on natural character, natural features and natural landscapes.~~

1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:

- a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;
- b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and
- c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;

2. In addition to the matters listed in Policy 2 of Chapter 7, when considering whether or not proposals for new subdivision, use, and development in the coastal environment are inappropriate, take into account the following contextual matters:

- ~~a) The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;~~
- ~~b) Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; and~~
- ~~c) Functionally some uses and developments can only be located in the coastal marine area or inland coastal environment.~~

2.(1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and areas of high and outstanding natural character located within the coastal environment. In some circumstances, adverse effects on the values of those areas must be avoided.

3. Provide for subdivision, use or development in the coastal environment:

- a) Which maintains or enhances the social, economic and cultural well-being of people and communities;
- b) Which:

^{21 & 8} For the purposes of Objective 1 and Policy 1 of Chapter 9, whether an activity is "inappropriate" or not is to be determined in accordance with the criteria listed in Policy 2 of Chapter 9 and Policy 2 of Chapter 7.



- i) Requires the use of the natural and physical resources in the coastal environment; or
 - ii) Has a technical, functional or operational requirement to be located within the coastal environment;
 - c) Recognising that minor or transitory effects associated with subdivision, use and development may not be an adverse effect within those areas described in Policy 1b).
 - d) By allowing subdivision, use and development where the adverse effects are no more than minor within those areas described in Policy 1c).
 - e) By allowing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.
4. Provide for new and existing renewable electricity generation activities in the coastal environment, including by having particular regard to:
- a) The need to be located where the renewable energy resource is available;
 - b) The technical, functional or operational needs of renewable electricity generation activities.
5. 3.—To give effect to Objective 2 of Chapter 3 of this RPS, manage land and water use in the coastal environment in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:
- a) Estuaries, hāpua lagoons, and other coastal wetlands; and
 - b) Shellfish beds and fishing areas.
6. 4.—Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:
- a) Official, nationally recognised guidelines for sea level rise;
 - b) The type and life-cycle of the proposed development, including whether it is short-term, long term, or permanent;
 - c) Whether the predicted impacts are likely to have material or significant consequences;
 - d) The acceptability of those potential consequences, given their likelihood; and;
 - e) Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible.
- 7.5.—Coastal hazard risks should be assessed over at least a 100 year timeframe.
- 8.6.—In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed.
9. Consider opportunities for the restoration or rehabilitation of natural character.

EXPLANATION TO THE POLICIES

Policy 1 gives effect to Policies 11, 13, and 15 of the NZCPS 2010 to protect significant and outstanding indigenous biological diversity, landscape and natural character values, for example, bush clad cliffs and ravines or marine reserves. These NZCPS policies set levels of protection from adverse effects of activities on significant and outstanding indigenous biological diversity, landscape and natural character values, and on natural



values that are not significant or outstanding, and are reflected in Policy 1. In applying this Policy, case law indicates that it may be acceptable to allow activities that have minor or transitory adverse effects on significant biodiversity or outstanding natural character or landscape areas and still give effect to these NZCPS policies, where the avoidance of the effects of an activity is not necessary (or relevant) to protect the particular values. Policy 1 therefore focuses on 'new' use or development as it has a greater likelihood of having more than minor or transitory adverse effects. Existing infrastructure and other activities that have been in place for many years are likely to have adverse effects that are no more than minor. When having regard to Policy 1, consideration should be given to the nature and scale of effects, what adverse effects are to be avoided, and what values are to be protected. Decision makers need to apply this in context of the West Coast and the quantity and quality of biodiversity and natural values remaining throughout the region's coastal environment.

Policy 2 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and high or outstanding natural character. The circumstances in which adverse effects must be avoided will be dependent on the nature of the adverse effects and values adversely affected, taking into account the technical and operational constraints of the network and the route, site and method selection process.

Policy 2 gives effect to Policy 6(2) of the NZCPS 2010 reflecting that the RMA does not preclude appropriate use and development in the coastal environment. "Use" not only means resource use, it also includes, for example, recreational use and public access as uses of the coastal environment. Policy 2(a) also links to Policy 7 of the NZCPS which requires consideration in RPS's and plans of where, how and when to provide for future development. These matters are implemented for the coastal marine area in the Regional Coastal Plan by identifying areas with important values where adverse effects of proposed new development may need to be assessed. Plan rules indicate when consideration of effects is required through the consent process. District plans will have similar provisions for the coastal environment to be consistent with the RPS and Regional Coastal Plan.

Policy 3 gives effect to Policies 6, 7, 8 and 9 of the NZCPS to recognise that the provision of certain activities in the coastal environment is important to the social, economic and cultural wellbeing of West Coast people. The NZCPS does not preclude appropriate use and development in the coastal environment, including in areas with significant, high or outstanding indigenous biological diversity, natural character and natural features and landscapes provided that potential adverse effects are appropriately managed. Policy 3 recognises the constraints in the NZCPS on activities in the coastal environment.

In applying Policy 3, case law indicates that it may be acceptable to allow activities that have minor or transitory adverse effects on significant indigenous biological diversity or outstanding natural character or landscape areas and still give effect to these NZCPS policies, where the avoidance of the effects of an activity is not necessary (or relevant) to protect the particular values. 'New' use or development may be more likely to have more than minor or transitory adverse effects. Existing infrastructure and other activities that have been in place for many years are likely to have adverse effects that are no more than minor.

Policy 4 gives effect to the National Policy Statement for Renewable Electricity Generation (NPSREG) for activities within the coastal environment.

Policy 3 5 recognises that some coastal environments important to Poutini Ngāi Tahu are particularly sensitive to elevated levels of contaminants in coastal water. Regional and district councils need to have regard to the effects of coastal development on coastal mahinga kai areas such as estuaries, lagoons, coastal wetlands, shellfish beds, and fishing areas including mataitai reserves. Significant coastal mahinga kai areas for Poutini



Ngāi Tahu are, or will be, identified in the regional and district plans. Policy 3 5 includes an exception for the development, operation, maintenance, or upgrading of RSI and local roads in recognition of the fact that there are several places in the coastal environment where important lifeline infrastructure exists in or near to the areas listed in clauses a) and b).

Policy 4–6: The potential impacts of climate change on coastal processes (and thus natural hazards) are complex, and a risk management approach to coastal hazard management is necessary when considering if coastal subdivision, use and development is suitable in the coastal environment. A number of national level guidance manuals are available which have a range of factors to consider when assessing the risk of coastal hazard effects on proposed development, including adaptive management. Policy 25 of the NZCPS 2010 requires that in areas potentially affected by coastal hazards over at least the next 100 years, increased risk of harm from such hazards must be avoided. There are a range of preventive tools that may be considered in terms of their effectiveness for avoiding increasing the risk of harm. Determining their effectiveness will depend on factors such as the level of risk, whether the risk may change over time and by how much.

Policy 5–7: Policy 24 of the NZCPS 2010 requires that a minimum 100 year timeframe is used for assessing coastal hazard risks, particularly for proposed development in or adjoining areas identified as being high risk for hazards. This will provide consistency for development in the coastal environment of the three districts.

The provisions in this Chapter are specific to resource management-related hazard issues in the coastal environment. The Natural Hazards Chapter has provisions which may also apply in the coastal environment.

Policy 6–8: Policy 27 of the NZCPS 2010 lists several options to consider for managing coastal hazard effects on significant existing development, including relocation and removal of existing development, as well as hard protection structures. Where resource management action is needed to protect people and property, the RMA provides for councils to take the best practicable option. Decision-makers will need to consider the potential social and economic impacts, including costs, to land and infrastructure owners of options to best manage hazard effects.

Policy 9 gives effect to Policy 14 of the NZCPS which directs the promotion of restoration or rehabilitation of natural character in the coastal environment, including by provisions in the RPS and plans, and conditions in resource consents and designations.

RELATED POLICIES

Policy 1, 2 and 3 of Chapter 2 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 1, 2, 4 and 5 of Chapter 4 [Resilient and Sustainable Communities]; Policy 1 of Chapter 5 [Use and Development of Resources]; Policy 1, 2, 3, 4, 5, and 6 in Chapter 6 [Regionally Significant Infrastructure]; Policy 1 and 3 in Chapter 7 [Biodiversity and Landscape Values]; Policy 1, 2, 3 and 4 in Chapter 8 [Land and Water]; Policy 2 (in the inland coastal environment) of Chapter 10 [Air Quality]; Policy 1, 2, 3, and 4 of Chapter 11 [Natural Hazards].

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Regional and District Councils to identify areas of significant indigenous biological diversity, outstanding and high natural character areas and outstanding natural



features and landscapes of the coastal environment, set out the characteristics and qualities of each area in a plan schedule, and show areas on maps where practicable.

- ~~1.2. Allow appropriate use and development in the coastal environment, and manage~~ Manage adverse effects of subdivision, use and development in the coastal environment activities through by provisions in the Regional Coastal Plan, the Land and Water Plan, and district plans, including identification of significant coastal mahinga kai areas.
- 2.3. Use the regional and district plans, resource consent, building consent, and rating district processes, and community consultation to assess and manage the risk of coastal hazards affecting development in the coastal environment.
- 3.4. Continue to review and include the Coastal Hazard Areas in the Regional Coastal Plan and in district plans and identify whether these Areas have a low, medium or high risk of being affected by a coastal hazard.
- 4.5. Consider using expert advice where there may be a medium or high risk of significant existing development being affected by a coastal hazard.

PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES, AND METHODS

~~The provisions in this Chapter will enable Councils to carry out their obligations under the RMA to manage subdivision, use, and development in the coastal environment. This includes giving give effect to relevant parts of the NZCPS, 2010 NPSET and NPSREG in the coastal environment, which apply to the coastal environment of the West Coast.~~

The provisions for managing coastal hazard risk also implement Councils' functions under section 30 of the RMA for controlling the use of land, including land in the coastal environment, to avoid or mitigate natural hazards. The NZCPS also puts obligations on councils to manage coastal hazards.

Managing effects of activities in the coastal marine area which may potentially cause or exacerbate a coastal hazard risk is covered in the Regional Coastal Plan.

ANTICIPATED ENVIRONMENTAL RESULTS

1. ~~The particular~~ Natural character, and the values that make biodiversity, natural character, natural landscapes and natural features significant or outstanding, are protected from adverse effects of activities inappropriate subdivision, use and development in the coastal environment.
2. Indigenous biological diversity in the coastal environment is protected.
3. West Coast communities can continue to appropriately use and develop resources to provide for their economic, social, and cultural wellbeing.
4. Appropriate subdivision, use and development occurs in the coastal environment, with ways of reducing coastal hazard risk incorporated into their design and location.
5. Existing significant development is protected from coastal hazards, where practicable.



10. Air Quality

BACKGROUND TO THE ISSUES

Most of the West Coast region enjoys a generally high standard of air quality. This is because of the region's relatively windy and exposed nature, together with its small and dispersed population, and low numbers of heavy industry and vehicles.

Burning coal and wood for domestic heating in winter affects air quality in some urban areas on the West Coast. The main contaminant affecting wintertime air quality is particulate matter which are the very small particles measured in micrometres that can adversely affect human health.

The Regional Air Quality Plan does not have provisions to deal with individual discharges of smoke from domestic fires, except for in the Reefton Airshed. Region-wide control of domestic fires through rules in the Regional Air Quality Plan is not appropriate because of the number of individual sources of discharge.

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NESAQ) contain limits for certain contaminants, including particulate matter that councils must meet as part of their resource management functions. A balance needs to be achieved between fulfilling Council's obligations under the NESAQ to meet the particulate matter standards, and ensuring that people are able to keep warm in their homes during cold winter months.

Commercial, industrial, recreational and institutional discharges to air of odour, dust, smoke, and other contaminants are a by-product of resource use and development or other activities undertaken by people providing for their social, cultural and economic wellbeing, which the RPS and regional and district plans seek to enable. Such discharges can have the potential for more than minor adverse effects if not managed properly. This Chapter provides direction for the Regional Air Quality Plan to manage these air discharges.

The significant issues in relation to the management of air quality for the West Coast region are:

1. In urban areas during winter time, emissions of particulate matter can potentially affect people's health. It is critical that people are able to keep warm in their homes while winter time particulate matter emissions are reduced to meet the NESAQ.
2. Allowing point source discharges to air while managing adverse effects of those discharges on air quality and other values.

OBJECTIVES

1. To reduce winter time particulate matter emissions to meet the NESAQ, while ensuring people's and communities' health and wellbeing is not compromised.
2. To allow discharges to air which are part of activities contributing to the social, economic, and cultural wellbeing of people and communities on the West Coast, while managing adverse effects of those discharges.

Note: Objective 2 does not apply to domestic fire emissions.



POLICIES

1. Where appropriate and practicable, use a range of regulatory and non-regulatory tools to reduce winter time particulate matter emissions that also enable people to keep their homes warm during cold months.
2. Management of adverse effects of the discharge of contaminants to air must include consideration of the following:
 - a) Reverse sensitivity, including the siting of new, incompatible development in proximity to activities that discharge contaminants to air;
 - b) Use of technology, codes of practice, and industry standards; and,
 - c) The best practicable option to minimise the adverse effects of the discharge.

EXPLANATION TO THE POLICIES

Policy 1: The Regional Council has worked with the Reefton community to identify a range of options for reducing particulate matter levels in the Reefton Airshed to improve public health and meet the NESAQ, while allowing the community to continue using solid fuel, particularly coal, to warm their homes during winter. Provisions will be added to the Regional Air Quality Plan to reduce particulate matter emissions in the Reefton Airshed.

As a general principle for the rest of the region, Council recognises the importance of residents being able to keep warm during winter. Council will balance this, along with the principles underpinning this RPS, including affordability, when considering what other regulatory and non-regulatory action will or may be taken, to meet the NESAQ for particulate matter.

The matters listed in Policy 2 are potential issues and tools commonly associated with managing discharges of contaminants to air (other than domestic fires outside the Reefton Airshed). Reverse sensitivity effects can occur when new sensitive activities are inappropriately located in close proximity to activities which discharge contaminants to air. In conjunction with Policy 2 of the Use and Development of Resources Chapter, this Policy 2 allows for the consideration of the siting and establishment of subdivision, use and development to avoid, remedy or mitigate reverse sensitivity effects. Due to the subjective element of managing air discharges, and odour in particular, national and industry guidelines are available to assist decision-makers, as well as considering the best practicable option under the RMA.

RELATED POLICIES

~~Policy 1 and 3 of Chapter 2 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 1, 2, and 4 of Chapter 4 [Resilient and Sustainable Communities]; Policy 1 and 2 of Chapter 5 [Use and Development of Resources]; Policy 1 and 2 of Chapter 6 [Regionally Significant Infrastructure]; Policy 2 (in the inland coastal environment) of Chapter 10 [Air Quality].~~

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide education and advice on how particulate matter emissions can be reduced from domestic solid fuel burners.



2. Allow discharges of contaminants to air and manage the effects through regional and district plan rules, and resource consents (apart from domestic fires outside the Reefton Airshed).

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES, METHODS

The provisions relating to the NESAQ for particulate matter reflect appropriate management approaches for the West Coast region. Councils are required under the NESAQ to reduce particulate matter levels in airsheds. It is uncertain if or what action may be needed or may be feasible in other urban places to meet the NESAQ for particulate matter once compliance is achieved in Reefton. An adaptive management approach is therefore required providing Council the flexibility to consider these matters in the future. This will ensure that the balance of good air quality and people's warmth and wellbeing is maintained.

Managing discharges to air (other than domestic fires outside the Reefton Airshed) through plan provisions reflects current practice which is working well. The Regional Air Quality Plan is an effective means of managing air discharges. Under section 67(3) of the RMA the Regional Air Quality Plan must give effect to the direction provided in the RPS on managing discharges to air.

No provisions are included for managing emissions of greenhouse gases because under section 70A of the RMA the WCRC must not have regard to the effects of discharges to air on climate change, except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Reduced particulate matter levels in winter in some urban areas.
2. Odour, dust, smoke, and other contaminant emissions are discharged at acceptable levels in accordance with nationally recognised guidelines and standards for levels of contaminants discharged to air, enabling resource use and development to occur for people's social, cultural and economic wellbeing.



11. Natural Hazards

BACKGROUND TO THE ISSUES

A 'natural hazard' as defined under the RMA is "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 adversely affect human life, property or other aspects of the environment." Natural hazards arise from natural events such as high rainfall, earthquakes and high winds. However, natural events only become natural hazards when they have the potential to affect people, property and other valued aspects of the environment.

The West Coast has a range of high risk environments that are susceptible to natural hazards. The potential impacts of natural hazard events range from general nuisance to creating significant damage and loss of property and, in extreme cases, loss of lives. These can lead to high economic and social costs on the West Coast with significant consequences for public health and safety, agriculture, housing and infrastructure. Managing natural hazards requires a collaborative effort from a range of organisations including central government, local government, crown agencies, infrastructure providers, businesses and local communities. Management of natural hazards should be undertaken in an integrated manner within catchments.

The effects of climate change are addressed in this Chapter. The West Coast is expected to have both more severe and frequent extreme weather events in future decades. This can exacerbate potential natural hazards and good planning is needed to avoid locating inappropriate land uses in high risk areas.

Depending on the nature of the natural hazard, the level of risk, and the advantages and cost of any action, there may be benefits in undertaking actions or activities to avoid or mitigate the effects of natural hazards on people, property and communities. However, inevitably there will be events where, despite a community's readiness and efforts to mitigate the effects of such events, coordinated relief actions and responses are necessary to assist individuals and communities affected. This activity is facilitated through the Civil Defence Emergency Management Act 2002 (CDEMA) and the plans and local arrangements developed under this framework by the West Coast Civil Defence Emergency Management Group.

Under the RMA people must be able to provide for their social and economic wellbeing; however, this needs to be balanced against the risk to people, property and infrastructure from natural hazard events. There is an increasing amount of information that shows which areas of the West Coast are prone to damage from natural hazards and this enables informed assessments about the risk to people and property. Where there is existing development within hazard-prone areas, enabling appropriate hazard mitigation measures to be created will help to minimise the risks and impacts on these vulnerable communities.

The management of significant risk from natural hazards has recently been elevated to a matter of national importance under section 6 of the RMA, and is likely to be supported by a National Policy Statement in future. Future planning for natural hazards will require an adaptive management approach and flexibility to allow for new information and/or changing legislation.

The significant issues in relation to the management of the natural hazards for the West Coast are:



1. Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast.
2. Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient.
3. Subdivision, use and development can contribute to natural hazard risk.

OBJECTIVE

1. The risks and impacts of natural hazard events on people, communities, property, infrastructure and our regional economy are avoided or minimised.

POLICIES

1. Reduce the susceptibility of the West Coast community and environment to natural hazards by improving planning, responsibility and community awareness for the avoidance and mitigation of natural hazards.
2. New subdivision, use or development should be located and designed so that the need for hazard protection works is avoided or minimised. Where necessary and practicable, further development in hazard-prone areas will be restricted.
3. Avoid or mitigate adverse effects on the environment arising from climate change by recognising and providing for the development and protection of the built environment and infrastructure in a manner that takes into account the potential effects of rising sea levels and the potential for more variable and extreme weather patterns in coming decades.
4. The appropriateness of works and activities designed to modify natural hazard processes and events will be assessed by reference to:
 - a) The levels of risk and the likely increase in disaster or risk potential;
 - b) The costs and benefits to people and the community;
 - c) The potential effects of the works on the environment; and
 - d) The effectiveness of the works or activities and the practicality of alternative means, including the relocation of existing development or infrastructure away from areas of natural hazard risk.

EXPLANATION TO THE POLICIES

Hazards within the coastal environment are also addressed in Chapter 9: Coastal Environment, and these chapters should be read together when considering coastal hazards.

Policy 1 seeks to increase awareness of hazard risks and the adoption of appropriate building controls, including avoiding inappropriate development in hazard prone areas, to reduce the susceptibility of the West Coast community to the adverse effects of natural hazards. Civil defence planning and preparedness under the CDEMA provides further means of reducing the potential for loss or damage from natural hazard emergencies and disasters. Application of regional and district activity to applying the four R's (reduction, readiness, response and recovery) will continue to assist with preparing communities for emergencies as well as ensuring that Councils and partner agencies are ready to act should these events arise.

Policy 2 recognises that through appropriate planning, the need for protection works can be avoided by siting new subdivision, use and development away from existing or potential natural hazards. Research on natural hazards is ongoing. This information may



indicate that in places where development has already occurred these areas may be susceptible to natural hazards. In such cases, further permanent development may need to be restricted to reduce additional risk to people or property. However, avoiding development in hazard prone areas may not be practicable in all instances, as some types of development are limited in where they can be located to function effectively.

Subdivision, use and development that may cause or contribute to a natural hazard should be avoided. In some cases activities in an area may cause or contribute to a natural hazard affecting another area. For example, an upstream or inland land or river use can have downstream or downgradient hazard effects on other development. The risk of subdivision, use and development affecting or exacerbating a hazard risk elsewhere needs to be assessed in plan and consent processes.

Policy 3 recognises that adverse effects arising from climate change may be significant in certain areas. While there is some uncertainty over the possibility, extent and timing of climate change effects, when assessing natural hazard risk, councils should use the latest national guidance and the best available information on the impacts of climate change on natural hazard events. Local authorities, as managers of significant infrastructural assets and through their statutory resource management and emergency management responsibilities, will, as opportunities arise and as practicable, plan and prepare for the anticipated effects of climate change.

Policy 4 recognises that there will be situations where modifying the environment to reduce susceptibility to natural hazards will produce benefits to the community in excess of the costs involved in protection or prevention works or programmes. Consideration should be given to the relocation of existing development and infrastructure away from areas prone to natural hazards, however it is recognised that this cannot always occur. Consequently, those who benefit from the works or services should pay for them.

RELATED POLICIES

~~Policy 1 of Chapter 2 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 2 and 4(a) of Chapter 4 [Resilient and Sustainable Communities]; Policy 3 and 4 of Chapter 6 [Regionally Significant Infrastructure]; Policy 3, 4 and 5 of Chapter 9 [Coastal Environment].~~

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Increase understanding and public awareness of natural hazards, including the potential influence of climate change on natural hazard events.
2. Further development of a natural hazards knowledge base and continued use of the most up to date and accurate information available in areas potentially affected by natural hazards.
3. The Regional Council and district councils will support an integrated and collaborative approach between relevant agencies, the community and local businesses to manage significant natural hazard risks and effects.
4. Where appropriate, include provisions in regional and district plans that address natural hazard issues including the control of the use of land to avoid or mitigate natural hazards. Particular methods may include:
 - a) Special hazard zones and rules;



- b) Identification of natural hazards on maps and registers;
 - c) General building and development controls or criteria;
 - d) Subdivision controls;
 - e) Information requirements to assist consent processing; and
 - f) Integrated catchment management.
5. Take into account the location, nature and potential extent of natural hazards when providing and planning for the provision of essential lifeline utilities.
 6. The Regional Council will maintain detailed regional flood response strategies in priority catchments as well as initiating and maintaining flood protection works where communities are willing to fund such works.
 7. The regional and district councils will maintain and implement the Civil Defence Emergency Management Group Plan for the West Coast, and Local Arrangements, setting out regional and district emergency responses and contingency provisions in the event of a natural hazard event as members of the Civil Defence Emergency Management Group.
 8. The regional and district councils will maintain a civil defence emergency management response capability, which includes the ability to assist in the establishment and coordination of disaster relief and recovery assistance programmes.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation establish a policy framework for the management of natural hazards and, in particular, avoid or mitigate the adverse effects of natural hazards on human life, property and the environment.

In accordance with section 62(1)(i)(i) of the RMA the three territorial authorities of the West Coast will be responsible for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards except where the control of the use of land relates to the WCRC's functions under the RMA regarding:

- The coastal marine area;
- The beds of rivers, lakes and other waterbodies; and
- Land use activities managed in the Regional Land and Water Plan.

Members of the Civil Defence and Emergency Management Group, and in particular the Lifelines Group and the Co-ordinating Executive Group, are expected to continue to research and investigate natural hazards in the region and make recommendations to the relevant council, should rules around land use be indicated as a hazard avoidance or mitigation method. This further promotes a collaborative approach between the regional and district councils to implement a region-wide approach to the management of natural hazards while allowing flexibility of application.

There is an increasing amount of information that is being produced that identifies areas at risk from natural hazards. This work will be ongoing and is integral to minimising the risks and impacts of natural hazard events. These objectives, policies and methods allow for the consideration of this and the application of an adaptive management approach as required, and will assist communities in building resilience to the effects of natural hazards.

ANTICIPATED ENVIRONMENTAL RESULTS

1. A reduction in actual or potential losses to people, property and the environment.



2. Use and development of resources consistent with levels of risk.
3. Increased community awareness of, and responsibility for, natural hazard avoidance and mitigation.
4. Appropriate development within areas subject to natural hazards provided for in regional and district plans.



Part C
Administrative procedures



12. Administrative Procedures

The RMA requires that a RPS states:

- a) The processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between agencies (section 62(1)(h));
- b) The procedures to be used to monitor the efficiency and effectiveness of the policies or the methods contained in the RPS (section 62(1)(j)); and
- c) Any other information required for the purpose of the WCRC's functions, powers and duties under the RMA (section 62(1)(k)).

This Chapter of the RPS covers these matters and other related administrative procedures.

12.1 Integrated Management and Cross Boundary Processes

This RPS is about the integrated management of the West Coast's natural and physical resources. Integrated management involves a consideration of:

- a) The effects of the use of one natural resource on other natural and physical resources or on other parts of the environment recognising that such effects may occur across space and time.
- b) The functions of other agencies with roles and responsibilities that contribute towards or impact on resource management
- c) The social and economic objectives and interests of the community, recognising that natural and physical resources cannot be managed without having regard to social, economic and cultural matters.

The need for integration between resource management authorities is required under the RMA in terms of dealing with cross-boundary issues (section 62). These issues can arise in a number of situations but generally fall into two categories: those related to the preparation and review of plans; and those related to the administration of plans and associated resource consents.

To achieve integrated management, it is essential that the policies, plans and actions of all those involved in resource management (government agencies including the Department of Conservation, regional and district councils, iwi and the community) are coordinated. The aim of integrated management is to promote the sustainable management of natural and physical resources in an efficient manner by implementing and promoting complementary, efficient and effective management of all natural and physical resources. In addition to the policies and methods identified in Part B and C of this RPS, the WCRC will use the following procedures to further promote integrated management and address cross-boundary issues:

- Liaise, as appropriate, with central government agencies in relation to resource management issues of regional significance.
- Make submissions, as appropriate, on documents prepared by central government agencies regarding issues of national significance that impact or impinge on the resource management functions under the RMA.
- Liaise, as appropriate, with other regional councils on resource management matters that are relevant to more than one region.
- Have regard to any policy statements and plans (including resource management plans and annual plans) prepared by the WCRC and the region's territorial authorities (including those under other legislation e.g. Biosecurity Act and the CDEMA), and the extent to which this RPS needs to be consistent with those documents.



- Consult adjoining local authorities in the preparation of regional and district plans to ensure a consistent approach between districts and between the regions and districts regarding issues which cross local authority boundaries and state in those plans the processes for dealing with them.
- Advocate to the Buller, Grey and Westland District Councils that where appropriate, provisions are included in district plans that avoid unnecessary duplication of resource management responsibilities.
- Consider the transfer of functions that other agencies could carry out more efficiently, effectively and appropriately. Transfers of functions will be considered on the requirements of section 33 of the RMA, including where both authorities agree that the authority to which the transfer is made represents the appropriate community of interest, and where the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.
- Establish appropriate protocols for the efficient and effective operation of joint hearings.
- Give full consideration to the effects on all other aspects of the environment in the development of strategies and plans, in the consideration of resource consent applications, and in the provision of advice.
- When considering an application for resource consent, consider all issues in the balance with other policies set out in the RPS.

12.2 Monitoring

Monitoring is an important component of the decision-making process. It establishes a process to check on the progress being made towards the achievement of objectives and the efficiency and effectiveness of the options that have been chosen. The RMA recognises the value of monitoring and gives the regional and district councils responsibilities in this area. Section 35 of the RMA outlines the Regional Council's information gathering, monitoring and record keeping responsibilities.

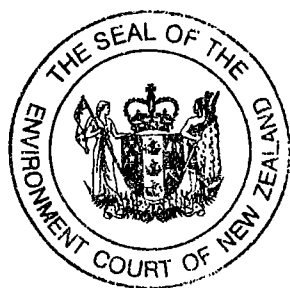
The WCRC monitors:

- The state of the West Coast environment;
- The efficiency and effectiveness of our policies and plans;
- The exercise of any functions we delegate; and
- Compliance with resource consents.

The Regional Council already has a number of policies and procedures in place to gather information, and to monitor and report on how well the West Coast's natural and physical resources are being managed. These include:

- The review process for regional plans which monitors their efficiency and effectiveness as a means of achieving the objectives and policies of the RPS;
- The State of the Environment Monitoring Reports for air and water on the West Coast. They are produced every three-five years and are a comprehensive analysis of the environmental monitoring results and trends;
- The Regional Council's Annual Report which reports against objectives and performance measures in the Council's Long Term Plan for the West Coast, developed under the Local Government Act 2002.

The content of future State of the Environment Reporting will be reviewed and updated to reflect the new environmental goals (objectives) and ensure the right information is being gathered to monitor the environmental results anticipated in the RPS.



12.3 Review of the Regional Policy Statement

The RMA requires that the WCRC commence a full review of this RPS no later than 10 years from the date upon which it becomes operative. The Council will also undertake an internal review no later than 5 years from the date that this RPS becomes operative. The internal review will determine whether the direction taken in it continues to be relevant. A review of the relevant parts or provisions of the RPS may be carried out if a new issue arises or regional monitoring shows that a review would be appropriate.



Glossary

Terms used in the RPS that are defined in the RMA, but not contained in this Glossary, have the same meaning as the RMA defined terms. This includes:

- Amenity values,
- Best practicable option,
- Biological diversity ~~(or biodiversity)~~,
- Coastal marine area,
- Discharge,
- Effect,
- Environment,
- Kaitiakitanga,
- Land,
- National policy statement,
- Natural and physical resources,
- Natural hazard, and
- Sustainable management.

Coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character.

Community means a social group of any size, in a particular locality, who share common interests.

Cultural landscape means a geographical area that holds significant value to Poutini Ngāi Tahu due to the concentration of wāhi tapu or taonga values, or the importance of the area to Poutini Ngāi Tahu cultural traditions, history or identity. Cultural landscapes provide current and future generations of Poutini Ngāi Tahu the opportunity to experience and engage with the landscape as their tīpuna once did.

Cultural values are those values that relate to the culture of a society.

Environmental results anticipated means the expected or foreseen result or outcome on the environment as a consequence of implementing the policy or policies and methods of implementation. The environmental results anticipated provide a means of assessing the success of the objectives, policies and methods but may not always be measureable or achievable within the operative life of the RPS.

Indigenous means native to New Zealand.

Instream values are those uses or values of rivers or streams that are derived from within the river system itself and include amenity values, cultural and spiritual values of tangata whenua, and values associated with freshwater ecology and recreational, scenic, aesthetic and educational uses.

Integrated management means managing (i.e. identifying, prioritising and acting on) the use, development and protection of natural and physical resources as a whole. Integrated management involves three inter-related parts:

- a) A recognition by management agencies that natural and physical resources exist as parts of complex and inter-connected social and biophysical systems, where effects



on one part of a system may affect other parts of the system and that there effects may occur immediately, may be delayed or may be cumulative; and

- b) The integration of management systems between agencies so that the various roles and responsibilities of those agencies are clearly identified and combined or coordinated to achieve consistency of purpose; and
- c) The integration of management systems within agencies to ensure that other legislation or administrative actions are consistent with promoting sustainable management of natural or physical resources.

Issue means a matter of concern to the region's community regarding activities affecting some aspect of natural and physical resources and the environment of the region or their management. These matters are addressed in the RPS as either:

- a) Significant resource management issues of the region; or
- b) Resource management issues of significance to iwi; or
- c) Issues which cross local authority boundaries; or
- d) Matters where jurisdiction and delineation of responsibilities need to be made clear.

Policy means a specific statement that guides or directs decision-making. A policy indicates a commitment to a general course of action in working towards an action.

Regionally significant infrastructure means:

- a) The National Grid (as defined by the Electricity Industry Act 2010);
- b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;
- c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;
- d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;
- e) The State Highway network, and road and networks classified in the One Network Road Classification Sub-category as strategic;
- f) The regional rail networks
- g) The Westport, Greymouth, and Hokitika airports;
- h) The Regional Council seawalls, stopbanks and erosion protection works;
- i) Telecommunications and radio communications facilities;
- j) Public or community sewage treatment plants and associated reticulation and disposal systems;
- k) Public water supply intakes, treatment plants and distribution systems;
- l) Public or community drainage systems, including stormwater systems;
- m) The ports of Westport, Greymouth and Jackson Bay; and
- n) Public or community solid waste storage and disposal facilities.

Significant indigenous biological diversity, when used in Chapter 9 Coastal Environment, means the biodiversity described in Policy 11 of the New Zealand Coastal Policy Statement 2010.

Significant mineral resource, for the purpose of Chapter 5 Use and Development of Resources Policy 2(b)(i), means the monetary value of the mineral resource is significant



to the local community, and employment is created in extracting the resource, based on the latest information available about the resource at the time.

Significant Natural Area, or SNA means an area of significant indigenous vegetation, and/or significant habitats of indigenous fauna which has been identified using the criteria listed in Appendix 1 or 2 and included on maps in a regional or district plan as a SNA, or an area which although not included as a SNA in a regional or district plan nevertheless meets one or more of those criteria listed in Appendix 1 or 2.

Significant tourism infrastructure refers to the major tracks, roads and facilities managed by the Department of Conservation and other public or community infrastructure providers which are regionally and nationally important in terms of their contribution to the regional economy such as the Glacier Roads, Heaphy Track, Punakaiki, the West Coast Wilderness Trail, and other visitor information and visitor access facilities.

Taonga means treasure, property; taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched, e.g. wāhi tapu, waterways and mountains.

Tapu means under spiritual protection or restriction.

Values in the context of landscape assessment includes characteristics, attributes and qualities.

Wāhi tapu means places or things which are sacred or spiritually endowed.



Appendix 1: Ecological criteria for identifying significant terrestrial and freshwater indigenous biological diversity

Indigenous vegetation or habitat(s) of indigenous fauna is significant if it meets any one or more of the following criteria:

Note: These criteria are intended to be applied by suitably qualified and experienced ecologists with a good understanding of the local and national context and its associated ecological tools.

1. Representativeness

- a) Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the indigenous biological diversity of the relevant ecological district. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biological diversity in some areas.
- b) Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district.

2. Rarity/Distinctiveness

- a) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the region, or relevant land environment, ecological district, or freshwater environment.
- b) Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district.
- c) The site contains indigenous vegetation or an indigenous species at its distribution limit within the West Coast region or nationally.
- d) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

3. Diversity and Pattern

- a) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse biological and physical features or ecological gradients.

4. Ecological Context

- a) Vegetation or habitat of indigenous fauna that provides or contributes to an important ecological linkage or network, or provides an important buffering function.
- b) Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.



Appendix 2: Ecological criteria for identifying significant wetlands

A wetland is ecologically significant if it meets one or more of the following criteria:

Ecological Context

1. The **ecological context** of the wetland has one or more of the following functions or attributes:
 - (a) It plays an important role in protecting adjacent ecological values, including adjacent and downstream ecological and hydrological processes, indigenous vegetation, habitats or species populations; or
 - (b) Is an important habitat for critical life history stages of indigenous fauna including breeding/spawning, roosting, nesting, resting, feeding, moulting, refugia, or migration staging points (as used seasonally, temporarily or permanently); or
 - (c) It makes an important contribution to ecological networks (such as connectivity and corridors for movement of indigenous fauna); or
 - (d) It makes an important contribution to the ecological functions and processes within the wetland.

Representative wetlands

2. A **representative wetland** is one that contains indigenous wetland vegetation types or indigenous fauna assemblages that were typical for, and has the attributes of, the relevant class of wetland as it would have existed circa 1840.
3. This criterion will be satisfied if the wetland (not including pakihi wetlands) contains either:
 - (a) Indigenous wetland vegetation types that have the following attributes:
 - (i) The **indigenous wetland vegetation types** that are typical in plant species composition and structure; and
 - (ii) The condition of the wetland is typical of what would have existed circa 1840 in that:
 - Indigenous species dominate; and
 - Most of the expected species and tiers of the wetland vegetation type(s) are present for the relevant class of wetland; or
 - (b)(i) The wetland contains **indigenous fauna assemblages** that:
 - Are typical of the wetland class; and
 - Indigenous species are present in most of the guilds expected for the wetland habitat type.
4. A pakihi wetland is a representative wetland where:
 - (a) It is greater than 40 hectares in area; and
 - (b) It is dominated by a mixture of sedges, ferns, restiads, rushes, mosses and manuka (*Leptospermum scoparium*) of which *Baumea* spp, *Sphagnum* spp, *Gleichenia dicarpa*, and *Empodisma minus* are the main species.



5. The representative wetland criterion applies to the whole or part of the wetland irrespective of land tenure;
6. Each wetland is to be assessed at the ecological district and freshwater biogeographic unit scale.

Rarity

7. The wetland satisfies this criterion if:
 - (a) Nationally threatened species⁷ are present⁸; or
 - (b) Nationally at risk species or uncommon communities or habitats are present and either:
 - The population at this site provides an important contribution to the national population and its distribution;
 - There are a number of at risk species present; or
 - The wetland provides an important contribution to the national distribution and extent of uncommon communities or habitats;
 - (c) Regionally uncommon species are present; or
 - (d) Is a member of a wetland class that is now less than 30% of its original extent as assessed at the ecological district and the freshwater biogeographic unit scales; or
 - (e) Excluding pakihi, it contains lake margins, cushion bogs, ephemeral wetlands, damp sand plains, dune slacks, string mires, tarns, seepages and flushes or snow banks which are wetland classes or forms identified as historically rare by Williams et al (2007).

Distinctiveness

8. The wetland satisfies the **distinctiveness criterion** if it has special ecological features of importance at the international, national, freshwater biogeographic unit or ecological district scale including:
 - (a) Intact ecological sequences such as estuarine wetland systems adjoining tall forest; or
 - (b) An unusual characteristic (for example an unusual combination of species, wetland classes, wetland structural forms, or wetland landforms); or
 - (c) It contains species dependent on the presence of that wetland and at their distribution limit or beyond known limits.

Explanation

9. The **wetland classes** may be determined in a number of ways including the classification index of Johnson and Gerbeaux (2004).
10. **Wetland indigenous vegetation types** are identified with reference to the dominant plant species that are present, the structural class, wetland class and hydrosystem (see for example Johnson and Gerbeaux (2004) or similar method).



⁷ The Threatened and At Risk categories are defined in the current version of the New Zealand threat classification system (Townsend et al 2008). Species are reassessed according to these categories approximately every three years.

⁸ For mobile species such as kotuku, this requires some assessment of the importance of the site for the species i.e. the intention is not to include areas such as wet pasture where these birds are foraging.

11. The three **freshwater bio-geographic** units in the West Coast region are the Northwest Nelson-Paparoa, Grey-Buller and Westland units (Leathwick et al 2000).
12. **Ecological districts** are described and mapped in McEwen (1987). The maps of the ecological districts on the West Coast region have been refined by David Norton and Fred Overmars for use at the 1:50,000 scale and are available from the Department of Conservation (West Coast Conservancy).





THE WEST COAST
REGIONAL COUNCIL

West Coast Regional Policy Statement

24 July 2020



THE WEST COAST
REGIONAL COUNCIL

Regional Policy Statement

Approved:

.....
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Chairman
West Coast Regional Council

.....
Stuart Challenger
Chairman
Resource Management
Committee

Operative:

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Part A

Introduction and background

1. Introduction

1.1 Role of the Regional Policy Statement – Its Scope and Effect

The role of the Regional Policy Statement (RPS) is to promote the sustainable management of the natural and physical resources of the West Coast. It does this by:

- Providing an overview of the resource management issues of the region; and
- Identifying policies and methods to achieve integrated management of the West Coast's natural and physical resources.

The RPS is the vehicle for identifying and dealing with the significant resource management issues on the West Coast. It takes account of all those issues relating to resources such as land, water, infrastructure, and the coastal environment that are of importance to the region, and puts in place policies and methods to achieve the integrated management of those resources.

The RPS has an important role in setting the overall direction for the management of natural and physical resources and the environment of the West Coast. Although the RPS does not contain rules to regulate activities, the West Coast Regional Council (WCRC) and the District Councils of the region are required to give effect to this document when preparing or changing regional or district plans (which may contain such rules). In addition, the WCRC and the Territorial Authorities are required to "...have regard to" relevant objectives and policies in the RPS when considering an application for a resource consent (section 104(1) of the Resource Management Act (RMA)).

The Regional Council must have a RPS in place at all times – this will be the West Coast's second one. The RMA prescribes what the RPS must cover (section 62) and the responsibilities of regional and district councils (sections 30 and 31).

1.2 Regional Policy Statement Guiding Principles

The WCRC has developed this RPS using the following principles. They provide strategic direction on what is important to the communities of the West Coast.

PEOPLE

People are at the heart of this RPS. All district and regional plans should have regard to people and communities and their need for a healthy environment, well managed infrastructure, employment, business opportunities and education for their wellbeing and long-term economic success.

ECONOMY AND ENVIRONMENT

The RPS seeks to give due consideration to economic and environmental factors in resource management decision-making. It recognises that a healthy West Coast economy needs a healthy environment. This RPS is enabling, balancing improving the economy and using our resources wisely, with managing and investing in the environment to achieve our future aspirations for improvement throughout the West Coast.

EFFECTIVENESS

The Regional Council believes that environmental regulation needs to be clear and simple with quick processes. It recognises that solutions must be affordable, fit for purpose and achieve the objectives. The policy instruments used should match the resource management issues and opportunities identified. In line with affordability this avoids unnecessary compliance costs.

ADAPTIVE MANAGEMENT

The management of the natural and physical resources of the West Coast is a complex task as the environment, resources and systems are dynamic. Understanding of these also changes over time. The management regime is therefore adaptive and able to respond to change as required in order to achieve sustainable resource management.

AFFORDABILITY

There may be circumstances where current resource management practices may have to change over time in order for these resources to be managed sustainably. Where these changes may impose a significant financial burden, or a practical solution is not currently available, a reasonable time is to be allowed for desired environmental outcomes to be achieved. This is to take into account the need for change and the costs and effects of not acting, or not acting quickly.

1.3 Statutory and Planning Framework

1.3.1 POLICIES, PLANS AND OTHER INSTRUMENTS

The RPS is the key document for identifying issues related to the development, use and protection of natural and physical resources on the West Coast and establishing a management framework for dealing with them. It is, however, only part of a broader policy and planning framework under the RMA. The RMA provides for a hierarchy of resource management policy statements and plans related to the three levels of government – central, regional and district.

At the national level, the main statutory instruments include:

National environmental standards – Regulations made by Order in Council on the recommendation of the Minister for the Environment, to prescribe technical standards relating to the use, development and protection of natural and physical resources. National standards override existing provisions in plans that require a lesser standard.

National policy statements – Issued on recommendation by the Minister for the Environment, they state policy on matters of national significance relevant to achieving the purpose of the RMA. Regional and district-level planning documents prepared under the RMA must give effect to these.

New Zealand Coastal Policy Statement – Prepared and issued by the Minister of Conservation, it states policies for achieving the purpose of the RMA in relation to the coastal environment of New Zealand. Regional and district-level planning documents prepared under the RMA must give effect to the NZCPS.

Water conservation orders – Issued on the recommendation of the Minister for the Environment and made by Order in Council to recognise and sustain outstanding amenity or intrinsic values associated with a waterbody that warrants protection. The RPS must not be inconsistent with these.

At the regional or district level, the main statutory instruments include:

Regional policy statements – Prepared by regional councils to achieve the purpose of the RMA by providing an overview of the significant resource management issues for the region, and the policies and methods to achieve integrated management.

Regional coastal plan – Prepared by regional councils these are intended to assist the regional council, in conjunction with the Minister of Conservation, to manage the coastal marine area where each has specific functional responsibilities. The coastal marine area generally encompasses the foreshore, coastal water, and the air space above the water, between mean high water springs and the outer limits of the territorial sea. Regional coastal plans may contain rules to control activities and effects.

Regional plans – Prepared by regional councils to assist them in carrying out their functions under the RMA, they must give effect to the RPS. Regional plans are optional and may contain rules to control activities and effects.

District plans – Prepared by district councils these plans assist them in carrying out their specific functional responsibilities under the RMA, particularly those relating to controlling the effects of land use and subdivision, and the provision of associated public works and utilities. District plans may contain rules to control activities and effects. The RMA requires that district plans must “give effect” to the Regional Policy Statement of a region and must “not be inconsistent with” regional plans.

Resource consents – Required either from a regional or district council (or both) to carry out activities that would otherwise contravene the restrictions in the RMA on the use and development of natural and physical resources. Under section 104(1) of the RMA, a consent authority considering a resource consent must have regard to any relevant regional policy statement.

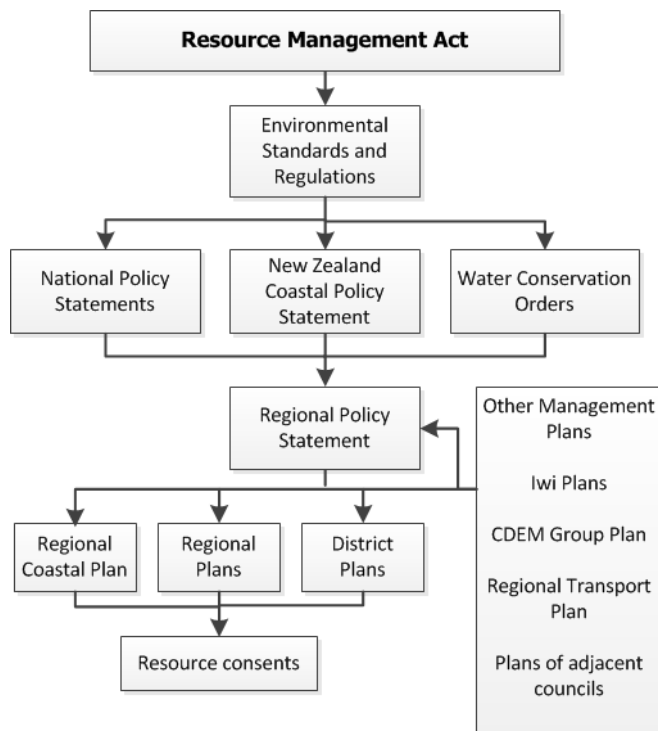


Figure 1: Regulatory Framework

Duties in relation to Māori

The RMA recognises that the Principles of the Treaty of Waitangi are an integral part of promoting the sustainable management of natural and physical resources. Section 61 of the RMA requires that regional policy statements must be prepared in accordance with Part 2 matters, including the Treaty of Waitangi principles, and recognising and providing for the culture and traditions of Māori in the region, and their relationship with their ancestral lands, water, sites wāhi tapu and other taonga. Section 62 of the RMA requires a RPS to state the resource management issues of significance to iwi authorities in the region. Te Rūnanga o Ngāi Tahu is the iwi authority for the entire West Coast region. Poutini Ngāi Tahu are the tangata whenua of Te Tai o Poutini (the West Coast). Under section 9 of the Te Rūnanga o Ngāi Tahu Act 1996 the two papatipu rūnanga who represent the tangata whenua interests of Poutini Ngāi Tahu on the West Coast are Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

Section 220 of the Ngāi Tahu Claims Settlement Act 1998 recognises the mana held by Ngāi Tahu in relation to specific sites and resources, known as Statutory Acknowledgement Areas. These are acknowledgements by the Crown of the special relationships that Ngāi Tahu have with the Areas for cultural, spiritual, historical, and traditional reasons. On the West Coast the Statutory Acknowledgement

Areas are: Ōkari Lagoon, Taramakau River, Kōtukuwhakaoka (Lake Brunner/Moana), Lake Kaniere, Pouerua-hāpua (Saltwater Lagoon), Ōkārīto Lagoon, Makaawhio (Jacob's River), Karangarua Lagoon, and Lake Paringa. The West Coast Councils will consider Te Rūnanga o Ngāi Tahu and the respective papatipu rūnanga to be affected parties where resource use may adversely affect Statutory Acknowledgement Areas.

1.3.2 FUNCTIONS AND POWERS

To give effect to the purpose and principles of the RMA, central government, regional and district councils have specific functions, powers and duties.

Regional and district councils have been given primary responsibilities for the management of natural and physical resources within their areas, subject to the requirements of central government as exercised through the instruments available under the RMA or through other legislation (such as the Local Government Act 2002 or Civil Defence Emergency Management Act 2002).

Under section 30 of the RMA, the WCRC is responsible for the control of:

- Water, air, and land (for the purpose of soil conservation, water management, natural hazards avoidance and mitigation and hazardous substances management);
- The maintenance and enhancement of ecosystems in waterbodies and coastal water;
- The investigation of land for the purposes of identifying and monitoring contaminated land;
- The coastal marine area (in conjunction with the Minister of Conservation);
- The discharge of contaminants into the environment;
- River and lake beds;
- The establishment, implementation and review of objectives, policies and methods for maintaining indigenous biological diversity; and,
- The strategic integration of infrastructure with land use through objectives, policies and methods.

Under section 31 of the RMA, the three district councils are responsible, in relation to their district, for the preparation of objectives and policies for the:

- Integrated management of the effects of land use;
- Control of the effects of land use, including responsibility for the:
 - avoidance and mitigation of natural hazards;
 - use, disposal or transportation of hazardous substances;
 - prevention and mitigation of the adverse effects of the use of contaminated land;
 - maintenance of indigenous biological diversity;
- Control of the emission of noise; and,
- Control of activities on the surface of water in rivers and lakes.

Under section 30(1)(a) of the RMA, the WCRC is further responsible for preparing objectives, policies and methods to achieve integrated management of the natural and physical resources of the region and for preparing objectives and policies in relation to any actual or potential effects of the use, development, and protection of any land which is of significance. The RPS has been developed to give effect to this responsibility.

1.3.3 STATEMENT OF REGIONAL AND DISTRICT COUNCIL RESPONSIBILITIES

The RPS must state the local authority responsible for specifying the objectives, policies and methods for the control of the use of land –

- To avoid or mitigate natural hazards or any group of natural hazards; and
- To maintain indigenous biological diversity

This RPS has identified the management of indigenous biological diversity and natural hazards as significant resource management issues for the West Coast and consequently addresses the roles and responsibilities within Chapters 7, 8, 9, and 11, respectively.

1.4 User Guide to the RPS

Part A (this part) contains the introduction. This includes the purpose and the key principles of the RPS and an overview of the RMA which provides the statutory framework relevant to the implementation of objectives, policies and methods in the RPS.

Part B contains the significant resource management issues for the West Coast, including the issues of significance to Poutini Ngāi Tahu. It lists these issues in Chapters 3-11 and explains how the objectives, policies, methods and anticipated environmental results relate to them. This includes the objectives, policies and methods to take into account the principles of the Treaty of Waitangi and for recognising and providing for the relationship of Māori with ancestral lands, water, sites, wāhi tapu and other taonga. Chapter 3 provisions must be read together with all other relevant chapters.

The RPS must be read as a whole. If a matter relates to more than one chapter, then the relevant objectives and policies in those chapters must be read together. For example, municipal sewage effluent discharges into coastal water will involve the consideration of Chapter 3: Resource Management issues of Significance to Poutini Ngāi Tahu, and Chapter 9: Coastal Environment. Flood protection walls along rivers will involve the consideration of Chapter 3: Resource Management issues of Significance to Poutini Ngāi Tahu, Chapter 6: Regionally Significant Infrastructure (for Rating District stopbanks), Chapter 8: Land and Water, and Chapter 10: Natural Hazards.

Part C sets out the administrative procedures relating to the implementation of the RPS. They include the processes that the WCRC will use to promote integrated management and deal with issues that cross local authority boundaries, and the procedures to monitor the effectiveness of the RPS and for its review.

Glossary - To assist readers in using the RPS, a glossary has been prepared and is located at the back of this document.

Part B
Significant resource management issues for the West
Coast

2. Significant Resource Management Issues for the West Coast

This Chapter brings together all the significant resource management issues for the West Coast region, including resource management issues of significance to Poutini Ngāi Tahu, and explains the RMA planning framework of objectives, policies and methods of implementation. The issues listed in Table 1, are taken directly from Chapters 3-11 of this RPS.

Table 1: Significant resource management issues for the West Coast

Issues	
Significant issues for Poutini Ngāi Tahu	<ol style="list-style-type: none"> 1. Expression of rangitiratanga through active involvement in resource management decision-making. 2. The need for integrated environmental management of and between all resources, reflecting ki uta ki tai. 3. It is important to Poutini Ngāi Tahu that the life-supporting capacity of the environment is safeguarded, and this capacity is restored where it has been impaired by use and development of resources. 4. The need to use resources, including mahinga kai resources, to sustain the community. 5. The obligation to protect wāhi tapu and other taonga for future generations. 6. 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.
Resilient and Sustainable Communities	<ol style="list-style-type: none"> 1. The West Coast is at risk of experiencing population decline. It is critical that our planning documents address this risk by enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management. 2. West Coast industries are traditionally susceptible to fluctuating cycles and global commodity prices which can affect the social and economic wellbeing of our communities. Councils' management of natural and physical resources needs to contribute, where possible, to making our communities more resilient and sustainable in the long term. This includes ensuring that communities retain their sense of place, identity, heritage and amenity values. 3. The implementation of the RMA by local authorities can, support economic growth and creation of employment in the region; whilst also avoiding, remedying or mitigating any associated adverse effects.
Use and Development	<ol style="list-style-type: none"> 1. Recognising the central role of resource use and development on the West Coast. 2. Managing the conflicts arising from the use, development and protection of natural and physical resources.
Regionally Significant Infrastructure (RSI)	<ol style="list-style-type: none"> 1. Resilient RSI is essential for the social, economic and cultural wellbeing of the West Coast. 2. Strategically integrating infrastructure and land use.
Ecosystems and indigenous biological diversity	<ol style="list-style-type: none"> 1. Activities which contribute to people's wellbeing may adversely affect indigenous biological diversity. 2. In the context of extensive indigenous vegetation and habitats, much of which is on land managed by the Department of Conservation, an integrated management approach is required.

	3. Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biological diversity under the RMA, to the extent practicably possible.
Natural Character	1. Activities which contribute to people's wellbeing may adversely affect the natural character of the region's wetlands, and lakes and rivers and their margins.
Natural Landscapes and Features	1. Activities which contribute to people's wellbeing may adversely affect outstanding natural features and outstanding natural landscapes.
Land and Water	<ol style="list-style-type: none"> 1. Managing adverse effects on water quality arising from point source and diffuse source discharges to waterbodies from activities on land. 2. Potential overuse of water resources can occur in certain areas during drier seasons. 3. Activities may adversely affect the significant values of wetlands and outstanding freshwater bodies. 4. Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.
Coastal Environment	<ol style="list-style-type: none"> 1. Protecting the values of the coastal environment whilst enabling sustainable use and development, to provide for the region's economic, social and cultural wellbeing. 2. Enabling appropriate subdivision, use, and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.
Air Quality	<ol style="list-style-type: none"> 1. In urban areas during winter time, emissions of particulate matter can potentially affect people's health. It is critical that people are able to keep warm in their homes while winter time particulate matter emissions are reduced to meet the NESAQ. 2. Allowing point source discharges to air while managing adverse effects of those discharges on air quality and other values.
Natural Hazards	<ol style="list-style-type: none"> 1. Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast. 2. Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient. 3. Subdivision, use and development can contribute to natural hazard risk.

Each of the resource management topic chapters (3-11) sets out:

- The background to the issues;
- The objectives to be achieved in response to the issues;
- The policies to achieve each objectives (and an explanation of those policies);
- The principal reasons for adopting the objectives, policies and methods of implementation; and
- The environmental results anticipated from the implementation of those policies and objectives.

In formulating the objectives, policies and methods of this RPS the WCRC has recognised the fundamental purpose of the RMA, to promote the sustainable management of the natural and physical resources of the region. In preparing this RPS, Council recognises the role of resource use and development, as well as protection, in the West Coast region and their contribution to enabling people and communities to provide for their economic, social and cultural wellbeing, while at the same time ensuring that any adverse effects on the environment are avoided, remedied or mitigated.

For each of the Regionally Significant Issues identified, the objectives, policies and methods have been developed as a generally high level principles approach. Much of the specific detail relating to their implementation is included within the regional and district plans.

The significant resource management issues may address the use, development or protection of resources depending on the focus or relevance to the West Coast of the issue in question. The objectives, policies and methods which follow the issues then establish the framework for its sustainable management.

The objectives have been formulated to focus on the long-term outcomes for the region. These are high level goals to be aimed for. The WCRC recognises that some of these objectives may not be fully achieved over the life of this RPS. However, the objectives do establish an overall outcome that is to be worked towards.

Policies are statements of a general course of action in working towards the achievement of the objectives. They may deal with resource use, development or protection, or all of these. Some policies in the RPS are broad in their application, reflecting the high level principles approach adopted, while others are more specific. All policies (and related objectives and methods) when read as a whole are designed to promote the sustainable management of resources.

The methods of implementation listed in the RPS are the specific actions to implement the policies.

Issues, objectives, policies or methods in this RPS may refer to avoiding, remedying or mitigating adverse effects on the environment. The Council considers that in carrying out its functions under the RMA, it must consider any adverse effects of activities on the environment, including minor effects, in line with the requirements of section 5(2)(a), (b) and (c). However, adverse effects will be addressed by the Council in different ways to reflect the different nature and scale of effects. It may not always be possible or necessary to completely avoid, remedy or mitigate all adverse effects. Some effects will be so small as to be insignificant or inconsequential and can be ignored. Other effects may be more than minor but may not be able to be avoided, remedied or mitigated fully, and positive effects and benefits may outweigh any adverse effects. In some instances, it may be acceptable to allow residual effects to be addressed by biodiversity offset or environmental compensation proposals which provide an environmental benefit outside the application site. The degree and significance of effects, including the potential for cumulative effects, will need to be considered in the circumstances of each case, and assessed against the relevant RPS and plan provisions.

Other matters

The RMA, through sections 6 and 7, sets out a number of matters of national importance (section 6) that must be recognised and provided for, as well as having particular regard to other provisions (section 7). Not all of these are considered to be regionally significant issues for the West Coast, however, where relevant they are recognised, provided for and given regard to as necessary to achieve the RMA and ensure integrated management of natural and physical resources in the region. Regional and district plans provide more specific provisions to address these matters where required.

3. Resource Management Issues of Significance to Poutini Ngāi Tahu

POUTINI NGĀI TAHU AND THE MANAGEMENT OF NATURAL RESOURCES

There is a distinctive cultural context to the way that Poutini Ngāi Tahu think about and respond to resource management issues in their takiwā. This cultural context is a reflection of:

- The connection between the natural world and Poutini Ngāi Tahu through whakapapa, where people are descended from Papatūānuku, the ancestral earth mother and Ranginui the ancestral sky father;
- A body of knowledge about the land, water and resources that was developed over generations of collective Poutini Ngāi Tahu experience in Te Waipounamu;
- The relationship between tangata whenua and the environment, and a worldview that sees people as part of the world around them and not masters of it;
- An understanding that 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; and
- The desire to protect key cultural values such as mauri and mahinga kai that are critical to identity, sense of place and cultural well-being.

A brief overview of key values, principles and practices is provided here:

1. KAITIAKITANGA

Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly. Poutini Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngāi Tahu, kaitiakitanga entails an active exercise of responsibility in a manner beneficial to the resource. Kaitiaki, the people who practice kaitiakitanga, do so because they hold the authority and responsibility to do so. To Poutini Ngāi Tahu, kaitiakitanga is not a passive custodianship and they are required to play an active kaitiaki role in the day to day management of natural resources.

Section 7(a) of the RMA requires the Council to have particular regard to kaitiakitanga. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations.

2. RANGATIRATANGA

Rangatiratanga involves having the mana or authority to exercise the relationship of Poutini Ngāi Tahu and their culture and traditions with the natural world. Article II of the Treaty of Waitangi and sections 6(e) and 8 of the RMA are concerned with this same relationship.

Traditionally, rangatiratanga incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom. Today, it is similar to the functions of the WCRC and is expressed through the relationship between Poutini Ngāi Tahu and the Council. A practical expression of rangatiratanga is the active involvement of Poutini Ngāi Tahu in resource management decision-making processes. The Regional Council has long recognised the need to consult with Poutini Ngāi Tahu - and to provide opportunities for their active involvement in resource management processes. The two rūnanga have been invited to appoint members to the Council's Resource Management Committee and this arrangement has worked well for many years. Poutini Ngāi Tahu will continue to have a voice in all resource management decision making.

3. MAURI

For Poutini Ngāi Tahu, mauri is the life force that comes from wairua – the spirit, or source of existence and all life. Mauri is the life force in the physical world. As a life principle, mauri implies health and spirit. In the environment, mauri can be used to describe the intrinsic values of all resources and of the total ecosystem. In the natural environment, mauri is of paramount importance to the wellbeing of the people. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of all natural resources is paramount to Poutini Ngāi Tahu to ensure that natural and physical resources may be used sustainably by present and future generations. The overall purpose of resource management for Poutini Ngāi Tahu is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded.

There are indicators within the environment, both physical and spiritual, that Poutini Ngāi Tahu use to measure mauri. These include the presence of healthy mahinga kai and healthy flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Spiritual indicators are those from the atua (gods), which can take many forms and are recalled in the kōrero pūrūkau (stories) of whānau and hapū.

4. MAHINGA KAI

Mahinga kai refers to Poutini Ngāi Tahu cultural values in association with food and other natural resources and includes such resources as those used for weaving, carving, and rongoā Māori or Māori medicine. It also includes the places where such resources are gathered such as rivers and coastal waters. The term mahinga kai encompasses social and educational elements as well as the process of gathering cultural materials/natural resources. It includes the way such resources are gathered, the place where they are gathered from, and the actual resource itself.

5. KI UTA KI TAI

The principle of Ki Uta Ki Tai (“the mountains to the sea”) reflects the holistic nature of traditional resource management, particularly the interdependent nature and function of the various elements of the environment within a catchment. This principle requires an integrated management approach across the land and water boundary.

6. WĀHI TAPU

Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Wāhi tapu include kōiwi (human remains), urupā (burial sites), waiwhakaheke tūpāpaku (water burial sites), historic pa, buried whakairo (carvings) tuhituhi o neherā (archaeological and rock art sites), tohu (“markers” such as landmarks, mountains, mountain ranges, and some trees), ana (caves), and tauranga waka (canoe landing sites).

7. TAONGA

All natural resources – air, land, water and indigenous biological diversity are taonga. Taonga are treasures, things highly prized and important to Poutini Ngāi Tahu, derived from the Atua (Gods) and left by the tīpuna (ancestors) to provide and sustain life. Taonga include sites and resources such as wāhi tapu, tauranga waka, and mahinga mātaimai, other sites for gathering food and cultural resources, tribally significant landforms, and features. The term cultural landscapes is an inclusive expression for taonga sites and areas.

Pounamu is a taonga of utmost importance to Poutini Ngāi Tahu/Ngāi Tahu culture and tradition, and the two papatipu rūnanga have each prepared a pounamu management plan to manage appropriate

use and protection of pounamu. Councils must have regard to these management plans when preparing regional and district plans, and when considering resource use activities that might affect pounamu resources.

The significant resource management issues for Poutini Ngāi Tahu on the West Coast are:

1. Expression of rangitiratanga through active involvement in resource management decision-making.
2. The need for integrated environmental management of and between all resources, reflecting ki uta ki tai.
3. It is important to Poutini Ngāi Tahu that the life-supporting capacity of the environment is safeguarded, and this capacity is restored where it has been impaired by use and development of resources.
4. The need to use resources, including mahinga kai resources, to sustain the community.
5. The obligation to protect wāhi tapu and other taonga for future generations.
6. The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate, having regard to the effects of the use.

Note: Some of these issues are dealt with in other chapters of this RPS.

OBJECTIVES

1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the RMA.
2. Recognise and provide for the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga within the West Coast Region.

POLICIES

1. Acting cooperatively and in good faith, the Regional and District Councils will continue to provide opportunities for active involvement of tangata whenua in resource management processes under the RMA.
2. In consultation with Poutini Ngāi Tahu, provide for the protection of ancestral land, wāhi tapu, water, sites, and other taonga from the adverse effects of activities, in a manner which is consistent with the purpose of the RMA.
3. The special relationship that Poutini Ngāi Tahu have with te taiao (the environment), and their economic, cultural, and spiritual values, including their role as kaitiaki, will be given particular consideration in resource management decisions and practices.
4. The aspirations of Poutini Ngāi Tahu concerning the development of papakāinga housing on Poutini Ngāi Tahu land will be recognised and supported.

EXPLANATION TO THE POLICIES

Policy 1 is intended to reflect Treaty principles and gives effect to section 8 of the RMA. 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. In this context the Regional and District Councils’ responsibilities are to take into account the principles of the Treaty as defined by the Act and clarified by the courts.

The ways in which active involvement should be provided will need to be determined in consultation between the Councils and Poutini Ngāi Tahu. As well as consultation on specific matters, active involvement could be implemented by methods including, but not limited to, information sharing, development of Mana Whakahono a Rohe iwi participation arrangements or other relationship agreements, support for Poutini Ngāi Tahu environmental initiatives, and representation on hearing panels.

The Regional and District Councils will endeavour to:

- a) Ensure that their 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:
 - act reasonably and in good faith;
 - make informed decisions;
 - consider whether active steps are needed to protect Māori interests;
 - not take actions which would prevent the redress of claims; and
 - recognise that the government must be able to govern.

Policy 2 gives effect to section 6(e) of the RMA by recognising that some resources, places or things are of special significance to Māori. These include wāhi tapu sites, archaeological sites, other historic sites or places and natural landscapes or features of cultural or traditional importance to Māori. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The policies aim to protect such sites and values from the adverse effects of resource use and development as far as is practicable.

Policy 3: Policy 3 gives effect to section 6(e) of the RMA, and also to Section 7(a), which requires that particular regard be given to kaitiakitanga. The role of Poutini Ngāi Tahu as kaitiaki is an integral part of the special relationship Poutini Ngāi Tahu have with their land, and all living things. Poutini Ngāi Tahu already have input into identifying and assessing adverse effects on their economic, cultural, and spiritual values through RMA planning and consent processes. Further consultation may be undertaken in the future between the Regional and District Councils and Poutini Ngāi Tahu, about how their kaitiakitanga role can be enabled.

Policy 4 also gives effect to section 6(e) of the RMA by seeking to ensure that tangata whenua face no unnecessary barriers in the development of Poutini Ngāi Tahu lands.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide for consultation with Poutini Ngāi Tahu in a way which is timely, practicable, meaningful and continuous as provided by the Te Rūnanga o Ngāi Tahu Act 1996, and in accordance with Poutini Ngāi Tahu tikanga.
2. Councils must consult with Poutini Ngāi Tahu about the appropriate form of their involvement in:
 - a) Plan development, and resource consent processes;
 - b) Other council RMA decision-making processes; and
 - c) Enabling the kaitiakitanga role of Poutini Ngāi Tahu.
3. Recognise Poutini Ngāi Tahu initiatives to articulate their resource management values and methods through iwi management plans.
4. Inform affected Poutini Ngāi Tahu Rūnanga of resource consent applications as they are received.
5. Add conditions to resource consents incorporating iwi protocols to protect ancestral lands, water, sites, wāhi tapu and other taonga where appropriate to avoid, remedy or mitigate adverse effects on iwi values.
6. In preparing regional and district policies and plans, and when making decisions relating to resource consents, have regard to Statutory Acknowledgements Areas, and mataitai reserves, and take into account iwi management plans.
7. District councils must consult with Poutini Ngāi Tahu to determine how papakāinga housing can be provided for in the District Plans.

PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES AND METHODS

All those exercising functions and powers under the RMA are required by section 8 to take into account the principles of the Treaty of Waitangi. These provisions reflect current practice which is working well, and will enable the Regional Council to continue to carry out its obligation under the RMA to provide for tangata whenua active involvement in the management of the region's natural and physical resources and to recognise and provide for the relationship of Poutini Ngāi Tahu, their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. This is important to sustaining Poutini Ngāi Tahu identity and wellbeing.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Wāhi tapu and other taonga are recognised and provided for when managing the adverse effects of the use and development of natural and physical resources.
2. Helping to maintain the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga within the West Coast Region.
3. Recognition of the principles of the Treaty of Waitangi, and making resource management decisions which take these principles into account.

4. Resilient and Sustainable Communities

BACKGROUND TO THE ISSUES

To plan for the future we must first examine and learn from our past. Prior to European settlement and the discovery of gold circa 1864, the West Coast was home to Poutini Ngāi Tahu. Reciprocity or balanced exchange encompassed all areas of general trade - timber, pounamu, mahinga kai, art and weaponry, and land access agreements, internally and inter-tribally. Post 1864 the West Coast had its economic roots in the mining industry – both gold and coal. Timber, fisheries and agriculture also played a big role.

Due to a historical reliance on the export of commodities from the region, our towns and communities' populations have fluctuated - dramatically in some cases. When employment declines people often move away, and communities can lose their sense of identity. Less money is available and towns and settlements can become run down, losing their amenity values.

To be resilient and sustainable, our communities require a skilled workforce in more consistent and reliable employment, a decent household income and local access to modern health, education and recreation services. Our regional community cannot grow and prosper without new economic development that is driven by infrastructure, innovation, capital, international connections and a skilled workforce. Without this, there is a very real risk that this region will start to experience population decline and the loss of core services.

The emergence of the dairy and tourism sectors have provided income sources additional to the mineral extraction industries. But the future of the region cannot rely on these three sectors alone. Further diversification of the West Coast economy is crucial - to counteract fluctuations caused by external influences such as the commodities market, exchange rates and the needs and wants of our export and tourism markets. The dispersed nature of the West Coast means that even small to medium-sized investment can have significant positive impacts. The West Coast needs to present itself as an attractive place to live, learn, innovate and do business, inviting diversification of the key industries and providing alternatives from, and added value to, the cornerstones of the traditional earners. Achieving diversification can be assisted by enabling reliable access to the natural and physical resources of the region, promoting an availability of quality living environments, and ensuring sound, consistent and reliable regulatory processes.

The high quality living environment on the West Coast is made up of many things that our communities value. The long proud history of the West Coast remains visible in the numerous historic buildings, places, monuments and landscapes, including our rivers, lakes and coastal environments. It is from these resources that a sense of place and identity are derived. To ensure our communities prosper, we must protect the significant values of these resources as far as practicably possible whilst encouraging opportunities for growth and development that do not undermine those values.

Poor quality regulation and high compliance costs can act as a brake on business growth, investment and job creation. Councils need to be mindful of the impact of regulation on the economy – good quality regulation can be used to stimulate economic growth. Consistency in interpreting and implementing the law has been identified as a desirable yet problematic feature of any regulatory environment. Businesses require a reasonable degree of certainty to operate with confidence, especially when it comes to larger investments. Consistency between Councils with approaches that are timely and effects based, and provide both certainty as well as flexibility where it is required, is critically important for business confidence.

Each of the Councils recognise the importance of economic growth and development for their districts and have taken steps, individually and collectively, to raise the profile of this through the development of district and regional economic strategies. While this RPS does not seek to drive economic development of itself, it can establish the importance of developing an enabling RMA framework in our region, within which growth is welcomed, by ensuring that the regional and district plans enable development whilst also achieving environmental outcomes.

The significant issues in relation to resilient and sustainable communities on the West Coast are:

1. The West Coast is at risk of experiencing population decline. It is critical that our planning documents address this risk by enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management.
2. West Coast industries are traditionally susceptible to fluctuating cycles and global commodity prices which can affect the social and economic wellbeing of our communities. Councils' management of natural and physical resources needs to contribute, where possible, to making our communities more resilient and sustainable in the long term. This includes ensuring that communities retain their sense of place, identity, heritage and amenity values.
3. The implementation of the RMA by local authorities can support economic growth and creation of employment in the region; whilst also avoiding, remedying or mitigating any associated adverse effects.

OBJECTIVES

1. To enable sustainable and resilient communities on the West Coast.
2. This region's planning framework enables existing and new economic use, development and employment opportunities while ensuring sustainable environmental outcomes are achieved.
3. To ensure that the West Coast has physical environments that effectively integrate subdivision, use and development with the natural environment, and which have a sense of place, identity and a range of lifestyle and employment options.
4. The significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural wellbeing of the West Coast.
5. To recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes.

POLICIES

1. To sustainably manage the West Coast's natural and physical resources in a way that enables a range of existing and new economic activities to occur, including activities likely to provide substantial employment that benefits the long term sustainability of the region's communities.
2. Regional and district plans must:
 - a) Contain regulation that is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;
 - b) Be as consistent as possible;
 - c) Be as simple as possible;
 - d) Use or support good management practices;
 - e) Minimise compliance costs where possible;
 - f) Enable subdivision, use and development that gives effect to relevant national and regional policy direction; and
 - g) Focus on effects and, where suitable, use performance standards.
3. To consider the transfer and delegation of regional and district council functions (as provided by sections 33 and 34 of the RMA) where it would result in increased efficiencies and/or effectiveness in achieving resource management objectives, using shared services principles.

4. To promote:
 - a) The sustainable management of urban areas and small settlements, along with the maintenance and enhancement of amenity values in these places; and
 - b) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.
5. Promote the sustainable management of historic heritage, through:
 - a) Identification of significant values associated with historic heritage;
 - b) Ensuring that subdivision, use and development does not detract from the significant values of historic heritage; and
 - c) Encouraging the adaptive reuse of historic heritage where appropriate and practicable.
6. Cultural landscapes are appropriately identified, and effects of activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu.

EXPLANATION TO THE POLICIES

The implementation of Policy 1 supports diversification of the economy in order to create communities that are both more resilient and sustainable. The importance of managing natural and physical resources in a sustainable way is acknowledged, recognising that it is through the protection, use or development of those resources that our communities' economic and social wellbeing will be provided for in the future. Enabling opportunities for a wide range of industries to establish in the region will provide a variety of employment options assisting with reducing the potential market fluctuations on individual industry sectors. Enabling growth will also provide incentives for businesses to develop in the region, as well as encouraging people to reside on the West Coast.

Policy 2 aims to provide a regulatory framework that promotes diversity, innovation, and encourages businesses to invest in the region and grow. The policy seeks to make the regional and district plans as 'business friendly' as possible (while still maintaining environmental standards). Consistency over like matters is efficient for Councils, businesses, developers, communities and individuals. It can lead to smarter shared services, and ensuring that regulation is effective and not excessively costly.

Adopting or supporting good/best practice through other tools such as performance standards or codes of practice should avoid regulation from becoming out of date as well as promoting ownership of environmental performance and reduce compliance costs.

Enabling subdivision, use and development in regional and district plans can be achieved in a number of ways. Most obviously this is through activity status (for example permitted or controlled activities), but there are other tools such as limited notification of resource consent applications and setting out resource consent application information requirements.

Effects of activities should be the focus of plans. This encourages innovation and avoids unnecessarily restricting uses and developments that are able to meet environmental outcomes. There will be circumstances whereby specific constraints are justified. However, plans should provide the ability to innovate and adapt where possible.

Policy 3 seeks to achieve efficiency and consistency in the management of Council functions particularly where one Council may have expertise.

The implementation of Policy 4(a) incorporates concepts of aesthetically pleasing, stimulating and vibrant urban areas and smaller settlements. It also seeks to promote a range of amenity values to present choices to meet the diverse needs of residents throughout the region. It is important to not only apply this in the recognised urban towns but the smaller settlements with which people feel a strong connection to, and identity with. In reference to Policy 4(b), it is important that public access to

these natural environments is maintained where possible (except, for example, where it is unsafe) so that people and communities can provide for their wellbeing.

Policy 5 promotes the sustainable management of historic heritage. This requires regional and district plans to include schedules of significant historic heritage; and that the effects of any subdivision, use and development on those identified values are appropriately recognised and managed. This approach also encourages consideration to be given to the economic viability of proposals involving historic heritage.

Policy 6 recognises that the traditions of Poutini Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. Indicators of these intergenerational landscapes include pā and kainga, ara tawhito (traditional trails), pounamu, mahinga kai, wāhi tapu and wāhi ingoa (place names). Protection of Poutini Ngāi Tahu cultural landscapes from inappropriate use, development and subdivision is important to Poutini Ngāi Tahu culture, identity and wellbeing, and consultation with Poutini Ngāi Tahu is required to determine appropriate means of addressing this in particular locations.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. The Regional and District Councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, must:
 - a) Consider:
 - i) Removing unnecessary regulation;
 - ii) Opportunities for streamlined, efficient processes;
 - iii) Increasing flexibility of approach, certainty of provisions, and consistency of process; and
 - iv) Taking a risk based approach;
 - b) Consider the benefits, costs and risks of combining planning documents and joint plan changes, in part or in total, including on specific resources or geographical areas; and
 - c) Consider the use of good management practices (including environmental best practice guidelines, and codes of practice).
2. Undertake joint consent processes where appropriate.
3. Assess and identify in regional and district plans significant historic heritage according to criteria based on the following matters: (a) Historic (b) Cultural (c) Architectural (d) Archaeological (e) Technological (f) Scientific (g) Social (h) Spiritual (i) Traditional (j) Contextual (k) Aesthetic.
4. Use regional and district plans, and the resource consent process, to recognise and protect significant historic heritage from inappropriate subdivision, use and development.
5. Use regional and district plans, and the resource consent process, to recognise the contribution of public access to the economic, social and cultural wellbeing of people and communities, and to manage adverse effects on this and other amenity values.
6. Regional and district councils will consult with Poutini Ngāi Tahu about appropriate provision for cultural landscapes in regional and district plans.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation have been adopted to enhance the quality of life for the residents of the West Coast by creating sustainable and resilient communities that have vibrant, safe and cohesive town centres with a range of residential and business opportunities. Providing a region that is welcoming to business and that will enable growth, diversification and innovation within a framework of sustainable management is one step towards achieving this leading to greater community wellbeing. Promoting the ongoing viability of existing town centres by creating a sense of place and identity with sufficient levels of service is vital to retaining and growing our population into the future. The intent is for development that is compatible with surrounding uses and values, is served by the appropriate level of social infrastructure and is appropriate within the context of the surrounding environment. Good planning (and urban design) can improve West Coasters' social and cultural wellbeing, strengthen our sense of place, enhance our ability to access services and connect with our wider community. This includes, for example, provision for protecting significant heritage values, and maintaining public access to natural resources.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Improved coordination and collaboration with resource management and related functions between the Regional and District Councils, using shared services principles.
2. Simplified application of regulation.
3. The amenity values of urban areas and small settlements, as well as public access to the coastal marine area, lakes and rivers, are maintained and enhanced, where possible.
4. The significant values of historic heritage are protected as much as practicably possible, and contribute to the economic, social and cultural wellbeing of the West Coast.
5. The traditional and ongoing relationships of Poutini Ngāi Tahu with cultural landscapes are sustained for the benefit of future generations.

5. Use and Development of Resources

BACKGROUND TO THE ISSUES

The sustainable management of natural and physical resources means managing the use, development and protection of natural resources in a way or at a rate that enables people and communities to provide for their economic, social and cultural wellbeing while meeting the requirements of section 5(2)(a), (b) and (c) of the RMA.

The state and availability of natural resources is relatively more important for the West Coast's economy than for many other regions in New Zealand. The unique geological and climatic conditions of the region have resulted in creating a landscape unlike any other in New Zealand. This environment not only provides opportunity for economic growth, but is also treasured by its many visitors as well as those who live here. Hence, the West Coast is extremely reliant on the natural and physical resources of the region for its economic, social and cultural wellbeing.

Traditionally mining (coal and gold) has been the primary employer in the region. Farming also a significant contributor, particularly through the dairy industry. In addition to direct farm income from milk production, the added value by the processing of the product is a significant contributor to regional employment and income. Many engineering and other support businesses exist because the mining and farming activity, and related value-added activities, creates the demand for their products and services. Tourism has also had a long history on the West Coast, starting in the mid-1800's with local guiding of early European explorers by Poutini Ngāi Tahu. The tourism sector continues to play an increasingly important role in the West Coast economy. The region is rich in natural landscapes, coastal environments, rivers and lakes, and with world renowned attractions such as World Heritage Parks, the region is gaining traction in international markets. The West Coast has a high rate of tourism growth.

Aside from these three mainstays of the economy, other industries based on natural resources include forestry, fishing (including for whitebait), extraction of other minerals such as ironsands and garnets, horticulture, sphagnum moss harvesting, and food production as well as a thriving arts industry using pounamu, gold, wood, stone and copper. Aggregate extraction and production is important for the construction, operation, and maintenance and upgrading of infrastructure and for broader economic activity across the West Coast within the building and construction sectors. The manufacturing and construction sectors, through heavy and light engineering industries, have developed to service these primary sectors and now play an important role in the regional economy itself. Future growth in the region is likely to continue to be based around the use and development of natural resources in the first instance, with supporting industries developing alongside these, followed by other sectors as demand determines or sectors diversify.

The West Coast has a significant proportion of public land administered by the Department of Conservation. The use and protection of public conservation land, is central to the long term sustainability of West Coast communities. Development of new tourism related infrastructure within public conservation land will provide incentives for growth and investment in the wider region. There are also a number of other activities that occur on land administered by the Department including grazing licences, mining and sphagnum moss harvesting.

The Department issues concessions under the Conservation Act, or access arrangements under the Crown Minerals Act in the case of mining, for activities to occur. While this includes consideration of environmental effects under the Conservation Act, regional and district council functions under the RMA still apply on public conservation land. While large portions of land are not freehold in the region, appropriate use and development can occur, generating growth opportunities while still protecting the values of natural resources and the wider environment.

Some land and resource use activities may be incompatible with others, for example mining near residential areas. Planning for and managing potentially conflicting activities are essential to ensure that the cultural, economic and social wellbeing of communities is looked after. There are also instances

where mutually beneficial outcomes can be achieved, for example, where ecological values are protected whilst development occurs. Where these situations arise on public conservation land, they will not only be managed by regional and district plans, but also through the Department's Conservation Management Strategy.

The reliance on the natural resources of the region requires that the environment remain in a healthy functioning state to provide for this. People choose to invest, do business, live and recreate on the West Coast due to the unique and special nature of the region and its natural resources. On the West Coast, most conflicts arise from the desire of some parties to use resources and the desire of others to protect them. Use, development and protection of the region's natural and physical resources are therefore significant resource management issues for the West Coast.

The significant issues in relation to the use and development of resources on the West Coast are:

1. Recognising the central role of resource use and development on the West Coast.
2. Managing the conflicts arising from the use, development and protection of natural and physical resources.

OBJECTIVES

1. To recognise the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.
2. Incompatible use and development of natural and physical resources are managed to avoid or minimise conflict.

POLICIES

1. Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region's people and communities.
2. To recognise that natural and physical resources important for the West Coast's economy need to be protected from significant negative impacts of new subdivision, use and development by:
 - a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities located near existing:
 - i) Primary production activities;
 - ii) Industrial and commercial activities;
 - iii) Minerals extraction*;
 - iv) Significant tourism infrastructure;
 - v) Regionally significant infrastructure; and
 - b) Managing new activities to retain the potential future use of:
 - i) Land with significant mineral resources; or
 - ii) Land which is likely to be needed for regionally significant infrastructure.

*Minerals extraction includes aggregates and other mining activities.

EXPLANATION TO THE POLICIES

The implementation of Policy 1 recognises the importance of the role of resource use and development on the West Coast and its contribution to the social, economic and cultural wellbeing of people and communities. Use and development of resources may be of regional and national importance providing

benefits to people and communities on the West Coast and to New Zealand as a whole. The use and development of resources must be undertaken in a way which promotes the sustainable management purpose of the RMA. This will mean enabling people and communities to provide for their economic, social and cultural wellbeing and for their health and safety while meeting the requirements of section 5(2)(a), (b) and (c) of the RMA to meet the reasonably foreseeable needs of future generations, safeguard life-supporting capacity of resources, and avoiding, remedying or mitigating adverse effects on the environment.

Policy 2 aims to create a framework for getting the right development in the right place at the right time. It is a strategic and proactive policy, designed to give effect to section 30(1)(g)(b) of the RMA which gives regional councils the function of strategically integrating infrastructure with land use. The policy seeks to ensure that there is a planned and coordinated approach to developing the built environment. Well-designed development also provides for the wellbeing of people and communities now and into the future. It also recognises that some types of development are incompatible when in close proximity to each other and that some activities can only occur in certain places because of the functional needs of that activity. Should other development occur there, then this can lead to a lost opportunity for a higher value use of that land.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide for the sustainable use and development of natural resources through regional and district plan provisions and resource consents.
2. Encourage discussion and co-operation between existing resource users (including land used for primary production) and those proposing new use and development of natural and physical resources (including the provision of infrastructure), to resolve conflicts and achieve integration of these activities.

Note: Method 2 relates to Policy 4 in Chapter 6 Regionally Significant Infrastructure.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation have been adopted to ensure that the role of sustainable resource use and development in enabling people and communities to provide for their economic, social and cultural wellbeing is recognised in resource management decision making processes. Such recognition is a core part of the sustainable management of resources and our communities.

Land, and the natural resources that can be derived from this land, is one of the most important assets that the West Coast has. Recognition of this, and the conflicts that can arise through poor decision making, need to be taken into account through both regional and district plans and resource consenting processes.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Resource use and development is able to occur in accordance with the sustainable management purpose of the RMA.
2. The ability to access or use significant natural resources is not compromised by inappropriate subdivision, use or development.

6. Regionally Significant Infrastructure (RSI)

BACKGROUND TO THE ISSUES

There is a need to recognise the social, economic, and environmental benefits that accrue locally, regionally and nationally from the establishment and continued operation of RSI. Energy enables people to provide for their wellbeing, and is a key facet of the regional (and national) economy. Transport services provide vital access and freight links to and within the region. Tele and radio communication networks provide an important every day and emergency facility to people and businesses. Municipal water, sewage and stormwater systems enable communities to maintain a healthy standard of living. The region's flood protection schemes protect individual and community assets, productive capability, community safety, and other infrastructure networks.

The ambition of West Coast communities is to develop world class infrastructure, including high speed broadband and enhanced cellular coverage, and to use this infrastructure to enable new diversified economic development and employment opportunities on the West Coast. The RMA processes that are required for this infrastructure therefore need to be simple, quick and low cost.

Section 30(1)(gb) of the RMA gives regional councils the functions of:

"...the strategic integration of infrastructure with land use through objectives, policies, and methods..."

The government has also acknowledged that renewable electricity generation and the National Grid are matters of national importance, and developed the following policies and regulations:

- National Policy Statement on Electricity Transmission 2008 (NPSET);
- National Environmental Standard for Electricity Transmission Activities 2009 (NESETA); and
- National Policy Statement for Renewable Electricity Generation 2011 (NPSREG).

For the purposes of Chapter 6 of the RPS, electricity generation, transmission and distribution infrastructure that is recognised as nationally significant is also identified as regionally significant in the Glossary. Relevant provisions of the national electricity policies are incorporated into regional plans, particularly the Regional Land and Water Plan, which also provides for other significant infrastructure.

The NPSREG and NPSET require that some matters be addressed in RPS's. The potential for certain activities to disrupt, or risk disrupting, the safe and efficient operation of RSI needs to be managed. Additionally, practical constraints associated with RSI can limit their ability to avoid, remedy or mitigate adverse effects. For instance, infrastructure facilities are often located on public conservation land, as hydro electricity generation structures need to locate where the water resources are. The positive and negative impacts, and limitations of suitable sites, are some of the matters that need to be weighed up during the consenting process.

RSI can have adverse environmental effects depending on its scale and location, amongst other factors. This Chapter generally does not contain provisions for managing the adverse effects of RSI on the environment. There are two exceptions. One is a policy for the National Grid. The other is a policy recognising the scope for offsets and compensation for non-biodiversity adverse effects that cannot be avoided, remedied or mitigated. All relevant provisions in this RPS must be considered in managing the adverse effects of RSI activities.

For RSI activities in the coastal environment, Chapters 6 and 9 must be considered.

The significant issues in relation to RSI for the West Coast are:

1. Resilient RSI is essential for the social, economic and cultural wellbeing of the West Coast.

2. Strategically integrating infrastructure and land use.

OBJECTIVE

1. Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure.

POLICIES

1. Provide for a secure supply of energy to meet the needs of people and communities on the West Coast, and to meet the foreseeable future needs of economic growth in the region.
2. Provide for the development, operation, maintenance and upgrading of new and existing RSI including renewable electricity generation activities and National Grid infrastructure.
3. When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.
4. Recognise that RSI important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.
5. When considering any adverse environmental effects of RSI that cannot be avoided, remedied or mitigated, other than effects on indigenous biological diversity, decision-makers must have regard to any offsets and compensation proposed which benefit the natural environment or the community affected.
6. Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment.
7.
 - (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.
 - (2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects, on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and the natural character of wetlands, and lakes and rivers and their margins outside the Coastal Environment.
8. Land use and infrastructure should be integrated to avoid as much as practicably possible:
 - a) Constraints through the lack of supporting infrastructure;
 - b) Unsustainable demands being placed on infrastructure to meet new growth;
 - c) Significant adverse effects on existing land uses.

Note: Policy 4 relates to Method 2 in Chapter 5 Use and Development of Resources.

EXPLANATION TO THE POLICIES

Policy 1 seeks to ensure that the West Coast has a secure supply of energy to meet the needs of people and communities from either non-renewable or renewable sources. The Policy applies to infrastructure which supplies energy rather than energy supplies per se.

Policy 2 seeks to ensure that RSI are provided for to meet the needs of the people and communities of the West Coast. RSI is defined in the Glossary. Policy 2 also gives effect to Policies E1-E4 of the NPSREG which requires provision for renewable electricity generation, and Policy 2 of the NPSET which requires recognition of the National Grid.

Policy 3 gives effect to Policy C1 of the NPSREG, and Policy 3 of the NPSET. Electricity generation infrastructure needs to be located where the resource is and the electricity needs to be conveyed to users. The location of the necessary infrastructure can sometimes be physically, technically or operationally constrained. Those constraints can also apply to other forms of RSI. Such infrastructure may need to be located within areas containing high, outstanding or significant natural values.

Policy 4: The operation, maintenance and future development of RSI can be significantly constrained by the adverse environmental impact of encroaching activities and development, also known as reverse sensitivity, or by the effects of existing resource use. Policy 4 gives effect to Policies 10 and 11 of the NPSET for managing reverse sensitivity effects on RSI including the National Grid.

Policy 5: The linear nature of many infrastructure networks determines its form, shape and location. Technical and operational requirements associated with infrastructure networks can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects. Consequently in some cases it may be appropriate for new infrastructure to be located in, or traverse parts of, a sensitive environment to achieve a net benefit, or lower overall adverse effects. These situations and the appropriateness of offsets and compensation need to be determined on a case by case basis having regard to relevant case law, national policy and good practice guidelines on offsets and compensation, and expert advice. Chapter 7 applies to offsetting and compensating adverse effects on indigenous biological diversity. Policy 5 applies to other adverse effects.

Policy 6 gives effect to the NPSREG and provides for existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character or containing significant or outstanding values throughout the region.

Policy 7 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and natural character. Policy 7 sets the policy framework for the effects of the National Grid to be assessed in a considered manner, taking into account the technical and operational constraints of the network and the route, site and method selection process. It enables a case by case merits assessment of specific National Grid projects, taking into account the nature of the adverse effects and the values adversely affected.

Policy 8 recognises the need for planning for growth and development and the provision of local, regional and national infrastructure to proceed side-by-side in a coordinated and integrated way.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide for the development, operation, maintenance and upgrading of micro and small-scale hydro electricity generation activities, subject to appropriate conditions, in regional plans as permitted or controlled activities, and in district plans, where appropriate.
2. Through regional and district plan rules, or conditions of resource consents:
 - a) Recognise the positive benefits of RSI;
 - b) Recognise the constraints imposed by the locational, technical and operational requirements of RSI, including electricity transmission, distribution and renewable electricity generation infrastructure; and
 - c) Manage adverse environmental effects on the safe and efficient operation of RSI.
3. As part of regional and district plan development or review processes, regional and district councils must consult with the National Grid operator about identifying appropriate buffer corridors to manage the adverse effects of subdivision, use and development on the National Grid.
4. Maintain river control and flood protection works and services.

Notes:

Method 1: Policy F of the NPSREG requires that RPSs include methods to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district. Many of the region's rivers and creeks have potential for hydroelectric development for individual domestic and small-scale business use, with no more than minor effects. Appropriate hydro schemes can be developed and the adverse effects reduced by careful design and location of structures. Increased generation in the region would improve security of supply.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

RSI is important for the economic and social wellbeing of people and communities on the West Coast, and plays a vital role in daily life. Provision for the safe, reliable, and efficient functioning of such facilities and their maintenance and upgrading is provided for in this document in recognition of their importance, and to ensure that they are effectively integrated with land use.

The provisions in this Chapter also give effect to national legislation, policies and standards which direct Councils to address matters of national importance. These are incorporated where they are considered relevant to the resource management of infrastructure activities on the West Coast.

ANTICIPATED ENVIRONMENTAL RESULTS

1. A perpetually secure supply of energy to meet the needs of people, communities and industry on the West Coast.
2. Increased use and development of renewable electricity resources.
3. Continued development, operation, maintenance and upgrading of RSI.
4. Effective management of resource management conflicts arising from reverse sensitivity effects on existing RSI, or between the provision of RSI and existing resource use.
5. New land use generated by growth and development strategically integrated with local, regional and national infrastructure, particularly transport, so as to avoid an unsustainable approach to infrastructure provision and funding.

7. Ecosystems and Indigenous Biological Diversity

BACKGROUND TO THE ISSUES

Under section 6(c) of the RMA councils have responsibilities to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, also referred to as Significant Natural Areas (SNAs). Sections 30 and 31 of the Act also give regional and district councils the functions to develop objectives, policies, and methods for maintaining indigenous biological diversity. It is important to recognise the roles of other organisations and groups on the West Coast involved in the sustainable management of indigenous biological diversity and ecosystems. While the Department of Conservation has a key role in this, regional and district council functions under the RMA still apply across the region.

Indigenous biological diversity in the coastal environment is addressed in the Coastal Environment Chapter, as the New Zealand Coastal Policy Statement (NZCPS) provides specific direction on these matters. This Chapter covers the rest of the Region inland from the landward coastal environment boundary.

This Chapter applies to sustainably managing terrestrial and freshwater indigenous biological diversity. Additionally, the National Policy Statement for Freshwater Management (NPSFM) provides direction to, amongst other things, safeguard the life-supporting capacity of fresh water ecosystem processes and indigenous species, and protect the significant values of wetlands and outstanding freshwater bodies. Both this Chapter and Chapter 8 Land and Water may need to be considered for any proposed activities affecting fresh water ecosystems and habitats.

The West Coast region has a land area of 2,300,000 ha with the Department of Conservation managing 1,912,000 ha or 84% of this land¹ leaving approximately 388,000 ha (16%) of land on the West Coast not under their control. In addition, there is roughly 40,647 km of streams and rivers in the region, of which 33,094 km (81%) are in Department of Conservation managed lands. In a national context, one quarter of New Zealand's protected land, and 10% of the total length of rivers in New Zealand, is located on the West Coast. Compared to other regions, the West Coast is rich in its level of remaining indigenous biological diversity. The extent of indigenous vegetation provides other benefits and positive effects including, for example, well-vegetated upper catchments that reduce flooding, erosion and sedimentation downstream.

Poutini Ngāi Tahu as kaitiaki have a responsibility to manage and protect indigenous biological diversity. The ability of mana whenua to engage with indigenous species is important to enable Poutini Ngāi Tahu to maintain their identity and cultural traditions into the future. This is further detailed in Chapter 3.

This Chapter sets the objectives and policies to be given effect to in district and regional plans, including through the use of rules, to achieve the protection of SNAs, and to maintain indigenous biological diversity. The Chapter also states the responsibilities of the region's local authorities to maintain indigenous biological diversity.

The region's terrestrial and fresh water indigenous biological diversity must be maintained. In some circumstances, adverse effects are unacceptable and must be avoided. In other circumstances, adverse effects may be able to be managed through the mitigation hierarchy. The West Coast councils and Department of Conservation are committed to using both regulatory and non-regulatory measures to ensure that significant indigenous vegetation and significant habitats of indigenous fauna are sustainably managed and protected.

¹ West Coast Conservation Management Strategy 2010 – 2020 Volume I.

Statement of Local Authority Responsibilities

Section 62(1)(i)(iii) of the Act requires a regional policy statement to state the local authority responsible, in the whole or any part of the region, for specifying the objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity.

The West Coast Regional Council will be responsible for specifying the objectives, policies and methods to maintain indigenous biological biodiversity by controlling activities:

1. in the CMA;
2. affecting water bodies, including significant wetlands;
3. affecting the beds of lakes and rivers;

Control of the use of land to maintain indigenous biological biodiversity in lake and river margins, and for earthworks and vegetation clearance activities, is a shared responsibility between Regional and District Councils.

Territorial authorities will be responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological biodiversity for all other activities.

The significant issues in relation to the management of indigenous biological diversity values on the West Coast are:

1. Activities which contribute to people's wellbeing may adversely affect indigenous biological diversity.
2. In the context of extensive indigenous vegetation and habitats, much of which is on land managed by the Department of Conservation, an integrated management approach is required.
3. Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biological diversity under the RMA, to the extent practicably possible.

OBJECTIVES

1. Identify in regional and district plans, and through the resource consent process, areas of significant indigenous vegetation and significant habitats of indigenous fauna in a regionally consistent manner.
2. Protect significant indigenous vegetation and significant habitats of indigenous fauna.
3. Provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing in areas of significant indigenous vegetation and significant habitats of indigenous fauna.
4. Maintain the region's terrestrial and freshwater indigenous biological diversity.

POLICIES

1. a) Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified using the criteria in Appendix 1; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan and district plans.

- b) Significant wetlands will be identified using the criteria in Appendix 2; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan.
2. Activities shall be designed and undertaken in a way that does not cause:
- a) The prevention of an indigenous species' or a community's ability to persist in their habitats within their natural range in the Ecological District, or
 - b) A change of the Threatened Environment Classification to category two or below at the Ecological District Level;² or
 - c) Further measurable reduction in the proportion of indigenous cover on those land environments in category one or two of the Threatened Environment Classification at the Ecological District Level;³ or
 - d) A reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Classification Categories 1 – nationally critical, 2 – nationally endangered, and 3a – nationally vulnerable⁴.
3. Provided that Policy 2 is met, when managing the adverse effects of activities on indigenous biological diversity within SNAs:
- a) Adverse effects shall be avoided where possible; and
 - b) Adverse effects that cannot be avoided shall be remedied where possible; and
 - c) Adverse effects that cannot be remedied shall be mitigated.
 - d) In relation to adverse effects that cannot be avoided, remedied or mitigated, biodiversity offsetting in accordance with Policy 4 is considered; and
 - e) If biodiversity offsetting in accordance with Policy 4 is not achievable for any indigenous biological diversity attribute on which there are residual adverse effects, biodiversity compensation in accordance with Policy 5 is considered.
4. Provided that Policy 2 is met, and the adverse effects on a SNA cannot be avoided, remedied or mitigated, in accordance with Policy 3, then consider biodiversity offsetting if the following criteria are met:
- a) Irreplaceable or significant indigenous biological diversity is maintained; and
 - b) There must be a high degree of certainty that the offset can be successfully delivered; and
 - c) The offset must be shown to be in accordance with the six key principles of:
 - i. **Additionality:** the offset will achieve indigenous biological diversity outcomes beyond results that would have occurred if the offset was not proposed;
 - ii. **Permanence:** the positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity;
 - iii. **No-net-loss:** the offset achieves no net loss and preferably a net gain in indigenous biological diversity;
 - iv. **Equivalence:** the offset is applied so that the ecological values being achieved are the same or similar to those being lost;
 - v. **Landscape context:** the offset is close to the location of the development⁵; and

² The Threatened Environment Classification system is managed by Landcare Research. (Walker S. et al 2007. Guide for users of the Threatened Environment Classification. [Lincoln, Canterbury], Landcare Research New Zealand. 1 – 35 p.)

³ *ibid*

⁴ Department of Conservation threat classification: Townsend, A, de Lange, P; Clinton, A; Duffy, A; Miskelly, C; Molly, J; Norton, D. 2008. New Zealand Threat Classification System Manual

⁵ Maseyk, F., Ussher, G., Kessels, G., Christensen, M., Brown, M., for the Biodiversity Working Group on behalf of the BioManagers Group, September 2018. Biodiversity Offsetting under the Resource Management Act: A guidance document. Pages 4, 5, 25.

- vi. The delay between the loss of indigenous biological diversity through the proposal and the gain or maturation of the offset's indigenous biological diversity outcomes is minimised.
 - d) The offset maintains the values of the SNA.
- 5. Provided that Policy 2 is met, in the absence of being able to satisfy Policies 3 and 4, consider the use of biodiversity compensation provided that it meets the following:
 - a) Irreplaceable or significant indigenous biological diversity is maintained; and
 - b) The compensation is at least proportionate to the adverse effect; and
 - c) The compensation is undertaken where it will result in the best practicable ecological outcome, and is preferably:
 - i. Close to the location of development; or
 - ii. Within the same Ecological District; and
 - d) The compensation will achieve positive indigenous biological diversity outcomes that would not have occurred without that compensation; and
 - e) The positive ecological outcomes of the compensation last for at least as long as the adverse effects of the activity; and
 - f) The delay between the loss of indigenous biological diversity through the proposal and the gain or maturation of the compensation's indigenous biological diversity outcomes is minimised.
- 6. Allow for subdivision, use or development within SNAs, including by:
 - a) Allowing existing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity;
 - b) Allowing activities with no more than minor adverse effects provided that the values of the SNA are maintained.
- 7. Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:
 - a) Allowing activities with no more than minor adverse effects;
 - b) Avoiding, remedying or mitigating more than minor adverse effects;
 - c) Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.
- 8. Maintain indigenous biological diversity, ecosystems and habitats in the region by:
 - a) Recognising that it is more efficient to maintain rather than to restore indigenous biological diversity;
 - b) Encouraging restoration or enhancement of indigenous biological diversity and/or habitats, where practicable; and
 - c) Advocating for a co-ordinated and integrated approach to reducing the threat status of indigenous biological diversity.
- 9. Give effect to Objective 2 of Chapter 3 by:
 - a) Providing for the kaitiakitanga role of Poutini Ngāi Tahu in the management of indigenous biological diversity;
 - b) Provided that Policy 2 is met, recognising and providing for subdivision, use and development in a SNA where it is for the purpose of papakainga, cultural harvest or

mahinga kai gathering by papatipu rūnanga in a manner that accords with tikanga and kaitiakitanga;

- c) Where practicable, provide for Poutini Ngāi Tahu customary use of indigenous species in a manner that accords with tikanga and kaitiakitanga, within the framework of the regional and district council's RMA functions.

EXPLANATION TO THE POLICIES

Policies 1-6 and 9 give effect to sections 5, 6(c), and 6(e) of the RMA by providing a framework to protect significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of activities, and enable activities, including cultural activities, in or near areas with these values to be undertaken where the significant values can be maintained. All of the Chapter 7 Policies also contribute to maintaining indigenous biological diversity in the region, to give effect to sections 30 and 31 of the RMA.

The ecological criteria referred to in Appendices 1 and 2 of Policy 1 will be used to determine whether terrestrial or aquatic areas of indigenous vegetation, as well as habitats of indigenous fauna, are ecologically significant or not. Significant terrestrial indigenous biological diversity will be mapped in district plans once identified.

It is intended that SNAs will be identified and mapped in the preparation of district and regional plans. They may also be identified during resource consent processes, for example in the preparation of an Assessment of Environmental Effects (AEE). If an area is identified as meeting the criteria in Appendix 1 or 2 it is to be managed as an SNA, whether or not it has been mapped in the relevant plan at that time. Additional SNAs identified through the resource consent process will be identified and mapped in regional and district plans when proposed plan, or plan change, processes are undertaken.

Policy 1 recognises that using regionally consistent criteria for determining and identifying Significant Natural Areas (SNAs) assists with achieving sustainable management. It is best practice to map SNAs in plans, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

Policy 2 does not preclude activities from being undertaken provided that they meet the 'bottom lines' identified. In making this assessment, decision-makers need to take into account any measure, (except indigenous biological diversity offsetting or biodiversity compensation) proposed to prevent the effects in Policy 2 from occurring.

Policies 3-5 provide a cascading framework to give direction to regional or district plan development and consideration of consent applications for activities in a SNA. The cascade follows the mitigation hierarchy recognised in resource management practice.

Policy 6 recognises that there are existing activities in SNAs, and there are circumstances when new activities can occur within SNAs which will maintain the values of the SNA.

Policy 7 sets out the management approach to adverse effects in locations which do not contain significant indigenous vegetation or significant habitats of indigenous fauna.

Policy 8 gives effect to sections 30 and 31 of the Act requiring councils to develop, implement and review objectives, policies and methods to maintain indigenous biological diversity. It recognises that West Coast councils cannot single-handedly maintain indigenous biological diversity in the region. Work undertaken by the Department of Conservation, community groups, landowners and through the Biosecurity Act to control vertebrate and plant pests, for example, will contribute substantially to maintaining indigenous biological diversity, by taking an integrated and co-ordinated approach.

Policy 9 links to Objective 2, and Policies 2 and 3 of Chapter 3 Resource Management Issues of Significance to Poutini Ngāi Tahu. To give effect to kaitiakitanga it is important that regional and district councils engage meaningfully with Poutini Ngāi Tahu. Regional and district councils should recognise

that the exercise of kaitiakitanga, and the continuing ability to carry out cultural practices in accordance with tikanga, including within SNAs, by papatipu rūnanga are important to sustaining Poutini Ngāi Tahu identity and wellbeing. In developing regional and district plan provisions for management of indigenous biological diversity, regional and district councils need to work with Poutini Ngāi Tahu and have regard to how the kaitiakitanga role of mana whenua can be enabled and how customary use can be provided for within the framework of the RMA.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Use the ecological criteria in Appendices 1 and 2 for identifying significant indigenous vegetation and significant habitats of indigenous fauna, and significant wetlands respectively, and the areas identified using the criteria will be mapped in district and regional plans.
2. Use regional and district plans and nationally recognised guidance to protect SNAs and maintain the region's indigenous biological diversity.
3. Maintain indigenous biological diversity by using non-regulatory means, including liaising/working with the Department of Conservation, Poutini Ngāi Tahu, affected landowners and other organisations and community groups.
4. Regional and district councils will work together with Poutini Ngāi Tahu to identify opportunities to enable their kaitiakitanga role in relation to the use and protection of indigenous biological diversity under the RMA, including managing adverse effects of subdivision, use and development on the customary use of indigenous biological diversity.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, as a matter of national importance. The Objectives, Policies and Methods in this Chapter implement these statutory requirements in a pragmatic, efficient and effective way to ensure that both the protection of SNAs, and provision for the economic, social and cultural wellbeing of the West Coast, are achieved.

Regard must also be had to the role given to councils by Sections 30 and 31 of the Act in maintaining indigenous biological diversity, and how this can be woven in with the regional and district council's regulatory functions and non-regulatory obligations to work together with Poutini Ngāi Tahu given their kaitiakitanga role, as well as the Department of Conservation and other organisations, community groups and landowners.

A range of methods are proposed to implement the policies and achieve the objectives. Where regulatory tools are to be applied these are to be targeted to significant values. Non-regulatory measures also have an important role to play in the maintenance of indigenous biological diversity on the West Coast. These measures could include, but are not limited to, covenants, land swaps or exchanges in ownership between private land owners and the Department of Conservation, and vertebrate and plant pest control. Using non-regulatory tools also encourages cross sector collaboration. This overall approach is more likely to result in community acceptance and support for indigenous biological diversity protection.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Maintenance and enhancement of areas with significant indigenous biological diversity values in the West Coast region.
2. Appropriate subdivision, use and development is able to occur, and regulatory processes do not unduly delay appropriate resource use and development taking place.
3. Non-regulatory work to maintain indigenous biological diversity is undertaken in an integrated, collaborative and co-ordinated way.
4. Opportunities are provided for Poutini Ngāi Tahu to exercise their kaitiakitanga role in relation to the use and protection of indigenous biological diversity where this is consistent with the West Coast Councils' RMA roles.

7A. Natural Character

BACKGROUND TO THE ISSUES

Under section 6(a) of the RMA, councils must recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development as a matter of national importance. Natural character preservation in the coastal environment is addressed in the Coastal Environment chapter, as the New Zealand Coastal Policy Statement provides specific direction on these matters. This Chapter covers the rest of the region inland from the landward coastal environment boundary.

Natural character is the expression of natural elements, patterns and processes. The level of naturalness is affected by the degree of human modification.

Internationally recognised for its natural character, the West Coast is attracting large numbers of tourists seeking natural experiences. As a result, tourism is currently one of the top economic contributors to the region. The natural character of the region's wetlands, and lakes and rivers and their margins and their associated amenity values are enjoyed by both residents and visitors.

Ensuring that the region retains those aspects that are attractive to visitors and our own communities requires management of potential adverse effects on these natural character values. For example, activities such as flood and erosion control are recognised as important for people's wellbeing, however they can affect the natural character of wetlands, and lakes and rivers and their margins.

The significant issues in relation to the natural character for the West Coast are:

1. Activities which contribute to people's wellbeing may adversely affect the natural character of the region's wetlands, and lakes and rivers and their margins.

OBJECTIVES

1. Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

POLICIES

1. Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins.
2. Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:
 - a) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;
 - b) The value, importance or significance of the natural character at the local, or regional level;
 - c) The degree of naturalness;
 - d) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and

- e) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.
4. Allow activities which have no more than minor adverse effects on natural character.

POLICY EXPLANATION

Policy 1 recognises that using regionally consistent criteria to identify the natural character of wetlands, and lakes and rivers and their margins assists with achieving sustainable management. These criteria will be used in both planning and consent processes to determine the characteristics, and their significance, of the natural character present.

Policy 2 seeks to protect the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins from adverse effects arising from inappropriate subdivision, use and development. What is "inappropriate" is assessed by reference to what is to be "protected".

Policy 3 is to assist decision-makers to determine whether a proposed subdivision, use or development is appropriate.

Policy 4 recognises that some activities will result in effects that are no more than minor and provides for these to take place as a permitted activity, or in accordance with a resource consent.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Include a regionally consistent set of criteria for the identification of the natural character of wetlands, and lakes and rivers and their margins in the regional and district plans.
2. Identify the natural character of wetlands, and lakes and rivers and their margins through the resource consent process.
3. Use provisions in the regional and district plans, and the resource consent process to protect the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate development as a matter of national importance. The Objectives, Policies and Methods in this Chapter implement these statutory requirements in a pragmatic, efficient and effective way to ensure that the protection and preservation of the natural character, and provision for the economic, social and cultural wellbeing of the West Coast, are achieved.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Preservation of the natural character of wetlands, and lakes and rivers and their margins.
2. Appropriate subdivision, use and development is able to occur.

7B. Natural features and landscapes

BACKGROUND TO THE ISSUES

Under section 6(b) of the RMA councils must recognise and provide for the protection of outstanding natural landscapes and outstanding natural features from inappropriate subdivision, use and development as a matter of national importance. Protection of these areas in the coastal environment is addressed in the Coastal Environment chapter, as the New Zealand Coastal Policy Statement (NZCPS) provides specific direction on these matters. This Chapter covers the area inland from the landward coastal environment boundary. The landscape provisions in this Chapter may apply to both terrestrial and fresh water areas, as terrestrial and aquatic landscape values are often closely interlinked.

Chapter 8 Land and Water has provisions for identifying and protecting the significant values of wetlands and outstanding freshwater bodies under the National Policy Statement for Freshwater Management (NPSFM), which can include landscape values. Any proposed activities potentially adversely affecting fresh water landscapes should consider both this Chapter and Chapter 8.

Internationally recognised for its outstanding natural landscapes and outstanding natural features, the West Coast is attracting large numbers of tourists seeking natural experiences. As a result, tourism is currently one of the top economic contributors to the region. The amenity value of these outstanding natural features and outstanding natural landscapes, such as the Franz Josef and Fox Glaciers, make an important contribution to the wellbeing of West Coast communities and visitors.

Ensuring that the region retains those aspects that are attractive to visitors and our own communities requires management of potential adverse effects on these outstanding natural feature and landscape values. For example, activities such as roads are recognised as important for people's wellbeing, however they can affect outstanding natural features and landscapes.

The significant issues in relation to the natural features and landscapes for the West Coast are:

1. Activities which contribute to people's wellbeing may adversely affect outstanding natural features and outstanding natural landscapes.

OBJECTIVES

1. Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development on, in or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

POLICIES

1. Use regionally consistent criteria to identify outstanding natural features and outstanding natural landscapes.
2. Protect the values which together contribute to a natural feature or landscape being outstanding, from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:
 - a) Whether the activity will cause the loss of those values that contribute to making the natural feature or landscape outstanding;

- b) The extent to which the outstanding natural feature or landscape will be modified or damaged including the duration, frequency, magnitude or scale of any effect;
 - c) The irreversibility of any adverse effects on the values that contribute to making the natural feature or landscape outstanding;
 - d) The resilience of the outstanding natural feature or landscape to change;
 - e) Whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;
4. Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects.

POLICY EXPLANATION

Policy 1 recognises that it is best practice to use regionally consistent criteria for identifying-outstanding natural features and landscapes, to contribute to an integrated management framework across the region. Outstanding natural landscapes and features may cross district boundaries. It needs to be evident where outstanding areas are located, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

Policy 2 seeks to protect the values of outstanding natural features and landscapes from inappropriate subdivision, use and development. What is "inappropriate" is assessed by reference to what is to be "protected".

Policy 3 is to assist decision-makers to determine whether a proposed subdivision, use or development is appropriate.

Policy 4 recognises that some activities will result in effects that are no more than minor and provides for these to take place as a permitted activity, or in accordance with a resource consent.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Develop a regionally consistent set of criteria for the identification of outstanding natural features and outstanding natural landscapes and their values, and include the criteria in the regional and district plans.
2. Identify outstanding natural features and outstanding natural landscapes in regional and district plans, and through the resource consent process.
3. Use provisions including maps in the regional and district plans, and the resource consent process to protect outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for the protection of outstanding natural features and outstanding natural landscapes, from inappropriate development as a matter of national importance. The Objectives, Policies and Methods in this Chapter implement these statutory requirements in a pragmatic, efficient and effective way to ensure that both the protection of outstanding natural features and outstanding natural landscapes, and provision for the economic, social and cultural wellbeing of the West Coast, are achieved.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Protection of outstanding natural features and landscapes.
2. Appropriate subdivision, use and development is able to occur.

8. Land and Water

BACKGROUND TO THE ISSUES

The West Coast has high rainfall and water is generally abundant in most areas. Given the development pressures facing other regions, West Coast experiences of the natural environment are being keenly sought, with many of these experiences centred around coastal and freshwater environments. The region's natural beauty and resulting popularity with tourists is, in no small measure, due to the pristine nature of most water bodies. Management of these resources needs to take into account the high recreational and habitat values these water bodies provide.

To Poutini Ngāi Tahu, wai māori (freshwater) and moana (coastal waters) are taonga. The life-giving and life-sustaining properties of water are intrinsically linked to the spiritual, cultural, economic, environmental and social wellbeing, survival and identity of Poutini Ngāi Tahu whānui. Poor water quality and activities such as abstraction, damming or diversion of water can have adverse effects on the relationship of Poutini Ngāi Tahu to fresh and coastal waters, including on their culture and traditions. This is because the life-supporting capacity and/or mauri of the resource can be affected, including its ability to support healthy habitat for mahinga kai and to provide for the harvest of kaimoana and other customary uses. The life supporting capacity of water is not just of importance for cultural values, but also has relevance for trout, salmon and other species.

State of Environment reporting has shown that freshwater quality is improving on the West Coast. Council's Long Term Plan now includes five water quality parameters and Council measures progress with these parameters and reports on this annually.

Water quality management has been mainly focused on addressing point source (direct) discharges of contaminants. Continued work on the way land is used and managed to reduce diffuse run-off and leaching will enable further improvements in water quality. Council has been working closely within specific catchments to improve water quality through both regulatory and non-regulatory approaches, with some success.

Compared with other regions, there are relatively few significant water use pressures on water bodies on the West Coast. However, water availability is coming under increased seasonal pressure due to extraction for irrigation in the upper Grey Valley. This may require further work to prioritise water allocation between water uses such as drinking water and in-stream uses (for example fish habitat/aquatic ecology and other in-stream needs).

The National Policy Statement for Freshwater Management (NPSFM) was gazetted in 2017, and recognises the importance of freshwater resources. It gives councils direction for both providing for water use and protecting the values of freshwater, including aquatic ecosystems and wetlands. Protection of freshwater indigenous biological diversity is addressed in Chapter 7 Ecosystems and Indigenous biological diversity as section 6(c) of the RMA also gives direction on these matters.

To give effect to the NPSFM, the Regional Council has a Progressive Implementation Plan (PIP) identifying Freshwater Management Units (FMU's) in the region, and outlining when it will set up FMU community groups to identify values, objectives and limits for each FMU. This work will result in changes to the Regional Land and Water Plan under Schedule 1 of the RMA.

This Chapter of the RPS provides overarching and high level policy direction to give effect to the NPSFM throughout the region. It also provides for integrated management with the water-related provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS), by managing effects of land and fresh water use that originate from outside the coastal environment, on inshore coastal water. It also gives effect to the relevant provisions of the National Policy Statement for Renewable Electricity Generation (NPSREG).

The significant issues in relation to the management of land and water for the West Coast region are:

1. Managing adverse effects on water quality, arising from point source and diffuse source discharges to waterbodies from activities on land.
2. Potential overuse of water resources can occur in certain areas during drier seasons.
3. Activities may adversely affect the significant values of wetlands and outstanding freshwater bodies.
4. Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.

OBJECTIVES

1. The life-supporting capacity of freshwater is maintained or improved.
2. Provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while maintaining or improving water quality and aquatic ecosystems⁶.
3. Determine allocation of water within environmental controls.
4. Identify and protect the significant values of wetlands and outstanding freshwater bodies.
5. Achieve the integrated management of water and the subdivision, use and development of land within catchments, recognising the interconnections between land, fresh water, and coastal water, including by managing adverse effects of land and water use on coastal water quality.

POLICIES

1. Adverse effects on fresh and coastal water quality and aquatic ecosystems arising from:
 - a) Subdivision, use or development of land;
 - b) Discharges of contaminants to water and to land in circumstances which may result in contaminants entering water;
 - c) Water use and take; and
 - d) Activities in, or on, water including damming and diversion,

will be avoided, remedied or mitigated, to ensure that water quality and aquatic ecosystems are maintained or improved.
2. To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:
 - a) A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;
 - b) The value of riparian margin vegetation for water quality and aquatic ecosystems; and
 - c) Effects on the sustainability of mahinga kai, and protection of taonga areas.
3. To give effect to Objective 2 of Chapter 3, manage land and water use in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other

⁶ Including the habitat of trout and salmon.

adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:

- a) Estuaries, hāpua lagoons, and other coastal wetlands; and
 - b) Shellfish beds and fishing areas.
4. Until priority frameworks for water take and use are developed through the FMU processes and added to a regional plan, consent applications will be processed on a “first-come, first served” basis, and in making decisions, the following matters must be considered:
 - a) The reasonably foreseeable future requirements for domestic and community water supply needs, stock drinking, and firefighting;
 - b) The degree of community, regional or national benefit from the take, use, damming or diversion of water;
 - c) Any adverse environmental effects from the take, use, damming or diversion of water will be avoided, remedied or mitigated including where applicable by applying provisions of the regional plan;
 - d) Applying rates of take, volume limits and residual flows at the point of take to ensure that there is enough water for the purpose of the take, and to maintain or improve water quality and aquatic ecosystems;
 - e) The extent to which the proposal maximises the efficient allocation and efficient use of water; and
 - f) The reasonable needs of other water users.
 5. Maintain or improve water quality within freshwater management units.
 6. Identify the significant values of wetlands and outstanding freshwater bodies in regional plans and protect those values.
 7. Encourage the coordination of urban growth, land use and development including the provision of infrastructure to achieve integrated management of effects on fresh and coastal water.
 8. Provide for the social, economic and cultural wellbeing derived from the use and development of land and water resources, while maintaining or improving water quality and aquatic ecosystems.
 9. Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.

EXPLANATION TO THE POLICIES

Policy 1 gives effect to the NPSFM and Objective 1 above by requiring that subdivision, use and development activities on land, discharges of contaminants, water takes and uses, and activities in, or on, water are managed in a way that reduces the adverse effects of those activities. Explicit detail on how this will be achieved will be set out in the Regional Land and Water Plan, as well as provisions in the district plans and through conditions on individual resource consents. This includes providing for discharges to land where this is more appropriate than discharging contaminants to water, for example dairy shed effluent, and requiring treatment of certain contaminants prior to discharging into water, such as sewage effluent.

Regarding Policies 2 and 3, the discharge of contaminants to water is a significant environmental and cultural concern to Poutini Ngāi Tahu because of its impact on the health and mauri of water bodies, including adverse effects on coastal shellfish beds and fishing areas. To achieve the sustainability of

mahinga kai, the health of these taonga must be maintained to provide for the needs of future generations. Discharge of sewage effluent to water is particularly offensive to Poutini Ngāi Tahu. Discharges to land are preferred where practicable, and where the effects are less than for discharges to water. Where possible, Poutini Ngāi Tahu encourage land-based treatment of stormwater, acknowledging that this may not be feasible in all situations on the West Coast given the high rainfall and soil types. Poutini Ngāi Tahu also promote the maintenance and enhancement of riparian vegetation to protect water quality and aquatic ecosystems.

The regional and district councils need to have regard to the downstream effects of land and water use on coastal mahinga kai areas. Adverse effects on cultural values can be assessed and managed in consultation with tangata whenua through the resource consent and plan development processes. Mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are, or will be, identified in the regional and district plans.

Policy 4 applies to the taking, use, damming and diversion of water. Until Freshwater Management Unit (FMU) provisions are established in regional plans, the Council will allocate water on a 'first-come, first-served basis'. Policy 4 establishes that allocations are made after considering the matters listed, and in accordance with any relevant provisions in the operative regional plans to safeguard the life-supporting capacity of water.

Policy 5 is to implement the NPSFM by establishing FMUs and, subsequently through plan changes, developing a framework with freshwater objectives and environmental limits for each FMU.

Policy 6 reflects the NPSFM Objectives A2 and B4 which require the protection of the significant values of wetlands and outstanding freshwater bodies. While indigenous biological diversity, natural character and landscape values of wetlands are addressed in Chapters 7, 7A and 7B, wetlands can have other values, for example, cultural, recreational and hydrological values, and the provisions of this Chapter apply to all significant wetland values.

The NPSFM requires the RPS to provide for the integrated management of the effects of the use and development of land and water on fresh and coastal water. This includes encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure. Policy 7 recognises the connectivity between activities on land and their effects on water. These must be managed through both the regional and district plans. Activities upstream can also affect coastal water quality. An example of where integrated management is necessary includes ensuring sufficient infrastructure capacity is provided for stormwater disposal and discharge from new subdivision and land development, in order to avoid stormwater overflows flooding adjoining land, eroding riverbanks, or causing sedimentation of water bodies.

Policy 7 also gives effect to the NZCPS policies for integrated management of activities that affect the coastal environment, including effects on coastal water from upstream land uses.

Policy 8: The NPSFM recognises the importance to people of using water within environmental limits to ensure water quality and aquatic ecosystem outcomes are achieved. The use of water is necessary for a variety of activities that contribute to people's economic, social and cultural wellbeing.

Policy 9 gives effect to the Regional Council's obligation to fully implement the NPSFM.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Include in regional plans objectives, policies, rules and methods to ensure that any adverse effects of point and diffuse source discharges to land and water are avoided, remedied or mitigated, and that water quality is maintained or improved in accordance with relevant national policy statements.
2. Include in district plans, policies, rules, guidelines or other information to avoid, remedy or mitigate the adverse effects of land use activities and management practices on water quality.
3. Regional and district councils, in their plan development and resource consent processes, will consult with Poutini Ngāi Tahu about avoiding, remedying or mitigating adverse effects originating from land and freshwater use on their cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.
4. Develop with stakeholders regionally consistent criteria to identify the significant values of wetlands and outstanding freshwater bodies.
5. Identify the significant values of wetlands and outstanding freshwater bodies in a regional plan.
6. Regional plans are integrated across land and water resources (including coastal water), and regional and district plans are integrated across statutory functions to manage the effects of urban growth, development, and infrastructure on fresh and coastal water.
7. In accordance with the WCRC's Progressive Implementation Programme, establish Freshwater Management Units (FMUs), and set freshwater objectives and limits through provisions in regional plans.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Maintaining or improving fresh water quality on the West Coast will be achieved principally through the implementation of the NPSFM. This will require the establishment of the FMU's, and their own fresh water objectives and environmental limits in a regional plans.

Water takes and uses will also be managed in accordance with the NPSFM. The aim is to provide for the many uses of land and water giving effect to Objective B1 for water quantity in the NPSFM. Through the regional and district plans, councils can provide for the use of these resources for the economic, social and cultural wellbeing of our communities while managing any adverse effects. There is a framework to provide for water take and use on an interim basis until FMUs are established in a regional plan.

Integrated management of the effects of land and fresh water use on coastal water is important for maintaining coastal water quality in areas with significant cultural values. These values include shellfish beds, fishing areas, and other mahinga kai and taonga areas, that are sensitive to water contamination.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Water quality is maintained or improved on the West Coast.
2. West Coast communities can use and develop land and water resources to provide for their economic, cultural and social wellbeing.
3. Water allocations are managed within limits to maintain or improve water quality and water quantity.
4. Significant values of wetlands and outstanding fresh water bodies are protected from the adverse effects of activities that compromise these values.

5. Regional and district plans are integrated to effectively manage land and water effects on fresh and coastal water.
6. Life supporting capacity and ecosystem processes of freshwater are safeguarded.

9. Coastal Environment

BACKGROUND TO THE ISSUES

This Chapter identifies resource management issues of regional significance affecting the West Coast's coastal environment. Resource management of the coastal environment is shared between regional and district councils, as follows:

- a) The coastal environment from mean high water springs (MHWS) out to the 12 nautical mile limit at sea is the coastal marine area (CMA), wherein the Regional Council has the primary function to manage the effects of occupation and other activities through the Regional Coastal Plan;
- b) The coastal environment also extends inland from MHWS to the extent of "where coastal processes, influences, or qualities are significant" (Policy 1(2)(c), NZCPS). The three district councils manage effects of land use, development and subdivision in this part of the coastal environment in their respective districts via the district plans. The Regional Council manages the effects of activities such as earthworks and discharges in this part of the coastal environment through its regional plan.

Section 62(3) of the RMA requires that this RPS must, among other things, give effect to the NZCPS. The Minister of Conservation prepared and approved a revised NZCPS in 2010 covering a range of coastal matters. The NZCPS policies of particular relevance to this chapter of the RPS are:

- Policy 6 which has clauses recognising the contribution of activities in the coastal environment to the social, economic and cultural wellbeing of people and communities;
- Policy 7 which requires consideration of where, how and when to provide for activities in the coastal environment, and where protection from inappropriate activities is needed;
- Policies 11, 13 and 15 which set out requirements for the protection of indigenous biological diversity, natural character, and natural features and landscapes; and
- Policies 24, 25, 26 and 27 which provide direction on managing coastal hazard risk.

The RPS must give effect to the National Policy Statements for Electricity Transmission (NPSET for the National Grid) and Renewable Electricity Generation (NPSREG), where activities covered by these NPS's occur in the coastal environment. This Chapter provides policy direction when considering the specific requirements of the electricity NPSs and the NZCPS. The provisions of Chapter 6 Regionally Significant Infrastructure (RSI) also need to be considered for electricity and other RSI in the coastal environment.

Some provisions in other chapters of this RPS also apply in the coastal environment. For example, Poutini Ngāi Tahu provisions in Chapter 3, heritage provisions in Chapter 4 and the effects of land and freshwater use above Mean High Water Spring on coastal water in Chapter 8.

The West Coast has a dramatic coastline with extensive areas of high scenic and natural values in a largely unmodified state. Tourists are attracted to the West Coast to view iconic coastal scenic areas such as the Pancake Rocks at Punakaiki.

A large proportion of the development and land use activities including subdivision in the region is located in, or traverses through, the coastal environment. RSI may also need to be located within the coastal environment of the region. While there is currently a relatively low level of development pressure for new activities, particularly in the coastal marine area, there is the potential for further resource use and development in the coastal environment. Natural materials such as sand, gravel, driftwood, and minerals such as ilmenite and garnets can be used to provide for people's social and economic wellbeing.

Climate change can potentially affect the coastal environment via sea level rise, and changes to the intensity and frequency of storm surges and waves. This can affect river mouth migration and lagoon flood levels. The coast is a highly dynamic environment because of a combination of marine, terrestrial and tectonic environments, and this, combined with climate change, means that more frequent or

greater erosion and inundation can be expected in coming decades. Inappropriate subdivision, use and development can increase the exposure of people and communities to risks from coastal hazards. This Chapter proposes guidance on allowing appropriate development in the coastal environment while managing inappropriate development that increases the risk of hazards that affect people and communities. A risk-based approach to assessing coastal hazard risk includes taking a precautionary approach as required by the NZCPS 2010. Chapter 11 Natural Hazards also has provisions that are relevant to the coastal environment.

Statement of Local Authority Responsibilities

Section 62(1)(i)(iii) of the Act requires a regional policy statement to state the local authority responsible, in the whole or any part of the region, for specifying the objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity.

The West Coast Regional Council will be responsible for specifying the objectives, policies and methods to maintain indigenous biological diversity by controlling activities:

1. in the CMA;
2. affecting water bodies, including significant wetlands;
3. affecting the beds of lakes and rivers.

Control of the use of land to maintain indigenous biological diversity in lake and river margins, and for earthworks and vegetation clearance activities, is a shared responsibility between Regional and District Councils.

Territorial authorities will be responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological diversity for all other activities.

The significant issues in relation to the management of the coastal environment for the West Coast region are:

1. Protecting the values of the coastal environment whilst enabling sustainable use and development, to provide for the region's economic, social and cultural wellbeing.
2. Enabling appropriate subdivision, use and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.

OBJECTIVES

1. Within the coastal environment:
 - a) Protect indigenous biological diversity;
 - b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and
 - c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.
3. Ensure that any new subdivision, use or development in the coastal environment has appropriate regard to the level of coastal hazard risks.

4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

POLICIES

1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:
 - a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;
 - b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and
 - c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;
2. (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and areas of high and outstanding natural character located within the coastal environment. In some circumstances, adverse effects on the values of those areas must be avoided.
3. Provide for subdivision, use or development in the coastal environment:
 - a) Which maintains or enhances the social, economic and cultural well-being of people and communities;
 - b) Which:
 - i) Requires the use of the natural and physical resources in the coastal environment; or
 - ii) Has a technical, functional or operational requirement to be located within the coastal environment;
 - c) Recognising that minor or transitory effects associated with subdivision, use and development may not be an adverse effect within those areas described in Policy 1.b).
 - d) By allowing subdivision, use and development where the adverse effects are no more than minor within those areas described in Policy 1.c).
 - e) By allowing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.
4. Provide for new and existing renewable electricity generation activities in the coastal environment, including by having particular regard to:
 - a) The need to be located where the renewable energy resource is available;
 - b) The technical, functional or operational needs of renewable electricity generation activities.
5. To give effect to Objective 2 of Chapter 3 of this RPS, manage land and water use in the coastal environment in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies

or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:

- a) Estuaries, hāpua lagoons, and other coastal wetlands; and
 - b) Shellfish beds and fishing areas.
6. Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:
 - a) Official, nationally recognised guidelines for sea level rise;
 - b) The type and life-cycle of the proposed development, including whether it is short-term, long term, or permanent;
 - c) Whether the predicted impacts are likely to have material or significant consequences;
 - d) The acceptability of those potential consequences, given their likelihood; and
 - e) Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible.
 7. Coastal hazard risks should be assessed over at least a 100 year timeframe.
 8. In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed.
 9. Consider opportunities for the restoration or rehabilitation of natural character.

EXPLANATION TO THE POLICIES

Policy 1 gives effect to Policies 11, 13, and 15 of the NZCPS 2010 to protect indigenous biological diversity, landscape and natural character values, for example, bush clad cliffs and ravines or marine reserves. These NZCPS policies set levels of protection from adverse effects of activities on significant and outstanding indigenous biological diversity, landscape and natural character values, and on natural values that are not significant or outstanding, and are reflected in Policy 1.

Policy 2 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and high or outstanding natural character. The circumstances in which adverse effects must be avoided will be dependent on the nature of the adverse effects and values adversely affected, taking into account the technical and operational constraints of the network and the route, site and method selection process.

Policy 3 gives effect to Policies 6, 7, 8 and 9 of the NZCPS to recognise that the provision of certain activities in the coastal environment is important to the social, economic and cultural wellbeing of West Coast people. The NZCPS does not preclude appropriate use and development in the coastal environment, including in areas with significant, high or outstanding indigenous biological diversity, natural character and natural features and landscapes provided that potential adverse effects are appropriately managed. Policy 3 recognises the constraints in the NZCPS on activities in the coastal environment.

In applying Policy 3, case law indicates that it may be acceptable to allow activities that have minor or transitory adverse effects on significant indigenous biological diversity or outstanding natural character or landscape areas and still give effect to these NZCPS policies, where the avoidance of the effects of an activity is not necessary (or relevant) to protect the particular values. 'New' use or development may be more likely to have more than minor or transitory adverse effects. Existing infrastructure and other activities that have been in place for many years are likely to have adverse effects that are no more than minor.

Policy 4 gives effect to the National Policy Statement for Renewable Electricity Generation (NPSREG) for activities within the coastal environment.

Policy 5 recognises that some coastal environments important to Poutini Ngāi Tahu are particularly sensitive to elevated levels of contaminants in coastal water. Regional and district councils need to have regard to the effects of coastal development on coastal mahinga kai areas such as estuaries, lagoons, coastal wetlands, shellfish beds, and fishing areas including mataitai reserves. Significant coastal mahinga kai areas for Poutini Ngāi Tahu are, or will be, identified in the regional and district plans. Policy 5 includes an exception for the development, operation, maintenance, or upgrading of RSI and local roads in recognition of the fact that there are several places in the coastal environment where important lifeline infrastructure exists in or near to the areas listed in clauses a) and b).

Policy 6: The potential impacts of climate change on coastal processes (and thus natural hazards) are complex, and a risk management approach to coastal hazard management is necessary when considering if coastal subdivision, use and development is suitable in the coastal environment. A number of national level guidance manuals are available which have a range of factors to consider when assessing the risk of coastal hazard effects on proposed development, including adaptive management. Policy 25 of the NZCPS 2010 requires that in areas potentially affected by coastal hazards over at least the next 100 years, increased risk of harm from such hazards must be avoided. There are a range of preventive tools that may be considered in terms of their effectiveness for avoiding increasing the risk of harm. Determining their effectiveness will depend on factors such as the level of risk, whether the risk may change over time and by how much.

Policy 7: Policy 24 of the NZCPS 2010 requires that a minimum 100 year timeframe is used for assessing coastal hazard risks, particularly for proposed development in or adjoining areas identified as being high risk for hazards. This will provide consistency for development in the coastal environment of the three districts.

The provisions in this Chapter are specific to resource management-related hazard issues in the coastal environment. The Natural Hazards Chapter has provisions which may also apply in the coastal environment.

Policy 8: Policy 27 of the NZCPS 2010 lists several options to consider for managing coastal hazard effects on significant existing development, including relocation and removal of existing development, as well as hard protection structures. Where resource management action is needed to protect people and property, the RMA provides for councils to take the best practicable option. Decision-makers will need to consider the potential social and economic impacts, including costs, to land and infrastructure owners of options to best manage hazard effects.

Policy 9 gives effect to Policy 14 of the NZCPS which directs the promotion of restoration or rehabilitation of natural character in the coastal environment, including by provisions in the RPS and plans, and conditions in resource consents and designations.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Regional and District Councils to identify areas of significant indigenous biological diversity, outstanding and high natural character areas and outstanding natural features and landscapes of the coastal environment, set out the characteristics and qualities of each area in a plan schedule, and show areas on maps where practicable.

2. Manage adverse effects of subdivision, use and development in the coastal environment through provisions in the Regional Coastal Plan, the Land and Water Plan, and district plans, including identification of significant coastal mahinga kai areas.
3. Use the regional and district plans, resource consent, building consent, rating district processes, and community consultation to assess and manage the risk of coastal hazards affecting development in the coastal environment.
4. Continue to review and include the Coastal Hazard Areas in the Regional Coastal Plan and in district plans and identify whether these Areas have a low, medium or high risk of being affected by a coastal hazard.
5. Consider using expert advice where there may be a medium or high risk of significant existing development being affected by a coastal hazard.

PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES, AND METHODS

The provisions in this Chapter give effect to the NZCPS, NPSET and NPSREG in the coastal environment.

The provisions for managing coastal hazard risk implement Councils' functions under section 30 of the RMA for controlling the use of land, including land in the coastal environment, to avoid or mitigate natural hazards. The NZCPS also puts obligations on councils to manage coastal hazards.

Managing effects of activities in the coastal marine area which may potentially cause or exacerbate a coastal hazard risk is covered in the Regional Coastal Plan.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Natural character, and the values that make natural landscapes and natural features outstanding, are protected from inappropriate subdivision, use and development in the coastal environment.
2. Indigenous biological diversity in the coastal environment is protected.
3. West Coast communities can continue to appropriately use and develop resources to provide for their economic, social, and cultural wellbeing.
4. Appropriate subdivision, use and development occurs in the coastal environment, with ways of reducing coastal hazard risk incorporated into their design and location.
5. Existing significant development is protected from coastal hazards, where practicable.

10. Air Quality

BACKGROUND TO THE ISSUES

Most of the West Coast region enjoys a generally high standard of air quality. This is because of the region's relatively windy and exposed nature, together with its small and dispersed population, and low numbers of heavy industry and vehicles.

Burning coal and wood for domestic heating in winter affects air quality in some urban areas on the West Coast. The main contaminant affecting wintertime air quality is particulate matter which are the very small particles measured in micrometres that can adversely affect human health.

The Regional Air Quality Plan does not have provisions to deal with individual discharges of smoke from domestic fires, except for in the Reefton Airshed. Region-wide control of domestic fires through rules in the Regional Air Quality Plan is not appropriate because of the number of individual sources of discharge.

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NESAQ) contain limits for certain contaminants, including particulate matter that councils must meet as part of their resource management functions. A balance needs to be achieved between fulfilling Council's obligations under the NESAQ to meet the particulate matter standards, and ensuring that people are able to keep warm in their homes during cold winter months.

Commercial, industrial, recreational and institutional discharges to air of odour, dust, smoke, and other contaminants are a by-product of resource use and development or other activities undertaken by people providing for their social, cultural and economic wellbeing, which the RPS and regional and district plans seek to enable. Such discharges can have the potential for more than minor adverse effects if not managed properly. This Chapter provides direction for the Regional Air Quality Plan to manage these air discharges.

The significant issues in relation to the management of air quality for the West Coast region are:

1. In urban areas during winter time, emissions of particulate matter can potentially affect people's health. It is critical that people are able to keep warm in their homes while winter time particulate matter emissions are reduced to meet the NESAQ.
2. Allowing point source discharges to air while managing adverse effects of those discharges on air quality and other values.

OBJECTIVES

1. To reduce winter time particulate matter emissions to meet the NESAQ, while ensuring people's and communities' health and wellbeing is not compromised.
2. To allow discharges to air which are part of activities contributing to the social, economic, and cultural wellbeing of people and communities on the West Coast, while managing adverse effects of those discharges.

Note: Objective 2 does not apply to domestic fire emissions.

POLICIES

1. Where appropriate and practicable, use a range of regulatory and non-regulatory tools to reduce winter time particulate matter emissions that also enable people to keep their homes warm during cold months.
2. Management of adverse effects of the discharge of contaminants to air must include consideration of the following:
 - a) Reverse sensitivity, including the siting of new, incompatible development in proximity to activities that discharge contaminants to air;
 - b) Use of technology, codes of practice, and industry standards; and,
 - c) The best practicable option to minimise the adverse effects of the discharge.

EXPLANATION TO THE POLICIES

Policy 1: The Regional Council has worked with the Reefton community to identify a range of options for reducing particulate matter levels in the Reefton Airshed to improve public health and meet the NESAQ, while allowing the community to continue using solid fuel, particularly coal, to warm their homes during winter. Provisions will be added to the Regional Air Quality Plan to reduce particulate matter emissions in the Reefton Airshed.

As a general principle for the rest of the region, Council recognises the importance of residents being able to keep warm during winter. Council will balance this, along with the principles underpinning this RPS, including affordability, when considering what other regulatory and non-regulatory action will or may be taken, to meet the NESAQ for particulate matter.

The matters listed in Policy 2 are potential issues and tools commonly associated with managing discharges of contaminants to air (other than domestic fires outside the Reefton Airshed). Reverse sensitivity effects can occur when new sensitive activities are inappropriately located in close proximity to activities which discharge contaminants to air. In conjunction with Policy 2 of the Use and Development of Resources Chapter, this Policy 2 allows for the consideration of the siting and establishment of subdivision, use and development to avoid, remedy or mitigate reverse sensitivity effects. Due to the subjective element of managing air discharges, and odour in particular, national and industry guidelines are available to assist decision-makers, as well as considering the best practicable option under the RMA.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Provide education and advice on how particulate matter emissions can be reduced from domestic solid fuel burners.
2. Allow discharges of contaminants to air and manage the effects through regional and district plan rules, and resource consents (apart from domestic fires outside the Reefton Airshed).

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES, METHODS

The provisions relating to the NESAQ for particulate matter reflect appropriate management approaches for the West Coast region. Councils are required under the NESAQ to reduce particulate matter levels in airsheds. It is uncertain if or what action may be needed or may be feasible in other urban places to meet the NESAQ for particulate matter once compliance is achieved in Reefton. An adaptive

management approach is therefore required providing Council the flexibility to consider these matters in the future. This will ensure that the balance of good air quality and people's warmth and wellbeing is maintained.

Managing discharges to air (other than domestic fires outside the Reefton Airshed) through plan provisions reflects current practice which is working well. The Regional Air Quality Plan is an effective means of managing air discharges. Under section 67(3) of the RMA the Regional Air Quality Plan must give effect to the direction provided in the RPS on managing discharges to air.

No provisions are included for managing emissions of greenhouse gases because under section 70A of the RMA the WCRC must not have regard to the effects of discharges to air on climate change, except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Reduced particulate matter levels in winter in some urban areas.
2. Odour, dust, smoke, and other contaminant emissions are discharged at acceptable levels in accordance with nationally recognised guidelines and standards for levels of contaminants discharged to air, enabling resource use and development to occur for people's social, cultural and economic wellbeing.

11. Natural Hazards

BACKGROUND TO THE ISSUES

A 'natural hazard' as defined under the RMA is "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 adversely affect human life, property or other aspects of the environment." Natural hazards arise from natural events such as high rainfall, earthquakes and high winds. However, natural events only become natural hazards when they have the potential to affect people, property and other valued aspects of the environment.

The West Coast has a range of high risk environments that are susceptible to natural hazards. The potential impacts of natural hazard events range from general nuisance to creating significant damage and loss of property and, in extreme cases, loss of lives. These can lead to high economic and social costs on the West Coast with significant consequences for public health and safety, agriculture, housing and infrastructure. Managing natural hazards requires a collaborative effort from a range of organisations including central government, local government, crown agencies, infrastructure providers, businesses and local communities. Management of natural hazards should be undertaken in an integrated manner within catchments.

The effects of climate change are addressed in this Chapter. The West Coast is expected to have both more severe and frequent extreme weather events in future decades. This can exacerbate potential natural hazards and good planning is needed to avoid locating inappropriate land uses in high risk areas.

Depending on the nature of the natural hazard, the level of risk, and the advantages and cost of any action, there may be benefits in undertaking actions or activities to avoid or mitigate the effects of natural hazards on people, property and communities. However, inevitably there will be events where, despite a community's readiness and efforts to mitigate the effects of such events, coordinated relief actions and responses are necessary to assist individuals and communities affected. This activity is facilitated through the Civil Defence Emergency Management Act 2002 (CDEMA) and the plans and local arrangements developed under this framework by the West Coast Civil Defence Emergency Management Group.

Under the RMA people must be able to provide for their social and economic wellbeing; however, this needs to be balanced against the risk to people, property and infrastructure from natural hazard events. There is an increasing amount of information that shows which areas of the West Coast are prone to damage from natural hazards and this enables informed assessments about the risk to people and property. Where there is existing development within hazard-prone areas, enabling appropriate hazard mitigation measures to be created will help to minimise the risks and impacts on these vulnerable communities.

The management of significant risk from natural hazards has recently been elevated to a matter of national importance under section 6 of the RMA, and is likely to be supported by a National Policy Statement in future. Future planning for natural hazards will require an adaptive management approach and flexibility to allow for new information and/or changing legislation.

The significant issues in relation to the management of the natural hazards for the West Coast are:

1. Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast.
2. Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient.

3. Subdivision, use and development can contribute to natural hazard risk.

OBJECTIVE

1. The risks and impacts of natural hazard events on people, communities, property, infrastructure and our regional economy are avoided or minimised.

POLICIES

1. Reduce the susceptibility of the West Coast community and environment to natural hazards by improving planning, responsibility and community awareness for the avoidance and mitigation of natural hazards.
2. New subdivision, use or development should be located and designed so that the need for hazard protection works is avoided or minimised. Where necessary and practicable, further development in hazard-prone areas will be restricted.
3. Avoid or mitigate adverse effects on the environment arising from climate change by recognising and providing for the development and protection of the built environment and infrastructure in a manner that takes into account the potential effects of rising sea levels and the potential for more variable and extreme weather patterns in coming decades.
4. The appropriateness of works and activities designed to modify natural hazard processes and events will be assessed by reference to:
 - a) The levels of risk and the likely increase in disaster or risk potential;
 - b) The costs and benefits to people and the community;
 - c) The potential effects of the works on the environment; and
 - d) The effectiveness of the works or activities and the practicality of alternative means, including the relocation of existing development or infrastructure away from areas of natural hazard risk.

EXPLANATION TO THE POLICIES

Hazards within the coastal environment are also addressed in Chapter 9: Coastal Environment, and these chapters should be read together when considering coastal hazards.

Policy 1 seeks to increase awareness of hazard risks and the adoption of appropriate building controls, including avoiding inappropriate development in hazard prone areas, to reduce the susceptibility of the West Coast community to the adverse effects of natural hazards. Civil defence planning and preparedness under the Civil Defence and Emergency Management Act (CDEMA) provides further means of reducing the potential for loss or damage from natural hazard emergencies and disasters. Application of regional and district activity to applying the four R's (reduction, readiness, response and recovery) will continue to assist with preparing communities for emergencies as well as ensuring that Councils and partner agencies are ready to act should these events arise.

Policy 2 recognises that through appropriate planning, the need for protection works can be avoided by siting new subdivision, use and development away from existing or potential natural hazards. Research on natural hazards is ongoing. This information may indicate that in places where development has already occurred these areas may be susceptible to natural hazards. In such cases, further permanent development may need to be restricted to reduce additional risk to people or property. However, avoiding development in hazard prone areas may not be practicable in all instances, as some types of development are limited in where they can be located to function effectively.

Subdivision, use and development that may cause or contribute to a natural hazard should be avoided. In some cases activities in an area may cause or contribute to a natural hazard affecting another area.

For example, an upstream or inland land or river use can have downstream or downgradient hazard effects on other development. The risk of subdivision, use and development affecting or exacerbating a hazard risk elsewhere needs to be assessed in plan and consent processes.

Policy 3 recognises that adverse effects arising from climate change may be significant in certain areas. While there is some uncertainty over the possibility, extent and timing of climate change effects, when assessing natural hazard risk, councils should use the latest national guidance and the best available information on the impacts of climate change on natural hazard events. Local authorities, as managers of significant infrastructural assets and through their statutory resource management and emergency management responsibilities, will, as opportunities arise and as practicable, plan and prepare for the anticipated effects of climate change.

Policy 4 recognises that there will be situations where modifying the environment to reduce susceptibility to natural hazards will produce benefits to the community in excess of the costs involved in protection or prevention works or programmes. Consideration should be given to the relocation of existing development and infrastructure away from areas prone to natural hazards, however it is recognised that this cannot always occur. Consequently, those who benefit from the works or services should pay for them.

APPLICATION OF PROVISIONS ACROSS THE RPS

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

METHODS

1. Increase understanding and public awareness of natural hazards, including the potential influence of climate change on natural hazard events.
2. Further development of a natural hazards knowledge base and continued use of the most up to date and accurate information available in areas potentially affected by natural hazards.
3. The Regional Council and District Councils will support an integrated and collaborative approach between relevant agencies, the community and local businesses to manage significant natural hazard risks and effects.
4. Where appropriate, include provisions in regional and district plans that address natural hazard issues including the control of the use of land to avoid or mitigate natural hazards. Particular methods may include:
 - a) Special hazard zones and rules;
 - b) Identification of natural hazards on maps and registers;
 - c) General building and development controls or criteria;
 - d) Subdivision controls;
 - e) Information requirements to assist consent processing; and
 - f) Integrated catchment management.
5. Take into account the location, nature and potential extent of natural hazards when providing and planning for the provision of essential lifeline utilities.
6. The Regional Council will maintain detailed regional flood response strategies in priority catchments as well as initiating and maintaining flood protection works where communities are willing to fund such works.

7. The Regional and District Councils will maintain and implement the Civil Defence Emergency Management Group Plan for the West Coast, and Local Arrangements, setting out regional and district emergency responses and contingency provisions in the event of a natural hazard event as members of the Civil Defence Emergency Management Group.
8. The Regional and District Councils will maintain a civil defence emergency management response capability, which includes the ability to assist in the establishment and coordination of disaster relief and recovery assistance programmes.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation establish a policy framework for the management of natural hazards and, in particular, avoid or mitigate the adverse effects of natural hazards on human life, property and the environment.

In accordance with section 62(1)(i)(i) of the RMA the three territorial authorities of the West Coast will be responsible for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards except where the control of the use of land relates to the WCRC's functions under the RMA regarding:

- The coastal marine area;
- The beds of rivers, lakes and other waterbodies; and
- Land use activities managed in the Regional Land and Water Plan.

Members of the Civil Defence and Emergency Management Group, and in particular the Lifelines Group and the Co-ordinating Executive Group, are expected to continue to research and investigate natural hazards in the region and make recommendations to the relevant council, should rules around land use be indicated as a hazard avoidance or mitigation method. This further promotes a collaborative approach between the regional and district councils to implement a region-wide approach to the management of natural hazards while allowing flexibility of application.

There is an increasing amount of information that is being produced that identifies areas at risk from natural hazards. This work will be ongoing and is integral to minimising the risks and impacts of natural hazard events. These objectives, policies and methods allow for the consideration of this and the application of an adaptive management approach as required, and will assist communities in building resilience to the effects of natural hazards.

ANTICIPATED ENVIRONMENTAL RESULTS

1. A reduction in actual or potential losses to people, property and the environment.
2. Use and development of resources consistent with levels of risk.
3. Increased community awareness of, and responsibility for, natural hazard avoidance and mitigation.
4. Appropriate development within areas subject to natural hazards provided for in regional and district plans.

Part C

Administrative procedures

12. Administrative Procedures

The RMA requires that a RPS states:

- a) The processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between agencies (section 62(1)(h));
- b) The procedures to be used to monitor the efficiency and effectiveness of the policies or the methods contained in the RPS (section 62(1)(j)); and
- c) Any other information required for the purpose of the WCRC's functions, powers and duties under the RMA (section 62(1)(k)).

This Chapter of the RPS covers these matters and other related administrative procedures.

12.1 Integrated Management and Cross Boundary Processes

This RPS is about the integrated management of the West Coast's natural and physical resources. Integrated management involves a consideration of:

- a) The effects of the use of one natural resource on other natural and physical resources or on other parts of the environment recognising that such effects may occur across space and time.
- b) The functions of other agencies with roles and responsibilities that contribute towards or impact on resource management
- c) The social and economic objectives and interests of the community, recognising that natural and physical resources cannot be managed without having regard to social, economic and cultural matters.

The need for integration between resource management authorities is required under the RMA in terms of dealing with cross-boundary issues (section 62). These issues can arise in a number of situations but generally fall into two categories: those related to the preparation and review of plans; and those related to the administration of plans and associated resource consents.

To achieve integrated management, it is essential that the policies, plans and actions of all those involved in resource management (government agencies including the Department of Conservation, regional and district councils, iwi and the community) are coordinated. The aim of integrated management is to promote the sustainable management of natural and physical resources in an efficient manner by implementing and promoting complementary, efficient and effective management of all natural and physical resources. In addition to the policies and methods identified in Part B and C of this RPS, the WCRC will use the following procedures to further promote integrated management and address cross-boundary issues:

- Liaise, as appropriate, with central government agencies in relation to resource management issues of regional significance.
- Make submissions, as appropriate, on documents prepared by central government agencies regarding issues of national significance that impact or impinge on the resource management functions under the RMA.
- Liaise, as appropriate, with other regional councils on resource management matters that are relevant to more than one region.
- Have regard to any policy statements and plans (including resource management plans and annual plans) prepared by the WCRC and the region's territorial authorities (including those under other legislation e.g. Biosecurity Act and the CDEMA), and the extent to which this RPS needs to be consistent with those documents.
- Consult adjoining local authorities in the preparation of regional and district plans to ensure a consistent approach between districts and between the regions and districts regarding issues which cross local authority boundaries and state in those plans the processes for dealing with them.

- Advocate to the Buller, Grey and Westland District Councils that where appropriate, provisions are included in district plans that avoid unnecessary duplication of resource management responsibilities.
- Consider the transfer of functions that other agencies could carry out more efficiently, effectively and appropriately. Transfers of functions will be considered on the requirements of section 33 of the RMA, including where both authorities agree that the authority to which the transfer is made represents the appropriate community of interest, and where the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.
- Establish appropriate protocols for the efficient and effective operation of joint hearings.
- Give full consideration to the effects on all other aspects of the environment in the development of strategies and plans, in the consideration of resource consent applications, and in the provision of advice.
- When considering an application for resource consent, consider all issues in the balance with other policies set out in the RPS.

12.2 Monitoring

Monitoring is an important component of the decision-making process. It establishes a process to check on the progress being made towards the achievement of objectives and the efficiency and effectiveness of the options that have been chosen. The RMA recognises the value of monitoring and gives the regional and district councils responsibilities in this area. Section 35 of the RMA outlines the Regional Council's information gathering, monitoring and record keeping responsibilities.

The WCRC monitors:

- The state of the West Coast environment;
- The efficiency and effectiveness of our policies and plans;
- The exercise of any functions we delegate; and
- Compliance with resource consents.

The Regional Council already has a number of policies and procedures in place to gather information, and to monitor and report on how well the West Coast's natural and physical resources are being managed. These include:

- The review process for regional plans which monitors their efficiency and effectiveness as a means of achieving the objectives and policies of the RPS;
- The State of the Environment Monitoring Reports for air and water on the West Coast. They are produced every three-five years and are a comprehensive analysis of the environmental monitoring results and trends;
- The Regional Council's Annual Report which reports against objectives and performance measures in the Council's Long Term Plan for the West Coast, developed under the Local Government Act 2002.

The content of future State of the Environment Reporting will be reviewed and updated to reflect the new environmental goals (objectives) and ensure the right information is being gathered to monitor the environmental results anticipated in the RPS.

12.3 Review of the Regional Policy Statement

The RMA requires that the WCRC commence a full review of this RPS no later than 10 years from the date upon which it becomes operative. The Council will also undertake an internal review no later than 5 years from the date that this RPS becomes operative. The internal review will determine whether the direction taken in it continues to be relevant. A review of the relevant parts or provisions of the RPS

may be carried out if a new issue arises or regional monitoring shows that a review would be appropriate.

Glossary

Terms used in the RPS that are defined in the RMA, but not contained in this Glossary, have the same meaning as the RMA defined terms. This includes:

- Amenity values
- Best practicable option
- Biological diversity
- Coastal marine area
- Discharge
- Effect
- Environment
- Kaitiakitanga
- Land
- National policy statement
- Natural and physical resources
- Natural hazard
- Sustainable management

Coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character.

Community means a social group of any size, in a particular locality, who share common interests.

Cultural landscape means a geographical area that holds significant value to Poutini Ngāi Tahu due to the concentration of wāhi tapu or taonga values, or the importance of the area to Poutini Ngāi Tahu cultural traditions, history or identity. Cultural landscapes provide current and future generations of Poutini Ngāi Tahu the opportunity to experience and engage with the landscape as their tipuna once did.

Cultural values are those values that relate to the culture of a society.

Environmental results anticipated means the expected or foreseen result or outcome on the environment as a consequence of implementing the policy or policies and methods of implementation. The environmental results anticipated provide a means of assessing the success of the objectives, policies and methods but may not always be measurable or achievable within the operative life of the RPS.

Indigenous means native to New Zealand.

Instream values are those uses or values of rivers or streams that are derived from within the river system itself and include amenity values, cultural and spiritual values of tangata whenua, and values associated with freshwater ecology and recreational, scenic, aesthetic and educational uses.

Integrated management means managing (i.e. identifying, prioritising and acting on) the use, development and protection of natural and physical resources as a whole. Integrated management involves three inter-related parts:

- a) A recognition by management agencies that natural and physical resources exist as parts of complex and inter-connected social and biophysical systems, where effects on one part of a system may affect other parts of the system and that effects may occur immediately, may be delayed or may be cumulative; and
- b) The integration of management systems between agencies so that the various roles and responsibilities of those agencies are clearly identified and combined or coordinated to achieve consistency of purpose; and
- c) The integration of management systems within agencies to ensure that other legislation or administrative actions are consistent with promoting sustainable management of natural or physical resources.

Issue means a matter of concern to the region's community regarding activities affecting some aspect of natural and physical resources and the environment of the region or their management. These matters are addressed in the RPS as either:

- a) Significant resource management issues of the region; or
- b) Resource management issues of significance to iwi; or
- c) Issues which cross local authority boundaries; or
- d) Matters where jurisdiction and delineation of responsibilities need to be made clear.

Policy means a specific statement that guides or directs decision-making. A policy indicates a commitment to a general course of action in working towards an action.

Regionally significant infrastructure means:

- a) The National Grid (as defined by the Electricity Industry Act 2010);
- b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;
- c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;
- d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;
- e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;
- f) The regional rail networks
- g) The Westport, Greymouth, and Hokitika airports;
- h) The Regional Council seawalls, stopbanks and erosion protection works;
- i) Telecommunications and radio communications facilities;
- j) Public or community sewage treatment plants and associated reticulation and disposal systems;
- k) Public water supply intakes, treatment plants and distribution systems;
- l) Public or community drainage systems, including stormwater systems;
- m) The ports of Westport, Greymouth and Jackson Bay; and
- n) Public or community solid waste storage and disposal facilities.

Significant indigenous biological diversity, when used in Chapter 9 Coastal Environment, means the biodiversity described in Policy 11 of the New Zealand Coastal Policy Statement 2010.

Significant mineral resource, for the purpose of Chapter 5 Use and Development of Resources Policy 2(b)(i), means the monetary value of the mineral resource is significant to the local community, and employment is created in extracting the resource, based on the latest information available about the resource at the time.

Significant Natural Area, or SNA means an area of significant indigenous vegetation, and/or significant habitats of indigenous fauna which has been identified using the criteria listed in Appendix 1 or 2 and included on maps in a regional or district plan as a SNA, or an area which although not included as a SNA in a regional or district plan nevertheless meets one or more of those criteria listed in Appendix 1 or 2.

Significant tourism infrastructure refers to the major tracks, roads and facilities managed by the Department of Conservation and other public or community infrastructure providers which are regionally and nationally important in terms of their contribution to the regional economy such as the Glacier Roads, Heaphy Track, Punakaiki, the West Coast Wilderness Trail, and other visitor information and visitor access facilities.

Taonga means treasure, property; taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched, e.g. wāhi tapu, waterways and mountains.

Tapu means under spiritual protection or restriction.

Values in the context of landscape assessment includes characteristics, attributes and qualities.

Wāhi tapu means places or things which are sacred or spiritually endowed.

Appendix 1: Ecological criteria for identifying significant terrestrial and freshwater indigenous biological diversity

Indigenous vegetation or habitat(s) of indigenous fauna is significant if it meets any one or more of the following criteria:

Note: These criteria are intended to be applied by suitably qualified and experienced ecologists with a good understanding of the local and national context and its associated ecological tools.

1. Representativeness

- a) Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the indigenous biological diversity of the relevant ecological district. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biological diversity in some areas.
- b) Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district.

2. Rarity/Distinctiveness

- a) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the region, or relevant land environment, ecological district, or freshwater environment.
- b) Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district.
- c) The site contains indigenous vegetation or an indigenous species at its distribution limit within the West Coast region or nationally.
- d) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

3. Diversity and Pattern

- a) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse biological and physical features or ecological gradients.

4. Ecological Context

- a) Vegetation or habitat of indigenous fauna that provides or contributes to an important ecological linkage or network, or provides an important buffering function.
- b) Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.

Appendix 2: Ecological criteria for identifying significant wetlands

A wetland is ecologically significant if it meets one or more of the following criteria:

Ecological Context

1. The **ecological context** of the wetland has one or more of the following functions or attributes:
 - (a) It plays an important role in protecting adjacent ecological values, including adjacent and downstream ecological and hydrological processes, indigenous vegetation, habitats or species populations; or
 - (b) Is an important habitat for critical life history stages of indigenous fauna including breeding/spawning, roosting, nesting, resting, feeding, moulting, refugia, or migration staging points (as used seasonally, temporarily or permanently); or
 - (c) It makes an important contribution to ecological networks (such as connectivity and corridors for movement of indigenous fauna); or
 - (d) It makes an important contribution to the ecological functions and processes within the wetland.

Representative wetlands

2. A **representative wetland** is one that contains indigenous wetland vegetation types or indigenous fauna assemblages that were typical for, and has the attributes of, the relevant class of wetland as it would have existed circa 1840.
3. This criterion will be satisfied if the wetland (not including pakihi wetlands) contains either:
 - (a) Indigenous wetland vegetation types that have the following attributes:
 - (i) The **indigenous wetland vegetation types** that are typical in plant species composition and structure; and
 - (ii) The condition of the wetland is typical of what would have existed circa 1840 in that:
 - Indigenous species dominate; and
 - Most of the expected species and tiers of the wetland vegetation type(s) are present for the relevant class of wetland; or
 - (b)(i) The wetland contains **indigenous fauna assemblages** that:
 - Are typical of the wetland class; and
 - Indigenous species are present in most of the guilds expected for the wetland habitat type.
4. A pakihi wetland is a representative wetland where:
 - (a) It is greater than 40 hectares in area; and
 - (b) It is dominated by a mixture of sedges, ferns, restiads, rushes, mosses and manuka (*Leptospermum scoparium*) of which *Baumea* spp, *Sphagnum* spp, *Gleichenia dicarpa*, and *Empodisma minus* are the main species.
5. The representative wetland criterion applies to the whole or part of the wetland irrespective of land tenure;
6. Each wetland is to be assessed at the ecological district and freshwater bio-geographic unit scale.

Rarity

7. The wetland satisfies this criterion if:

- (a) Nationally threatened species⁷ are present⁸; or
- (b) Nationally at risk species or uncommon communities or habitats are present and either:
 - The population at this site provides an important contribution to the national population and its distribution;
 - There are a number of at risk species present; or
 - The wetland provides an important contribution to the national distribution and extent of uncommon communities or habitats;
- (c) Regionally uncommon species are present; or
- (d) Is a member of a wetland class that is now less than 30% of its original extent as assessed at the ecological district and the freshwater bio-geographic unit scales; or
- (e) Excluding pakihi, it contains lake margins, cushion bogs, ephemeral wetlands, damp sand plains, dune slacks, string mires, tarns, seepages and flushes or snow banks which are wetland classes or forms identified as historically rare by Williams et al (2007).

Distinctiveness

8. The wetland satisfies the **distinctiveness criterion** if it has special ecological features of importance at the international, national, freshwater bio-geographic unit or ecological district scale including:

- (a) Intact ecological sequences such as estuarine wetland systems adjoining tall forest; or
- (b) An unusual characteristic (for example an unusual combination of species, wetland classes, wetland structural forms, or wetland landforms); or
- (c) It contains species dependent on the presence of that wetland and at their distribution limit or beyond known limits.

Explanation

- 9. The **wetland classes** may be determined in a number of ways including the classification index of Johnson and Gerbeaux (2004).
- 10. **Wetland indigenous vegetation types** are identified with reference to the dominant plant species that are present, the structural class, wetland class and hydrosystem (see for example Johnson and Gerbeaux (2004) or similar method).
- 11. The three **freshwater bio-geographic** units in the West Coast region are the Northwest Nelson-Paparoa, Grey-Buller and Westland units (Leathwick et al 2000).
- 12. **Ecological districts** are described and mapped in McEwen (1987). The maps of the ecological districts on the West Coast region have been refined by David Norton and Fred Overmars for use at the 1:50,000 scale and are available from the Department of Conservation (West Coast Conservancy).

⁷ The Threatened and At Risk categories are defined in the current version of the New Zealand threat classification system (Townsend et al 2008). Species are reassessed according to these categories approximately every three years.

⁸ For mobile species such as kotuku, this requires some assessment of the importance of the site for the species i.e. the intention is not to include areas such as wet pasture where these birds are foraging.

Summary of freshwater package announcements – SOLGM Webinar - 16 June 2020

Aim of freshwater package:

- Improve water quality within 5 years
- Reverse past damage, and restore water bodies within a generation
- Freshwater Independent Advisory Panel's Report released in May 2020
- Resource Management Amendment Bill provides for a new, faster freshwater planning process
- Not included in the freshwater package: water allocation, and 3 waters review actions

What has immediate effect from gazettal

- NES and s360 Regulations to have effect immediately upon gazettal, although there is some relaxing of the requirements due to Covid, as well as responding to consultation
- New mandatory and enforceable module required in farm plans
- New requirement for real-time measuring and reporting of water use data
- Vegetation clearance and earthworks which have more than minor effects on inland, natural wetlands and streams must stop
- Some vegetation clearance and earthworks are permitted provided that they have no more than minor adverse effects on wetlands, or consents are required
- Consent required for works adversely affecting fish passage, to protect connectivity
- Some Standards have been relaxed to help spread the cost out for farmers, and as a result of Covid
- Good practice required with intensive winter grazing, standards for feedlots and stock holding areas; have timeframes to comply
- Consent required for change of land use for more than 10 ha
- Limits on farm intensification are an interim measure until the new NPSFM comes into effect
- *New s360 Regulations for stock exclusion*
- Has been a relaxation of requirements
- By 2023, dairy cattle and pigs must be setback 1metre from waterways for grazing on low sloping land
- By 2026, there will be a minimum setback distance of 3 metres from waterways for grazing
- Councils can have more stringent measures

Medium term – improvements in 5 years

- Staged, mandatory development in farm plans of a freshwater module within 2-5 years, depending on farm type
- Real-time, telemetered measuring and reporting of water use data comes into force over 2, 4 and 6 years
- Cap on synthetic fertiliser use to reduce Nitrogen levels
- Staged requirements will intersect with the freshwater modules in farm plans

New NPSFM provisions

- Te Mana o Te Wai is strengthened
- Councils required to set long term vision for freshwater, and report on progress towards achieving the vision
- Investigate options for tangata whenua involvement in freshwater management
- Terms are changed: "consider" to "recognise" to "give effect to"
- Health and wellbeing of waterbody is top priority, then essential health needs of people, and then other water uses
- Maintain or enhance water quality from current state – replaces "overall"
- All components of ecosystem health must be managed and reported on in an integrated way
- Specific requirement to maintain or improve all 22 attributes
- Specific requirement re mahinga kai

What do the changes mean for councils?

- COSTS – more monitoring, compliance, consenting
- Increased engagement with tangata whenua
- Resourcing/capacity/right people
- Real-time measuring and reporting of water use data by 2022
- Change from weekly to daily reporting
- Farm plans – administration, auditing processes needed
- NPS – councils need to get information on structures that are barriers to fish passage
- Wetlands greater than 500m², and wetlands known to contain threatened species, must be mapped within 10 years of the NPS-FM coming into force
- Government funding allocated through the 2019 Sustainable Land-Use budget package
- 3 waters reform to be reported back to Cabinet this week
- Most work will be potentially in preparing plan changes, with a focus on tangata whenua engagement
- In the new freshwater planning process, councils lose most control of the hearing process

Appendix 3

Summary of freshwater package announcements – SOLGM Webinar - 16 June 2020

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THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 14 July 2020
 Prepared by: Millie Taylor, Senior Science Technician
 Date: 1 July 2020
Subject: REEFTON AIR QUALITY SUMMARY

The Council monitors continuously the airborne concentrations of 10 micron particulate matter (PM₁₀) in Reefton. Winter meteorological traits and Reefton's topography, combined with smoke from solid fuel burners, can lead to high PM₁₀ concentrations. Prolonged exposure to high levels of PM₁₀ has been proven to exacerbate respiratory illnesses.

There has been a breach of the National Environmental Standards for Air Quality, 2004 (NESAQ 2004) for Reefton this year (Table 1 and Figure 1). The NESAQ (2004) allows one 24-hour average PM₁₀ concentration over 50 micrograms/m³ per year. This 24-hour average has been exceeded twice this winter hence the standards have not been met for Reefton in 2020.

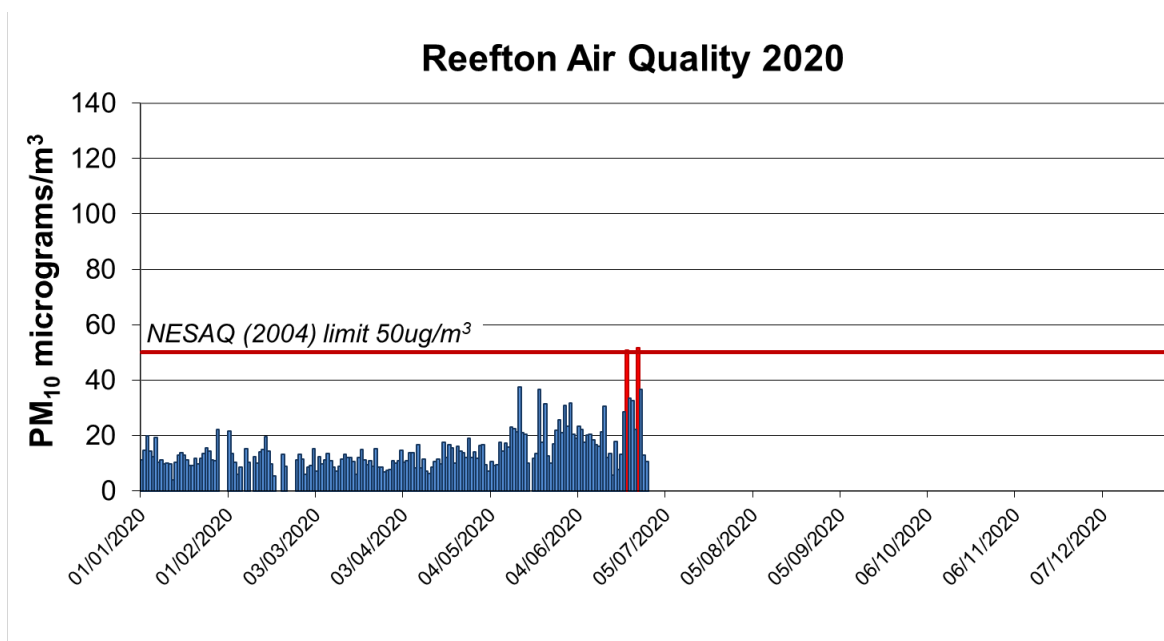
Council have been waiting for central government to finalise a revised version of the NESAQ. Uncertainty around the nature of these revisions has made it difficult for Council to establish clear goals for monitoring and management of Reefton's air quality. Similarly, proposed changes to the NESAQ have cast doubt on the future acceptability of aftermarket devices that would improve individual burner emissions.

This winter the science team are managing \$60,000 of Envirolink funded projects that will help us better understand the Reefton air quality issue, as well as maintaining and developing our regular monitoring program.

Table 1 Reefton air quality exceedances of the NES

<i>Date</i>	<i>Micrograms/m³ PM₁₀</i>	
21/06/2020	51	Allowable exceedance
25/06/2020	52	Breach of NESAQ 2004

Figure 1. Reefton 24 hour average PM₁₀ for 2020.

**RECOMMENDATION**

That the report is received.

Hadley Mills
Planning, Science and Innovation Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 14 July 2020
 Prepared by: Jorja Hunt – Consents and Compliance Monitoring Officer
 Date: 30 June 2020
Subject: CONSENTS MONTHLY REPORT

Nine Consents Sites Visit were undertaken 28 May to 30 June 2020

03/06/2020	RC-2020-0049 - Humphreys Mining Limited, Gold Mining Activities, Rocklands, Buller	Visited site with consultant, DOC & BDC to assess the application site for proximity to waterways and potential effects on adjacent land owners.
05/06/2020	RC-2020-0057 Truline Civil, Ahaura Bridge cleanfill deposition.	Visited site with Truline Civil staff member. The area where the deposition of cleanfill was being proposed was observed and the type of information required in a consent application was discussed.
11/06/2020	RC-2020-0048 – Selwyn Contractors Limited, Gold Mining Activities, Waimea	To investigate the site and determine effects arising from the activity
11/06/2020	NES Forestry site visit with Ngai Tahu Forestry, Cockeye Creek	Visited site with Compliance Officer Chris Barnes and Ngai Tahu Forestry staff member. Observed the creek to be crossed by forestry operations and discussed how they would manage the crossing in terms of the NES Plantation Forestry.
15/06/2020	RC96010 – Buller District Council, Landfill Maruia	Visited site with Buller District Council to discuss pre-application matters in preparation for application renewal.
17/06/2020	RC-2020-0023 P Cooper, Rock Quarry, Jones Creek	To investigate effects associated with the activity
23/06/2020	RC-2020-0059 Kokiri Lime, Quarry, Karangarua	Visited site with applicant. Observed the disused quarry site that is looking to be restarted and observed access roads, stockpile area and new culvert site as well as area to be quarried.
23/06/2020	RC-2020-0061 – Dempster and Mann, Gold Mining Activities, Gillams Gully	To investigate the site and determine effects arising from the activity
30/06/2020	Oceana Gold, Reefton	Visited site with Compliance Officer Colin Helem and Oceana Gold staff members. Observed the recently granted wetland treatment area, the ongoing rehabilitation and the area of the proposed new consent for ongoing passive treatment of runoff water.

10 Non-Notified Resource Consents were Granted 28 May to 30 June 2020

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RC-2020-0038 D S Scott Rimu	To discharge cleanfill to an existing hole, at Adair Road, Rimu
RC-2020-0032 C F Hahn & P O'Malley Mossy Creek, Ikamatua	To take and use water for the purposes of alluvial gold mining activities within EP 60484, Mossy Creek. To discharge water containing sediment to land in circumstances where it may enter water namely Mossy Creek associated with alluvial gold mining within EP 60484.
RC-2020-0040 Oceana Gold Limited Progress Creek	To discharge contaminants to water via a wetland treatment system and/or spillway and/or pump/syphon, Fossickers Pond, Globe Progress Mine, Reefton.
RC-2020-0039 Charleston to Westport Coastal Trail Trust Westport	To undertake earthworks within the riparian margin for the purpose of constructing a boardwalk. To undertake earthworks in a non-erosion prone area, outside of the riparian margin. To undertake earthworks and associated vegetation disturbance within a Schedule 2 Wetland for the purpose of constructing a boardwalk greater than 2 metres wide. To undertake vegetation disturbance within the riparian margin for the purpose of trimming vegetation and to place debris within a Schedule 2 Wetland. To authorise vegetation disturbance in an erosion prone area outside of the riparian margin within a Schedule 2 Wetland for the purpose of constructing a boardwalk 2.2 metres wide.
RC-2020-0041 Moore Mining Limited Reefton	Discharge paunch grass mixed with coal fines to land for mining rehabilitation purposes, Burkes Creek Road, Reefton.
RC-2020-0013 Karamea Lime Co Limited Karamea	To undertake earthworks and vegetation clearance associated with limestone quarrying activities, Fenian Road, Karamea. To discharge contaminants to land associated with the quarrying and crushing of limestone, Fenian Road, Karamea. To discharge dust to air associated with the quarrying and crushing of limestone, Fenian Road, Karamea.
RC-2020-0045 S M Lowe Contracting Limited Karamea, Oparara, & Little Wanganui Rivers and Granite Creek	To disturb the dry bed of the Karamea River at Arapito for the purpose of extracting gravel. To disturb the dry bed of the Oparara River for the purpose of extracting gravel. To disturb the dry bed of the Little Wanganui River for the purpose of extracting gravel. To disturb the dry bed of the Granite Creek for the purpose of extracting gravel.

RC-2020-0052 Glen Monk Contracting Limited - C/- Glenn & Jana Monk Mackenzie- Robert & Augustina T/A McKenzie Contracting Various Locations West Coast	To disturb the dry bed of various waterbodies in the Westland District for the purpose of removing gravel.
RC-2020-0055 Electronet Services Limited Wanganui River	To undertake earthworks associated with quarrying activities, Harihari.
RC-2020-0057 TruLine Civil Limited Greymouth	To disturb the bed and banks of the Wanganui River to undertake river protection works.
	To deposit clean fill on the bed of the Ahaura River associated with reclaiming the bank.

One Change to and No Reviews of Consent Conditions were granted in the period 28 May to 30 June 2020

RC-2018-0092-V2 Elect Mining Limited Chesterfield	To mine and undertake vegetation disturbance within Minerals Permit MP60142 & MP54570, at Chesterfield.
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No Limited Notified and no Notified Resource Consents were granted in the period 28 May to 30 June 2020

RECOMMENDATION

That the July 2020 report of the Consents Group be received.

Heather McKay
Consents & Compliance Manager

5.2.2**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee – 14 July 2020
 Prepared by: Heather McKay – Consents & Compliance Manager
 Date: 2 July 2020
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 100 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	21
Mining compliance & bond release	45
Complaints	5
Dairy farm	29

This report covers the period 29 May to 2 July 2020.

- A total of 17 complaints and incidents were recorded.

Non-Compliances

Note: These are the activities that have been assessed as non-compliant during the reporting period.

A total of three non-compliances occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Works in the bed of a river	A compliance officer travelling on the state highway north of Reefton saw that diversion works and gravel extraction was being undertaken in the bed of the Waitahu River.	Waitahu River Reefton	The site was investigated and established that there was no consent in place to authorise the work undertaken. An abatement notice has been issued to cease the activity and further enforcement action is pending.	Incident
Gold Mining	Complaint received that a gold mining operation was breaching its resource consent conditions by having a third excavator working. This is a contravention of the Westland District resource consent conditions.	Stafford	The condition authorising the amount of machinery and the type which can be used on site comes back to the noise report submitted as part of the consent application. The miner has been contacted and reminded of their obligations. A formal warning has been issued.	Complaint
Dairy effluent discharge	During an inspection of a dairy farm it was observed that untreated dairy effluent had discharged into a storm water drain.	Kowhitirangi	An abatement notice has been issued to cease the discharge and a formal warning issued.	Incident

Other Complaints/Incidents

Note: These are the other complaints/incidents assessed during the reporting period whereby the activity was not found to be non-compliant or compliance is not yet established at the time of reporting.

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to water	Complaint received that Waimea Creek was discoloured with sediment possibly from a gold mining operation.	Waimea Creek	The site was investigated and it was observed that the creek was slightly discoloured. The gold mining operations in the area were checked and there were no discharges into Waimea Creek at the time of the inspections.	Complaint
Discharge to land	Complaint received that a gold miner has discharged sediment onto a neighbouring property.	Blue Spur	The site was investigated and established that the miner was desludging a sediment retention pond so that the pond area could be filled in as part of final rehabilitation of the site. Some of the sludge went across the property boundary which was within metres of the sediment retention pond area. The miner has since scraped it back and remediated the area. There was no breach of the resource consent conditions.	Complaint
Works in the bed of a river	Complaint received that someone had been gold mining in the bed of Waimea Creek without a resource consent.	Goldsborough	The site was investigated and established that an unknown person had been undertaking a small scale non mechanical mining in the bed and margins of Waimea Creek. The work was not likely to breach the Regional Rules and the Department of Conservation were notified as the activity was within the DOC gold fossicking area and in breach of their rules for that area.	Complaint
Discharge to land	Complaint received that a septic tank is in need of repair and maintenance.	Hannah's Clearing South Westland	The site has not yet been visited. Enquiries are ongoing	Complaint
Stock access to water	Complaint received that there were cows seen on the Haast Riverbed.	Haast	The complainant was informed that stock access to riverbeds outside of the Lake Brunner catchment does not breach the regional rules.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Works in the bed of a river	Complaint received that at the location of two whitebait stands on the Arahata River there has been work done on the river bank to extend the bank.	Arahata River South Westland	The site has not yet been visited. Enquiries are ongoing.	Complaint
Boat fire	It was reported to the council that a boat in the Westport harbour had something smouldering in the engine compartment	Westport Harbour	It was reported for our information and the situation was under control so no action was required to be undertaken.	Incident
Discharge to water	Complaint received that a business premises has been discharging contaminants into the storm water system.	Greymouth	Enquiries are ongoing.	Complaint
Discharge to water	Complaint received that a gold mining operation is discharging sediment laden water to a creek.	Stafford	The site was investigated and samples obtained. The samples were under the consented limits, therefore no breach of the consent conditions.	Complaint
Discharge to air	Complaint received that a farmer was on occasion burning plastics.	Hector	The person was contacted and gave assurances that they had not been burning plastics.	Complaint
Gold Mining	Complaint received that a gold mining operation was working outside of its authorised hours which is part of the Westland District resource consent conditions.	Stafford	Enquiries were made with the miner who advised that a water pump had broken down and they were shifting it so that it could be repaired. As the site were not carrying out earthworks for the purposes of mining there was no breach of the resource consent.	Complaint
Discharge to land	Complaint received that stormwater discharged from a property is causing issues for the neighbouring business.	Greymouth	The site has been investigated and enquiries are ongoing.	Complaint
Works in the bed of a river	Complaint received that a property owner has been undertaking works in the bed and banks of the Arahata River which may also involve diversion of the river.	Arahata River South Westland	The site has not yet been visited. Enquiries are ongoing.	Complaint
Works in the bed of a river	Complaint received that recent gravel extraction may cause the wet bed of the river to shift to the true right bank.	Hokitika River Kowhitirangi	Enquiries are ongoing.	Complaint

Update on Previously Reported Ongoing Complaints/Incidents

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to land	A coal miner reported that they have had a diesel spill to land of approx. 600 litres.	Stockton	Enquiries established that a split hose allowed the discharge of diesel from a water pump fuel cell. The discharge was contained in a pit and remediated. No further action was required to be undertaken.	Incident
Gold mining	Complaint received regarding the discharge of sediment laden water from a gold mining operation.	Camerons	The site was visited and established that sediment laden water was escaping off the site into a road side drain. The discharge then entered a creek. As the discharge did not occur through the settling pond system it is an unauthorised discharge. An abatement notice has now been issued to cease the discharge.	Complaint

Formal Enforcement Action

Formal Warning: There were two formal warnings issued during the reporting period.

Activity	Location
Dairy farm: Formal warning issued for the unauthorised discharge of dairy effluent.	Kowhitirangi
Gold Mining: Formal warning issued for exceeding the consented amount of machinery allowed to operate on the site.	Stafford

Abatement Notices: There were three abatement notice issued during the reporting period.

Activity	Location
Works in the bed: Notice issued to cease the unauthorised works in the bed of a river.	Waitahu River
Dairy Farm: Notice issued to cease the discharge of untreated dairy effluent.	Kowhitirangi
Gold Mining: Notice issued to cease the discharge of sediment laden water	Camerons

Mining Work Programmes and Bonds

The Council received the following seven work programmes during the reporting period. All of the programmes have been approved.

Date	Mining Authorisation	Holder	Location	Approved
29/05/2020	CML37150	BT Mining Limited	Stockton	Yes
29/05/2020	RC89038	BT Mining Limited	Stockton	Yes
29/05/2020	RC03175	BT Mining Limited	Cypress	Yes

15/06/2020	RC-2017-0092	Fitzherbert Investments Ltd	Arthurstown	Yes
16/06/2020	RC13071	Henry Adams Contracting Ltd	Arahura Valley	Yes
18/06/2020	RC-2015-0112	Goldriver Mining Ltd	Goldsborough	Yes
25/06/2020	RC00323	Oceana Gold	Reefton	Yes

Five bonds have been received during the reporting period

Date	Mining Authorisation	Holder	Location	Amount
10/06/2020	RC-2017-0085	ML Contracting Limited	Dead Horse Creek	\$6,000
12/06/2020	RC-2019-0040	Hokitika Gold Limited	Hokitika	\$18,000
16/06/2020	RC11001	Phoenix Mining Limited	Nemona Forest	\$30,000
17/06/2020	RC-2017-0004	Westland Mining Limited	Waimea	\$12,000
25/06/2020	RC-2019-0074	Western Dynasty Holdings Ltd	Stafford	\$27,000

Three bonds are recommended for release

Mining Authorisation	Holder	Location	Amount	Reason For Release
RC-2018-0107	Robert Graham	Blue Spur	\$10,000	Mining has concluded, rehabilitation completed
RC-2017-0085	Dead Horse Mining Ltd	Dead Horse Creek	\$6,000	The consent has been transferred to ML Contracting who have submitted their own bond as above.
RC03274	Koronet Mining Ltd	Larrys Creek	\$5,000	This consent has expired and a new consent has been granted and a new bond lodged.

RECOMMENDATIONS

1. That the July 2020 report of the Compliance Group be received.
2. That the bond of \$10,000 for RC-2018-0107 Robert Graham, \$6,000 for RC-2017-0085 Dead Horse Mining and the \$5,000 for RC03274 Koronet Mining Ltd be released.

Heather McKay
Consents and Compliance Manager

COUNCIL MEETING

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that an **ORDINARY MEETING** of the West Coast Regional Council will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Greymouth on **Tuesday, 14 July 2020** commencing on completion of the Resource Management Committee Meeting

A.J. BIRCHFIELD
CHAIRPERSON

M. MEEHAN
CHIEF EXECUTIVE OFFICER

<u>AGENDA</u> <u>NUMBERS</u>	<u>PAGE</u> <u>NUMBER</u> <u>S</u>	<u>BUSINESS</u>
1.		APOLOGIES
2.		PUBLIC FORUM
3.		MINUTES
	1 - 5	3.1 Minutes of Council Meeting 9 June 2020
	6	3.1.1 Minutes of Special Council Meeting 30 June 2020
4.		REPORTS
	7 - 10	4.1 Engineering Operations Report
	11 - 12	4.1.2 Rating District CIP Co-Funding and Boundary Changes Report
	13 - 14	4.2 Corporate Services Manager's Monthly Report
	15 - 16	4.2.1 Proposed Long Term Plan 2021 – 2031
	17 - 22	4.3 Tai Poutini Alliance Report
5.		CHAIRMAN'S REPORT (Verbal Update)
6.	23 - 26	CHIEF EXECUTIVE'S REPORT
7.		GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 9 JUNE 2020,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH,
COMMENCING AT 11.37 A.M.****PRESENT:**

A. Birchfield (Chairman), S. Challenger, P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin

IN ATTENDANCE:

M. Meehan (Chief Executive Officer), R. Mallinson (Corporate Services Manager), N. Costley (Strategy & Communications Manager), H. Mills (Planning, Science & Innovation Manager), R. Beal (Operations Director), T. Jellyman (Minutes Clerk)

1. APOLOGY:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3.1 CONFIRMATION OF MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting. Cr Coll McLaughlin drew attention to page 3 of the minutes and stated that she has not had any problems with LGNZ, their people, or leadership, it was just on the particular issue mentioned in the minutes as discussed.

Moved (Coll McLaughlin / Challenger) *that the minutes of the Council meeting dated 14 May 2020, be confirmed as correct, with the above amendment made.*

Carried

Matters arising

There were no matters arising.

REPORTS:**4.1 OPERATIONS REPORT**

R. Beal spoke to his report. He stated that the Lower Waiho rating district work is separate to rebuild work following the March 2019 weather event. R. Beal advised that the likely deficit for this work is approximately \$100,000.

R. Beal advised that ongoing maintenance is being carried out in the Hokitika rating district as further reports of wave overtopping have been received in the Park Street area.

R. Beal reported that planning for LTP process has commenced with flood modelling work awaited for the Hokitika and Karamea rating districts.

R. Beal advised he will be attending a meeting with GDC staff tomorrow to discuss the valuation of the Greymouth Floodwall and various other matters.

Moved (Cummings / Challenger) *That the report is received.*

Carried

R. Mallinson spoke to this report and advised that the purpose of this report is to bring the recommendations from the Te Tai o Poutini Committee (TTPPC) to Council. He advised that funding is responsibility of WCRC, as per the Order in Council. The ultimate responsibility and decisions with regard to the size of the budget adopted and the actual funding of the budget belongs to WCRC, who must give appropriate consideration to the TTPPC budget request. R. Mallinson explained the report in detail and advised if Council approved this in full, Council could be looking at a funding deficit of \$750,000. He stated that this amount is within limit agreed to at April meeting.

Cr Birchfield stated he would like budget held to \$500,000, and would like the fourth bullet point of borrowing \$192,000 dropped off. Cr Birchfield stated that the extra money that is required could go to SNA's, and that Council should hold off on this research until the effect of the government's legislation on our Plan is to hand. Cr Birchfield stated that the \$500,000 in the kitty will keep the process running in the meantime.

Cr Magner asked if the research is specifically for SNA's. Cr Coll McLaughlin advised that there is a lot of research that needs to be developed for the TTPPC to be robust, should it be subject to challenge. She stated that if sufficient research is not done then Council could be very vulnerable to an Environment Court challenge. Cr Coll McLaughlin stated she is happy with the recommendations as the technical staff had started initiating the early stages of SNA research, and when this came back to committee, the committee were not comfortable with the research proceeding until there is a final NPS, or at the very least, a motion to come to the TTPPC that the TTPPC endorsed that there was to be no further work on SNA until it comes back to TTPPC for discussion and approval because it is such a controversial matter. Cr Coll McLaughlin advised that there is a lot of other research that is required. She stated that Cr Birchfield did not endorse the budget paper at the TTPPC meeting but the rest of the TTPPC did. Cr Coll McLaughlin stated that the general mandate from the TTPPC is to accept this budget, but she is aware that Cr Birchfield has a lot of concerns about the costs spiraling. Cr Coll McLaughlin stated that there has been a lot of work to try to trim the budget back. She stated she is unsure how this can be progressed in a robust manner if it is not properly funded, and she has been informed that if it is not adequately funded then the timelines will stretch out. This will then accrue greater costs. M. Meehan advised that the TTPPC comprises of the four councils and the runanga partners and they are recommending that the budget is approved, he acknowledged the Cr Birchfield voted against this but everyone else voted for it, and Council now has to find a way to fund this. He stated due to the Covid-19 situation Council is not doing the normal annual plan consultation process and this is a difficult situation. M. Meehan advised that if this is not funded then Council would need to advised TTPPC that Council is not meeting this request. He noted that the work required with SNA's could cost around half of the \$100,000. M. Meehan agreed with Cr Birchfield's comments and stated that until there is an NPS in place, it will be difficult to proceed with the mapping of SNA's. Cr Coll McLaughlin stated it would have been helpful to have members of the TTPPC and the Project Manager at today's meeting. Cr Coll McLaughlin stated that as the remainder of the TTPPC voted on this, she feels obligated to vote for this today. Cr Coll McLaughlin stated that the way the governance structure and how budgets must be allocated is flawed. She stated that TTPPC is a group that makes decisions, then it comes to Council to make decisions on a district plan, as a regional body. Cr Coll McLaughlin stated that all the new legislation that is coming out makes this whole space fraught. She asked R. Mallinson how this will look on a rating slip. R. Mallinson advised that there will be a separate line for One District Plan with 2019 / 20 being the first year of rating for the \$250,000. He advised there will also be a separate rate line for the One District Plan targeted rate. R. Mallinson advised that because of the LGC subsidy of \$200,000 in the 2019 year, Council is rating at an artificially low level. R. Mallinson advised that Council did consult in last year's annual plan round on the targeted rate for the One District Plan, and he does not believe that Council needs to consult on this again this year. He stated that if Council did not have the LCG funding, Council would have been rating at \$450,000. Cr Cummings queried why the invoices cannot be itemized as he feels research costs need to be clearer. M. Meehan advised that this has been broken down and the TTPPC has had time to go into detail with regard to research and has been able to peer the budget back. Cr Birchfield stated he would like to put more rigor into the TTPPC, as he feels that there are tough times ahead and it is likely this plan is going to cost around \$3M. Cr Birchfield stated that there are around eight planners employed by the four councils, three more have been employed to work on the One District Plan, he feels the project could have been run more efficiently using our own planners. Cr Birchfield stated that he cannot see why the four plans cannot be modified into one plan. Cr Birchfield is concerned with how much money Council is going to have to borrow, and at the end of the project ratepayers could end up with \$3M debt. Cr Birchfield stated that he cannot accept the argument regarding SNA's and stated that this should not be done as the government is due to bring SNA's in, and 90% of the West Coast is controlled by DOC. He asked why is all this money being spent on an SNA study that is going to take in 90% of land that we don't own. He stated that the government should be paying for this. Cr Ewen stated that this has been foisted on us and he has an issue with the process. He stated that Council and ratepayers are going to be burdened with conservatively \$3M, but there is a projection of \$5.4M. Cr Ewen stated that wetlands and swamps costs should be coming from government as they drove this with a petition of a mere 300 signatures. Cr Ewen would like to stick with the \$500,000 budget, as he agrees with M. Meehan's comment that there are going to be a lot of changes. Cr

Ewen is concerned that this Plan will be a millstone around ratepayer's necks, as the real direction is still unknown, and the real agenda is unknown, and he is concerned about non-significant wetlands. Cr Ewen is against borrowing a further \$192,000. Cr Coll McLaughlin stated that she was one of the few private people who submitted against this whole process. She sympathises with all comments, and noted that there are a lot of legislative pieces coming through that need to be implemented. She stated that Council has very little decision making on what we can do, as Council has to give effect to these matters. She stated that the options are to do this as well as we can in order to make the legal processes as smooth as possible, or Council does not commit to this fully, and does not run a robust enough process and it ends up getting decided in the Environment Court, and not by Council. Cr Coll McLaughlin stated that this is unpalatable to her, she will be voting in favour of all of the recommendations, as she is loath to see a replication of the Schedule 2 process because we did not put enough money in at the right end. Cr Coll McLaughlin stated that if Council does not put enough money in the right place, Council will be spending that money in court. Cr Challenger stated he agrees with Cr Coll McLaughlin. He stated that with these planning processes, Council needs to spend the money at the appropriate time otherwise Council is leaving itself open to legal challenges at the other end. Cr Challenger said that if Council does cut the funding back to \$500,000, it will drag on for a lot longer, and a proper job will not be done. He stated that he will be voting in favour of the recommendations. M. Meehan advised this is the only year that borrowing would be required, as next year when Council goes into the LTP process Council can do proper consultation on the appropriate targeted rate. Further discussion took place on options for recovering the targeted rate. R. Mallinson advised that he will be recommending a targeted rate of at least \$450,000 when Council goes through the LTP process. Cr Challenger stated that the One District Plan is a generational matter and by having a loan and repaying it over a generation, it would be spread out for longer. R. Mallinson agreed and stated that borrowing is a good tool to achieve generational equity. Cr Magner asked if Council can be sure that this is a generational matter. M. Meehan advised that it is not a generational matter, this is a plan that is in place for ten years. M. Meehan advised that WCRC is supporting a joint committee that has to do a significant job to pull together three very old and dated plans into one. He stated that the investment has not been there in the past by the districts which is why the LGC got the feedback to say that it needs to go into one plan and to be brought up to standard, and now Council has been left with funding it. M. Meehan stated that a lot of this work is making up for work that has not been done to bring the three plans up to where they need to be. Cr Hill stated he agrees with Crs Birchfield and Ewen. He stated that the fact is Council is lumbered with this and if Council holds back on the \$100,000 it is simply saying to the TTPPC that we don't agree with the One District Plan. Cr Hill stated that it is too late and we are now into it, and Council has to make the best of it. Cr Hill will be voting for the recommendations. Cr Cummings asked what makes the process slower, he said that the planners are still working 40 hours per week. He stated that Google could do most of the research. Cr Birchfield stated that Council is paying the planners wages so you would assume that they would be continuing to progress the normal process. M. Meehan advised that there is a lot of work that goes into a plan, and work that Council must advance. He advised that when Council goes to a hearing, evidence is required to back up what you are saying. Cr Ewen stated that whatever Council decides, either way, it will end up in the Environment Court. Cr Cummings asked if Council pays the money now, will it be planners who go to court, and not Council?? Cr Cummings asked if Council gives them all the money they want, when it goes to Court, is it their problem or is it still Council's problem? M. Meehan stated that he is unsure how to respond to this question. M. Meehan advised that the TTPPC has a project manager in charge of the planners, the TTPPC gives direction on what they want to do, the staff act at the direction of the TTPPC, so TTPPC is responsible for putting the One District Plan together. Cr Birchfield stated that you can guarantee this will end up in the Environment Court. Cr Cummings asked "where will the planners be", Cr Birchfield stated that the plan will be challenged for sure and Eugenie Sage has already indicated that they will be looking at the plan to lock more land up through the SNA's. H. Mills advised that there is one good example of where Council has mediated outside of the Environment Court, and that is the RPS. He stated that significant issues were dealt with but they were able to be resolved, this took around four weeks, but it was kept out of the Environment Court. M. Meehan explained the planning and submission process to the meeting, but in the case of the RPS there are 20 – 30 parties around the table that all agree on a pathway forward. He stated there is trading, compromise, but you end up with something that everyone around that table can live with. Cr Birchfield stated plans seem to be working well as we are all operating under four plans, and now we are needing to spend up to \$5M at a time when we can't afford it. Cr Coll McLaughlin stated that regardless of the way the vote goes, one lesson that has been learnt from this discussion is at future budget meetings we need members present at the meeting to speak to the budget. She stated that more detail on what the budget is being spent on.

Cr Birchfield proposed an amendment to the recommendations.

Moved (Birchfield / Ewen)

1. *That Council agrees to the Te Tai o Poutini proposed budget of \$500,000 for inclusion in the Annual Plan 20/21.*

2. *That the last bullet point in recommendation 2 be struck out ("Borrowing of balance of \$192,000).*

4

The motion was put. Cr Cummings is in favour. Crs Challenger, Coll McLaughlin, Magner and Hill are against.

The motion was lost.

Moved (Challenger / Coll McLaughlin)

1. *That Council agrees to the Te Tai o Poutini proposed budget of \$692,000 for inclusion in the Annual Plan 20/21.*
2. *That funding be by way of:*
 - *Carry forward credit balance \$100,000 from 2019 /20*
 - *Targeted Rate \$250,000*
 - *Existing General Rate contribution \$150,000*
 - *Borrowing of balance of \$192,000*

Carried

Cr Cummings asked R. Mallinson if Council is receiving the normal amount of rates payments at the moment (post Covid-19). R. Mallinson advised that payments are down by \$200,000 compared to this time last year. He stated that up until 6 May, a lot of people were waiting for the opportunity to come in to the office pay their rates, post lockdown.

4.2.2 BORROWING JUNE 2020

R. Mallinson spoke to this report. He advised that \$750,000 will be spent on the Karamea stopbank upgrade, the Greymouth Floodwall repairs, the Rata Knoll extension at Lower Waiho, and the Hokitika Seawall work.

R. Mallinson advised that the recent borrowing has been secured on very favourable terms. M. Meehan stated that if rating districts or communities can afford to borrow at the moment, for capital works, this is the time to do it. He stated if they have the ability to pay back a loan it is a very good time to borrow with interest rates very low at the moment.

Cr Ewen asked if the Hokitika Seawall work could be cost neutral for ratepayers, and could this be borrowed for with the term of the existing loan collectively, and extended. R. Mallinson confirmed that he is in the process of doing this, the new loan will be amalgamated with the existing borrowing. Cr Ewen asked if a loan to fund the One District Plan could be done using the same methodology. R. Mallinson advised that Council could borrow to fund any operational activities if they wish to. He advised that borrowing is always a good way to achieve intergenerational equity to spread the costs over a number of generations, and not just the current generation. Cr Ewen stated that this would satisfy his concerns with the One District Plan borrowing, and this could be almost painless for ratepayers. R. Mallinson stated that this discussion will fit in well with LTP requirements in a couple of months' time. Further discussion took place and all agreed that borrowing will be discussed further during the LTP preparations.

Moved (Magner / Challenger)

1. *That the report be received.*
2. *That Council notes the intention to borrow \$1,000,000 from LGFA during June 2020.*

Carried

5.0 CHAIRMANS REPORT

The Chairman spoke to his report and advised that he has been involved with the issue around the use of snow chains on the pass. The Chairman stated that he spoken with NZTA and it has been agreed to wait and see how this works.

The Chairman offered to answer questions. Cr Hill asked if there has been any indication as to what funding the West Coast might receive from DoC for the nature projects. M. Meehan advised that the funding is to be realized over five years and is focused on jobs. He stated that a pilot has been started Franz Josef with people already being put into jobs. M. Meehan advised there is a particular focus on Franz Josef, Rotorua and Queenstown, as places that have been badly impacted by Covid-19. He advised that it is good to see that this has been kicked off in Franz Josef and is now being expanded out, with a strong link with the MSD and the polytechnics for training and people to do this work.

6.1 CHIEF EXECUTIVE’S REPORT

M. Meehan spoke to his report. He stated that following the launch of the Predator Free project at Te Kinga work is now commencing.

M. Meehan reported that a health and safety audit was carried out recently with the focus on meeting the ISO 45001 for Health and Safety. M. Meehan advised that the auditors recommendations will be brought to next month’s meeting. M. Meehan advised that health and safety will be incorporated into future CEO reports. M. Meehan advised that he attended a considerable number of meetings relating to Covid-19 over the past three months.

Moved (Ewen / Coll McLaughlin) *that this report is received.*

Carried

GENERAL BUSINESS

There was no general business.

The meeting closed at 12.26 p.m.

.....
Chairman

.....
Date

3.1.1

**THE WEST COAST REGIONAL COUNCIL
MINUTES OF A SPECIAL MEETING OF THE WEST COAST REGIONAL COUNCIL
HELD ON 30 JUNE 2020, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.**

PRESENT

A. Birchfield (Chairman), S. Challenger (remotely via ZOOM), P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin (remotely via ZOOM)

IN ATTENDANCE

R. Mallinson (Corporate Services Manager), R. Beal (Operations Director), M. Meehan (Chief Executive)

APOLOGIES

There were no apologies.

BUSINESS

The meeting was held to confirm the 20/21 Annual Plan.

At the start of the meeting R. Mallinson tabled the Chairperson’s foreword to the Annual Plan, which had been agreed with the Chairman prior to the meeting.

Councillors considered the report from R. Mallinson recommending the adoption of the 20/21 Annual Plan without public consultation as allowed under S 95 (2A) of the Local Government Act 2002, as there were no significant differences from year 3 of the 2018/28 Long Term Plan.

The Annual Plan included a previously agreed freeze to rates and borrowing of potentially up to \$750,000 to cover a possible funding deficit.

Councillors Birchfield and Ewen requested that the minutes of this meeting reflect that almost \$200,000 of this borrowing related to the “One District Plan” funding deficit.

Councillor Birchfield also advised that his Foreword should also be amended to reflect that.

Moved (Cummings / Hill)

1. *That Council adopt the 2020/21 Annual plan pursuant to section 95 (2A) of the Local Government act 2002.*
2. *That Council agrees pursuant to section 101 of the local Government act 2002, that in the circumstances of the impact of COVID-19 on the west Coast community, that it is prudent to utilise loan funding to finance the expected overall funding deficit in 20/21.*

Carried

The meeting closed at 10.42 a.m.

.....

Chairman

.....

Date

4.1

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 14 July 2020
Prepared by: Paulette Birchfield – Engineer, Brendon Russ - Engineer
Date: 3 July 2020
Subject: **ENGINEERING OPERATIONS REPORT**

Mokihinui Rating District

The sacrificial seawall on Mokihinui Beach was repaired in early June by SM Lowe Contracting Ltd for \$1,485. The wall was last repaired in September 2019.

The 4 small coastal spurs placed as a trial are still in place and are holding a fillet of gravel on both the updrift and downdrift sides of the spurs.



Looking south along crest of sacrificial wall.



Looking north towards the Mokihinui River mouth.



Small coastal spurs on seawall.

Greymouth Floodwall Joint Repairs.

Liddell Contracting Ltd have fully completed all joint repairs along Mawhera Quay from the Cobden Bridge downstream to the Clock Tower, with minor aesthetic and general tidying to be undertaken after all other joint repairs have been completed. Joint cutting is currently being undertaken along Fisherman's Wharf.



Example of a repaired and sealed joint.

Wanganui Rating District

Work has been completed with the placement of approximately 3,800t of rock along John Sullivan's frontage on the Wanganui River, below the State Highway bridge by McKenzie Contracting at \$22/t + GST. This work is part of our insurance from the March 2019 flood event.



Drone image showing the completed work along John Sullivan's frontage.

Work is currently underway for the placement of 2,500t of rock along the tail of the hook groyne opposite Hodgkinson frontage by McKenzie Contracting at \$25/t + GST. This work is part of our insurance claim from the March 2019 flood event.



McKenzie Contracting operator awaiting the delivery of rock to be placed along the tail of the hook groyne

Quarry Rock Movements for the period May 2020
(excluding Royalty Arrangements)

Quarry		Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	Large	0	664.5	664.5	0
Whataroa	Small/medium	9,056	0	0	9,056
	Large	7,500	0	0	7,500
Blackball		670	0	0	670
Inchbonnie		5,000	0	0	5,000
Kiwi		0	0	0	0
Miedema		0	0	0	0
Okuru		450	0	0	450
Whitehorse		1,334	0	0	1,334
Totals		24,010			24,010

Rock Requested

Quarry	Contractor	Amount	Permit Start	Permit Finish
Camelback	Henry Adams	327.5	18/5/20	19/5/20
Camelback	Henry Adams	292	20/5/20	22/5/20

RECOMMENDATION

That the report is received

Randal Beal
Director of Operations

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 14 July 2020
 Prepared by: Randal Beal, Director of Operations
 Date: 29 June 2020
 Subject: **Rating District CIP Co-funding and Boundary changes**

Background

Council submitted \$45,100,000 in funding requests to the Crown Infrastructure Projects applications, alongside a collaborative bid from the Regional Sector Group. Council understands that any funding for flood protection projects requires community funding at a rate yet to be confirmed. Any approved projects are also required to commence within 2 months and meet criteria yet to be determined. At the time of writing this report, Council was awaiting the funding criteria and confirmation of which projects had been approved.

Council submitted the following projects:

Franz Josef and Lower Waiho River flood protection

- \$24,400,000 Total Project Funding

*Including \$3,600,000 NZTA for the raising of the Waiho River State Highway bridge

Hokitika and Kaniere flood and coastal protection

- \$3,000,000 Total River Flood Protection Scheme Funding
- \$5,000,000 Total Seawall Project Funding

Greymouth flood protection – stage 2

- \$2,580,000 Total Project Funding

Westport flood protection and warning system

- Advanced warning project \$500,000 Total Project Funding
- Flood Protection Scheme \$10,000,000 Total Project Funding

A local share component is required for each of the flood protection projects. This can be delivered through a targeted rate on those properties which benefit from the infrastructure works. Except for Westport, all of the projects have existing rating districts that could be modified to deliver the fairest funding model required to fulfil the local share funding obligation.

Section 16 of the Local Government (Rating) Act 2002 allows Councils to set a targeted rate:

16 Targeted rate

(1) A local authority may set a targeted rate for 1 or more activities or groups of activities if those activities or groups of activities are identified in its funding impact statement as the activities or groups of activities for which the targeted rate is to be set.

(2) [Repealed]

(3) A targeted rate may be set in relation to—

- (a) all rateable land within the local authority's district; or*
(b) 1 or more categories of rateable land under [section 17](#).

(4) A targeted rate may be set—

- (a) on a uniform basis for all rateable land in respect of which the rate is set; or*
(b) differentially for different categories of rateable land under [section 17](#).

It is recommended that Council undertake consultation with the community on the method of this rating as soon as the criteria and funding arrangements are clarified. This consultation will then inform whether Council establish a new rating district, or modify an existing rating district, to fund the work.

Any changes as a result of consultation will be confirmed through the 2021-2031 Long Term Plan process.

Infrastructure Proposals

Potential rating district proposals have been identified below:

Franz Josef and Lower Waiho

Merge and extend the Franz Josef and Lower Waiho Rating Districts to capture all the benefitting properties within one rating district.

Refund the existing credit balance in the Franz Josef Rating District to the properties within the current rating district boundaries.

Ring fence the current Lower Waiho Rating District loan against the properties within the current rating district boundaries.

Hokitika Seawall and River Protection works

Merge and reassess the Hokitika Seawall and Kaniere Rating Districts.

Greymouth Floodwall Rating District

Call a meeting of the Greymouth Floodwall Joint committee to discuss and make recommendations to Council.

Westport

Westport has no Rating District. Two options exist to secure the required co-funding:

- Form a Rating District to meet the co-funding requirements. This would require implementation of a targeted rate on properties in the Westport area that would derive benefit from the works.
- Buller District Council to provide the required co-funding and rate for it accordingly. This is in line with how the Greymouth Floodwall was funded. A rating district could be formed for maintenance costs only.

Council can undertake community consultation on these proposals to inform its decision-making process. The consultation will focus on.

- Boundary changes
- Classification changes
- Meeting the required co-funding to access the Crown Infrastructure Projects funding.

RECOMMENDATIONS

1. *That the report is received.*
2. *That Council commits to co funding the projects above through targeted rates on properties that derive benefit from the proposal.*
3. *That Council undertakes targeted consultation with the Franz Josef, Hokitika, Greymouth and Westport communities.*

Randal Beal

Director of Operations

4.2**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting 14 July 2020
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 6 July 2020
Subject: Corporate Services Manager’s Monthly Report

1. Financial Report

We are now fully involved in financial year end work and the interim unaudited results for the year to 30 June 2020 which will be submitted to the August 2020 meeting.

2. “Milton” stopbank insurance receipts.

Payment from London for the second round of payments of \$448,000 have started to be received (payments come from a number of different Lloyds syndicates). \$500,000 was received in February 2020. Total payments approved by the Insurer with regard to Milton now amount to \$948,000.

There will be at least one more payment to be made by the Insurer with regard to the Milton claim.

I will be accompanying our Engineer, the Claims Assessor and our AON Claims Manager on an inspection on 7 July looking at the non-Milton elements of the Claim.

NEMA have still to approve the 4th claim by WCRC.

The loss is shared as follows:

Insurer	40%
NEMA	60%

3. JBWere Portfolio Performance Eleven Months to 31 March 2020

31 May 2020		Major Portfolio	
Opening balance	1 May 2020	\$	10,163,084
Income	May 20	\$	252,931
Deposit	\$ -	\$	-
Withdrawal	\$ -	\$	-
Closing balance	31 May 2020	\$	10,416,015

Total income year to date to \$ 294,075

	Actual	Benchmark
Performance May 2020	2.48%	2.24%
Performance 1 July 2019 - 31 May 2020	3.35%	2.92%

Actual results for the portfolio to 30 June 2020 will be advised to Councillors at this July 2020 meeting.

4. Audit & Risk Committee

Council agreed at the February 2020 meeting that such a committee should be established. A recent workshop further discussed the possible charter and membership of the Committee which included the following:

- Consideration of Audit NZ management reports following audit of the Annual Report.
- Consideration of Audit NZ management reports regarding Long Term Plan Consultation Document.
- Consideration of Audit NZ audit certificates regarding Annual Report.

- Consideration of Audit NZ audit certificate regarding Long Term Plan consultation document.
- Consideration of Audit NZ audit certificate regarding final Long Term Plan document.
- Understanding of notifications of real and potential liability claims against Council.
- Overview of details of Insurance covers held by Council, and the annual renewals of those covers.
- Overviews of periodic review of Council Risk Register (this is overdue for review).
- Overview of compliance with Treasury Policies.
- Ensuring that appropriate internal controls are in place to ensure proper controls exist over revenues, expenditure and assets.
- Ensuring that appropriate fraud avoidance / mitigation measures are in place.
- Ensuring that there are proper controls in place with regard to the valuation and declared insurance values of Council's major assets, its various Rating District Infrastructure assets (Value > \$71 million @ 30 June 2019).
- Other matters that will contribute to improved governance, performance and accountability of the Council. (These could be referred to the Committee by the full Council, or the Chief Executive).
- Periodic review of the appropriateness of various Council accounting policies.

Such a committee is established pursuant to LGA 2002, Schedule 7, Clause 30. The Committee will need to be re-established at each triennial meeting. Councillors can consider suitably qualified external representation on the committee in the future if it so wishes.

RECOMMENDATIONS

1. *That the report be received.*
2. *That Council formally establish an Audit & Risk Committee, pursuant to the Local Government Act 2002, Schedule 7, Clause 30.*
3. *That the membership of the Audit & Risk Committee be comprised of:*
 - *Councillor John Hill,*
 - *Councillor Laura Coll McLaughlin*
 - *Councillor Debra Magner*
 - *Councillor Brett Cummings.*

Robert Mallinson
Corporate Services Manager

4.2.1**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting 14 July 2020
 Prepared by: Michael Meehan – Chief Executive
 Date: 2 July 2020
 Subject: **Proposed Long Term Plan 2021-2031**

Background

This paper sets out a draft approach to the 2021-2031 Long Term Plan process. Every three years Council reviews its Long-Term Plan and sets out the objectives it seeks to achieve on behalf of the community and how it will fund this work. Consultation is a major part of the process to allow for meaningful engagement with iwi, community, and stakeholders.

Due to the implications of Covid-19 on the community Council elected to move forward with a 0% rate increase for the 2020/21 Annual Plan and park any changes that were under consideration, this included rating district and Te Tai o Poutini Plan (one district plan) matters.

Prior to Covid-19 Council had considered consulting on changes to the Special Rating Districts that fund flood, coastal and other protection works throughout the region. The changes proposed were to fairly reflect the true cost in undertaking work required in these special rating areas including insurance, administration, financial, asset management plan work, surveying, engineering, flood modelling and other associated costs. Currently the special rating areas do not cover the true costs, therefore the general rate subsidises this work. This work is carried through into the 2021-31 Long Term Plan process.,

Covid-19

The implications of Covid-19 present unprecedented impact on our community particularly in the tourism sector. On the flipside the government in response to these impacts is funding infrastructure and environmental/biodiversity enhancement work throughout the country. The West Coast will receive significant funding towards these projects with the Regional Council one of the key delivery partners in environmental enhancement, predator control and flood infrastructure.

Project Planning

The 2021-31 Long Term Plan project will be the most challenging the Council has had to embark on. The project needs to commence in August 2020 to ensure that Council can undertake the work required to meet the regulatory timeframes and achieve meaningful engagement in the process. The project requires additional resources in the form of a project manager to manage the project to undertake financial analysis and manage the project. To that end it is proposed that the Corporate Services Manager is seconded into this role full time and that his day to day role is back filled internally for 12 months. To achieve this an additional financial administration role is required.

The project will also require significant communications support in relation to targeted consultation with the community. The Council may wish to run a series of road shows or drop-in sessions in late 2020 or early 2021 to get feedback from the community. This can be confirmed later.

2020/21 year

The government has released Covid-19 recovery packages focussed on job creation. These are focussed on jobs for nature, environmental enhancement, and infrastructure projects. Within the applications Council made to government is funding to cover project management and other required parts of the project. Resourcing is required to ensure that reporting requirements are achieved in relation to these projects.

Resourcing

To adequately resource the Long-Term Plan project Council will need to resource the project adequately as outlined above. In addition to this, should the funding applications be approved Council may require an additional 10-15 full time equivalent (FTE) staff to complete the projects. These staffing units are in relation to finance, communications, administration, farm planning, engineering and project management.

RECOMMENDATIONS

That Council:

- 1. Receives this report; and*
- 2. Notes the advice and prepares for the potential resourcing requirements of the Long-Term Plan process and Covid-19 related projects.*

Michael Meehan
Chief Executive

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 14 July 2020
Prepared by: Nichola Costley – Communications and Strategy Manager
Date: 6 July 2020
Subject: **Tai Poutini West Coast Alliance**

Purpose

Introduce the Te Tai Poutini West Coast Alliance and seek organisational support for the Alliance.

Background

The challenges of COVID-19, both today and in the time to come, are of an unprecedented scale; by meeting these challenges as a region we can ensure we are best placed to help our economy and our communities to recover and prosper. Budget 2020 saw Government 2020 announce a package of \$1.1 billion for Covid-19 recovery, focussed on investment in employment that supports good environmental outcomes. Combined with other funding streams for similar purposes, there will be \$1.3 billion available.

There has been significant work already undertaken to plan for our region's economic and social recovery in the short, medium and long term, but we know to be successful, we need a unified approach across the region.

Tai Poutini West Coast Alliance

The West Coast Mayors, Chairs and Iwi Forum supported the concept of a Tai Poutini Alliance to provide an overarching strategic approach to accessing funding to support environmental enhancement projects and enhanced predator free projects. This includes the DOC-led Jobs for Nature program in the short to medium term. Long-term, the Alliance will be well placed to leverage additional funding from a range of sources.

Comprised of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, West Coast Regional Council, Department of Conservation and Development West Coast, the Alliance will align the strengths of these organisations to drive and support regional environmental, cultural and socio-economic initiatives.

The Alliance members will work in partnership to ensure that funding proposals are coordinated across relevant agencies, are integrated throughout the region, and strategically aligned to deliver robust environmental projects across the West Coast.

Further information on the purpose and structure of the Alliance is included in the attached draft Alliance document. A copy of the draft Tai Poutini Alliance Strategy is also attached. These will be reviewed by Alliance members at their first meeting.

Attachments:

Te Tai Poutini West Coast Alliance
Te Tai Poutini West Coast Alliance Strategy

RECOMMENDATIONS

That Council:

- 1. receives this report; and*
- 2. supports in principle the Tai Poutini West Coast Alliance.*

Michael Meehan
Chief Executive

DRAFT

Te Tai Poutini West Coast Alliance

1. Context

In response to the national economic impact of the Covid-19 pandemic, Budget 2020 saw the Government announce a package of \$1.1 billion for Covid-19 recovery, focused on investment in employment that supports good environmental outcomes. Combined with existing funding streams for similar purposes, there will be a total of \$1.3 billion nationally (refer Schedule 1 for a breakdown of the funding streams) available for investment focussed on three core objectives:

- Creation of about 11,000 jobs at pace and with regional spread;
- Enduring benefits for healthy waterways, biodiversity, climate change and cultural values;
- Supporting sustainable land use and the implementation of regulatory requirements, including for freshwater, biodiversity and climate change.

On 19 May 2020 Tai Poutini West Coast Mayors, Chairs and Iwi Forum supported the establishment of a “Tai Poutini West Coast Alliance” to initiate, support and drive West Coast nature-based initiatives, help secure funding to support regional economic recovery and to ensure that the social and economic impact post-COVID is lessened as much as possible across the region and at place.

The West Coast Regional Council has offered to lead its establishment process.

A Tai Poutini West Coast Alliance is key to achieving an overarching strategic approach to access funding to support enhanced predator free and environmental enhancement projects that will provide targeted regional economic support. This will include the DOC-led Jobs for Nature program in the short to medium term. Long term, an Alliance will be well placed to leverage additional funding from a range of sources including philanthropic and future government programmes.

Additional funding has also been made available for infrastructure projects. While infrastructure is not a core work stream of this Alliance, the strategic approach underpinning this model also applies, and any principles, strategy setting etc. developed can be used to support proposals made.

2. Purpose

The purpose of the Alliance is to provide an overarching strategic approach to investment for the West Coast, with the aims of:

- maintaining the social and economic fabric of our communities across the West Coast in the short to medium term, to support their recovery over time
- building greater capability and capacity within our West Coast workforce to enable more environmental enhancement related work to be carried out by locals
- growing sustainable jobs in nature and for the environment in the West Coast for the long term
- building greater resilience in our West Coast regional workforce for West Coast-based work
- maintaining the benefits that communities across the West Coast receive from our environment

The Alliance provides an opportunity to align the strengths of iwi, local and central government to drive and support regional environmental, cultural and socio-economic initiatives.

The Alliance members will work in partnership to ensure that funding proposals are coordinated across the relevant agencies, are integrated throughout the region, and strategically aligned to deliver robust environmental projects across the region.

The Alliance will coordinate across agencies and maintain oversight of the entire package of projects to ensure the provision of a platform for immediate economic recovery, while capturing opportunities of enduring regional value.

The delivery of projects will sit with the project owner not the Alliance.

3. Principles

The principles guiding the Alliance are:

- Tai Poutini West Coast specific, ready, and equipped to respond within the regional context to enable maximum regional decision making
- Recognising that partnerships are central to this programme, between Alliance members, our Treaty partners and other agencies
- Recognise that some Alliance members have particular Treaty Settlement and Schedule 4 responsibilities, and that the Alliance partnerships does not derogate from those responsibilities.
- Agile and responsive in order to access funds quickly
- Collaborative to avoid unnecessary duplication of effort

4. Outcomes

The first key outcome of the Alliance is the development of a strategic plan for the West Coast. The Plan will:

- set out what want to achieve and how this is to be accomplished.
- prioritize Covid related spending on the West Coast
- alignment of like projects

in order to support our regional businesses, people, communities and our wider environment.

The strategy will provide guidance on identifying, prioritising and integrating projects, as well the support, context, connections, and advice to coordinate or support funding applications.

5. Working with other agencies

- The Alliance is intended to work at a **strategic** level to develop, support and ensure delivery of initiatives. NGOs, District Councils, Community Groups and other stakeholders will be involved as required at a **project delivery** level.
- Tai Poutini Polytechnic has a role to provide training and qualifications, both to support specific projects and to provide enduring benefits to participants and the wider community.

6. Management of funding

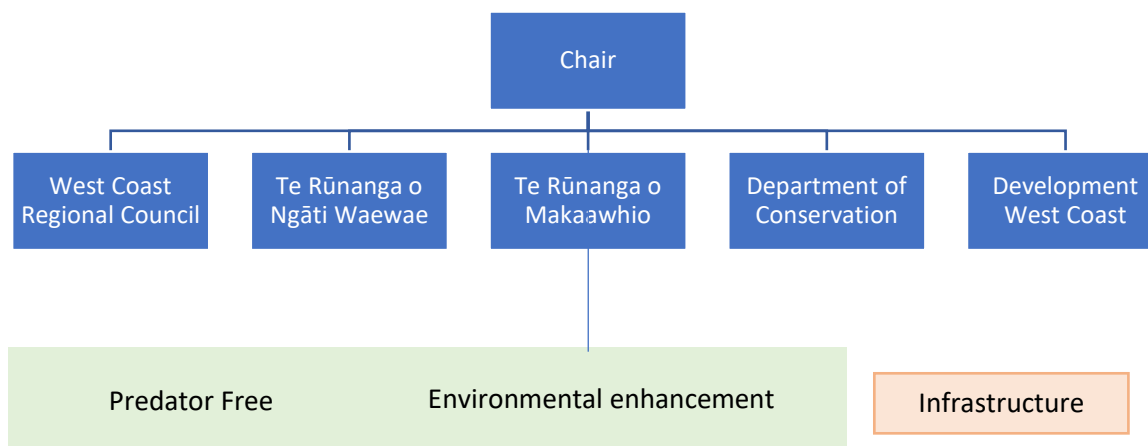
The Alliance is not expected to hold funds. Organisations managing large scale projects (such as the Arahura River Restoration project) can administer their own funding, or alternatively, utilise the systems and structures available through WCRC or Development West Coast. The funding is likely to arrive in the region as bulk funding. Where funding is sought via philanthropic organisations, funding can be applied for through the newly established iwi entity, Pokeka Poutini Ngāi Tahu Limited.

7. Membership and Structure

The Alliance is made up of key regional organisations from the West Coast. The representatives have been chosen to ensure that the overall principles of regional cohesiveness and coordination are enacted.

The composition of the Alliance will include representatives from the West Coast Regional Council

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and the Department of Conservation. An Independent Chair will be appointed.



8. Technical advisory group

The Alliance will be supported by staff from DOC, WCRC and DWC to provide administration and support and, along with iwi, coordinate information, the alignment of projects and funding applications etc.

9. What about Boundaries?

To be effective, the Alliance must operate regionally, i.e. within the West Coast regional boundaries, as well as the rohe/boundaries of its individual membership. How to work with ‘neighbours’ to take advantage of opportunities and manage cross-boundary issues will require consideration.

10. Costs

Alliance members will meet their own costs for involvement in the Tai Poutini West Coast Alliance.

Schedule 1

Funding purpose	4 year total	Already allocated	Available for developing projects		Agency
		\$ already allocated in Phase 1 and/or part of an existing programme structure	\$ intended for quick start / Phase 1 projects but not yet approved	\$ intended for phases 2 and 3	
\$1.1 Billion allocated through B2020 in “economic recovery through environment-related activity” package					
New jobs in regional environmental projects targeted at freshwater improvement	\$433m (contingency)	\$37m	\$171m	\$225	MfE
Biosecurity, including weed and pest control	\$315m	\$315M	\$0	\$0	MPI, LINZ, DOC
“Jobs for Nature” funding	\$200m	\$0	\$10m	\$190m	DOC
New jobs enhancing biodiversity on public or private land	\$154m, incl \$73m for identified freshwater	\$0	\$21m	\$133m	DOC

	initiatives (contingency)				
\$202m in other funding available from July 2020					
Freshwater Improvement Fund and At-Risk-Catchments	\$67m	\$0	\$0	\$67m	MfE
Fencing waterways, water reticulation and riparian management	Up to \$100m	\$100m	\$0	\$0	PDU
One Billion Trees – some funding available for water quality related action	\$35m incl approx. \$10m for catchment groups	\$35m	\$0	\$0	TUR
	Total: \$1.302bn	Total already allocated: \$487	Total available for developing projects: \$817m		

Table correct as at 18 June 2020. May be subject to further change.

Strategic Plan

- What does the Alliance want to achieve?
- How will the Alliance accomplish this?
- How will the Alliance prioritise initiatives?



Tai Poutini Alliance

Vision – securing enduring benefits for West Coast communities

Core principles

- Integration
- Collaboration
- Regional decision-making
- Agile
- Responsive

Provides

- Accountability
- Auditing
- Alignment
- Milestone tracking

Leveraging

- Regional relationships
- Government funding
- Philanthropic funding

Workstreams

Environmental enhancement



- Enduring benefits for nature based initiatives:
- healthy waterways
 - biodiversity
 - sustainable landuse
 - recreational asset improvement

Predator control



- Enhanced predator free programmes

Infrastructure

Not a core workstream but must be considered



- Strategic packages for:
- ports
 - land transport
 - flood management
 - waste management

Outcomes

Building capability and capacity within the regional workforce

Greater resilience within the regional workforce

Maintaining the social fabric of West Coast communities as they recover from the post-Covid economic crisis

Growing sustainable jobs in nature, while also delivering robust environmental outcomes

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 14 July 2020
Prepared by: Michael Meehan – Chief Executive
Date: 6 July 2020
Subject: **CHIEF EXECUTIVE'S REPORT**

Meetings Attended:

- I attended a Predator Free 2020 meeting on 10 June.
- I participated in the Regional Sector meeting via Zoom on 10 June.
- I met with Al Bramley for ZIP to discuss the Whataroa project on 11 June.
- I participated in the weekly Zoom meeting for Regional Chief Executives on 18 June.
- I attended the Te Tai O Poutini meeting on 24 June.
- I attended the SIG Convenors Plenary meeting on 2 July.
- I attended a meeting at Grey District Council regarding the Procurement Process for Government approved projects on 3 July.
- I met with Westland Milk Products staff on 7 July.
- I attended the announcement of Provincial Growth Fund projects on 8 July.

Health and Safety Report

June 2020 Audit

Recently an external three-day health and safety audit was completed on site. This audit is required to meet the AS/NZ Standard ISO 45001 Occupational Health and Safety Management Systems. The audit highlighted non-conformances, which on tabling this report have been remedied along with opportunities for improvement. One of the 2 major non conformances highlighted was in relation to insufficient health and safety related matters being tabled to elected members. To rectify this into the future it is recommended that the CEO reports on health and safety related matters to elected members following each quarterly meeting of the Health and Safety Committee. The other major non conformance related to not having a centralised location for hazardous substance information, which was simple to rectify.

During the audit process the auditor reviewed the whole Council Health and Safety system, completed three off site visits. Met with the Health and Safety Chair along with one on one meetings with staff. This was to ensure that staff had a good understanding and knowledge of the Councils Health and Safety systems.

Summary Outcome from the audit:

Two Major Non-Conformance (NC) - These are to be completed within 60 days (4 August)

1. *The organisation's Leadership Team has not formally reviewed the H&S Management Plans.*
2. *The organisation has not met its obligations under the Hazardous Substances Regulations (need to centralise the information).*

Three Minor Non-Conformance NC's- These are to be completed within 12 months prior to the next audit:

1. *Training - The organisation has not ensured the necessary competence of all its workers (centralised training matrix).*
2. *Incidents/Accidents - Improve on the process of following up and closing off on corrective actions when incidents and accidents occur.*
3. *Emergency Exercises – Need to look at carrying out emergency drills in the field i.e. Threats from the public in the field, Lost worker, Injured Worker in the field.*

Opportunities for Improvement (OI) – 12 opportunities for improvement (recommendation) were provided. These areas were met but it is recommended we make some improvements.

An Action plan was provided to the auditor to document how we are going to address all the Minor & Major non-conformances within the specified times.

COVID – 19

The Council in preparation for COVID-19 completed and implemented a Pandemic Plan prior to the lockdown.

Guidelines for Alert Level 4, Level 3 and Level 2 (along with SOPs for departments) were prepared and implemented when required for each of the Alert Levels. These guidelines were communicated to all staff via email and WCRC intranet.

Training

Internal training has been completed in the months of March, April, May and June.

Internal Training – During and after the lockdown the following training was completed (E-Learning Modules)

- COVID-19 Awareness (All Staff)
- Driver Safety (selected roles)
- Infection Control in the Workplace (All Staff)
- Mental H&S for Managers (Managers)
- Personal Protective Equipment (All staff)
- Site Induction (All Staff)
- Working Alone (All Staff)

External Training-

- Drone - CAA Part 101 (scheduled for 23/06/20)
- Stage 2 H&S Rep Training (Scheduled for 20 & 21st July 20)
- First Aid Training

New Staff

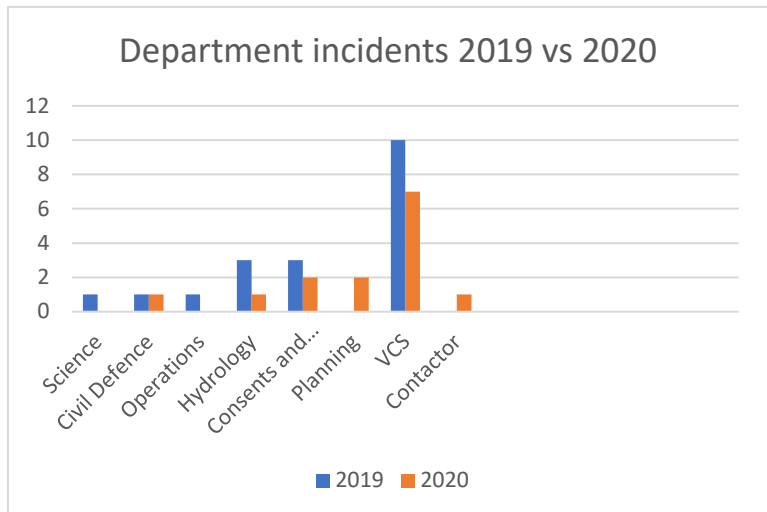
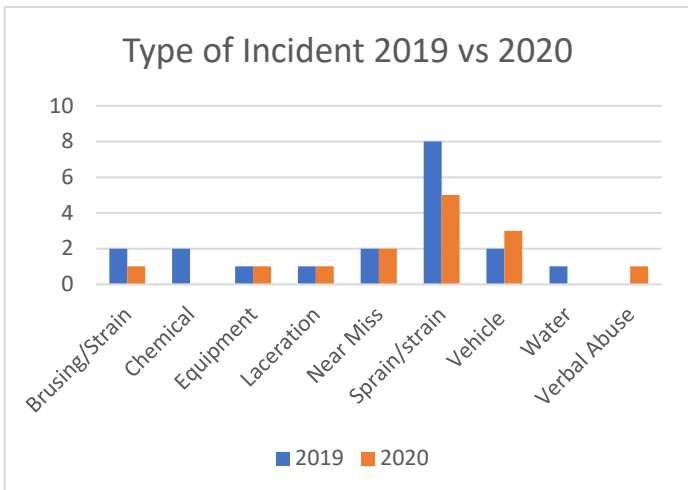
During the Month of May two new staff members commenced work within the Hydrology Department and in the month of June a new staff member commenced work in the Consent and Compliance department. Each of these new workers are required to complete a specific induction process, part of which is a site induction along with completing the required training modules and being assigned a buddy to support in the induction process.

Incidents, Injury and Near Misses

As of 24 June 2020 there have been no:

- Lost Time Injuries (LTI) – Nil
- Medical Treatment Injuries (MTI) – Nil

Please note below the Type of Incidents, Department Incident, Incident per month and mechanism of the incident (2019 vs 2020)



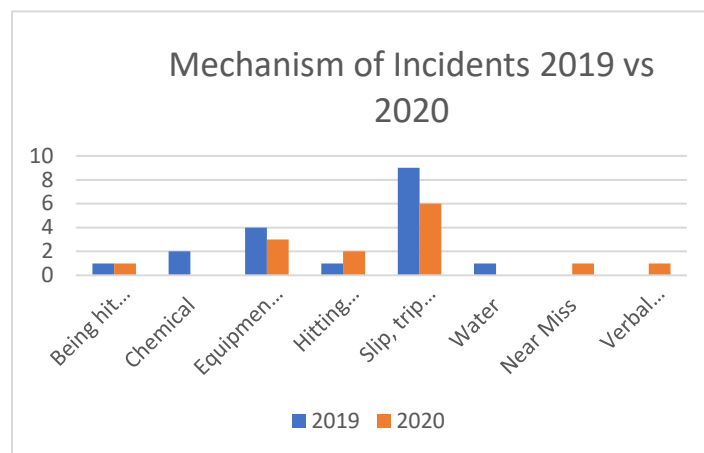
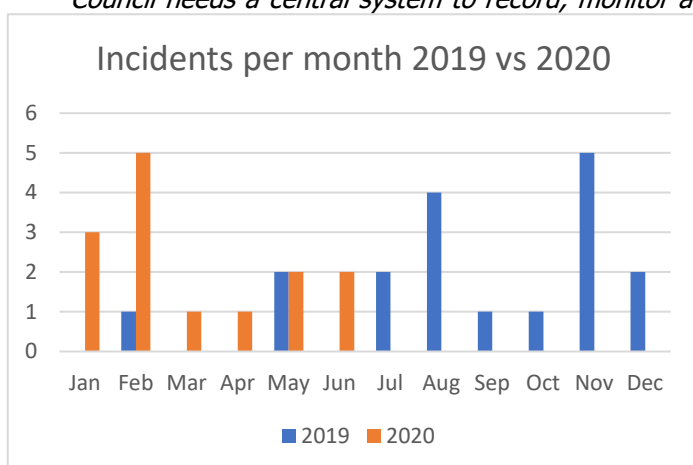
Hazard Risk Register

Due to feedback from the external auditor it was noted that the following hazards were not recorded in the Hazard/Risk Register. Note: They were identified in the Employee Health and Safety Handbook (to name a few):

- Hours of work (afterhours, weekend etc)
- Workload
- Harassment
- Bullying
- Victimisation.

Risk & Health and Safety Software

It was identified prior to the audit that there is an issue with the way health and safety information is being stored/saved for each department. This was identified further during the audit process highlighting that the Council needs a central system to record, monitor and



keep the health and safety information up to date (i.e. Vault or Mango). The auditor suggests Council take under consideration investing in a system that can record and track and monitor; which will assist in ensuring we stay compliant with the legislation.

Health and Safety Management Plan

For reference for the elected members and Executive Leadership Team please note that currently most of the Councils health and safety management plan and documentation is located on the WCRC intranet under the heading Health and Safety.

H&S Meetings

H&S Committee hold as a minimum annually four quarterly H&S meetings and an annual review meeting. So far this year we have had the Annual review meeting and two quarterly meetings (February and June). Meeting minutes can be located on the WCRC intranet. At all these meetings the CEO is present and is involved in supporting the health and safety committee.

Please note that further working groups and meetings are held if/when required.

E-Roads

Currently the Council has 13 vehicles that have E-Roads installed which enables appointed administrators to view and track the vehicles if/when required. These being:

- Civil Defence x 3 vehicles
- Consent & Compliance x 3 vehicles
- Science & Hydrology x 3 vehicles
- Pool vehicles x 4 vehicles

Currently roles in the Consent & Compliance have been trialling the E-Roads Vehicle Pre-check app prior to commence driving the booked vehicle. This has had a positive feedback; there was some suggestions if we can change the current default settings on the app; this is possible but then this will incur a charge of \$5.00 per vehicle.

At this stage it is recommended to make it compulsory for all staff if/when using one of these listed vehicles to complete a Pre-check using this app prior to use of vehicle.

Note: It was identified by the external auditor when doing the site visits he noted Consent & Compliance complete the pre-check using the app (as they were trialling it at this stage) but noted another department doing the required pre-check but not recording this anywhere.

Working from Home

Since COVID-19 we are currently reviewing this process for staff working from home as this is a place of work and we need to make sure we are covering and identifying all issues. We are currently putting together some documents to assist in this process i.e.

- *Checklist for Working from Home*
- *Working from Home -Module*

For your Reference - Current Draft Documents being reviewed by H&S Committee

- *Hazardous Substance Management Plan*
- *Hazardous Substance Register*
- *SOP 09 - Mycoplasma Bovis Cleaning and Decontamination Procedure*
- *SOP 10 – Pool Vehicle Usage and Booking Procedure*
- *SOP 12 – Mine Site Visit Procedure*
- *SOP 13 – Brush Cutter Procedure*
- *SOP 15 – SPOT GEN Procedure*
- *SOP 16 – Emergency Personal Locator Beacon Procedure*
- *SOP 17 - Electrically Powered Tools Procedure*
- *SOP 18 – Accident in Council Vehicle Procedure*
- *SOP 19 – Breakdown Procedure for Council Vehicles*

Covid- 19

I attended various meetings with multiple agencies during the reporting period.

Resignation

I would like to extend my gratitude to the elected members, iwi representatives, staff, and the community for supporting me in my various roles over the last 16 years. My final day at Council is 24 July.

RECOMMENDATION

That this report be received.

Michael Meehan
Chief Executive

COUNCIL

To: Chairperson
West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting,
namely, -

Agenda Item No. 8.

- 8.1 Confirmation of Confidential Minutes 9 June 2020
- 8.2 Overdue Debtors Report (to be tabled)
- 8.3 Response to Presentation (if any)
- 8.4 In Committee Items to be Released to Media

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution.
8.			
8.1	Confirmation of Confidential Minutes 9 June 2020		Clause 7 subclause 2 (a)
8.2	Overdue Debtors Report (to be tabled)		Clause 7 subclause 2 (a)
8.3	Response to Presentation (if any)		Clause 7 subclause 2 (i)
8.4	In Committee Items to be Released to Media		Clause 7 subclause 2 (i)

I also move that:

- Michael Meehan
- Robert Mallinson
- Randal Beal
- Hadley Mills
- Heather McKay
- Nichola Costley

be permitted to remain at this meeting after the public has been excluded, because of their knowledge on the subject. This knowledge, which will be of assistance in relation to the matter to be discussed.

The Minutes Clerk also be permitted to remain at the meeting.