

NELSON CITY COUNCIL

**Nelson Resource Management Plan**

Proposed Plan Change 24

Freshwater

**Planning Officer's Report - addressing submissions on the  
Proposed Plan Change**

**Date of consideration of submissions**

July 2011



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## PART A - INTRODUCTION

### 1. Reporting Officer

- 1.1. My name is Debra Bradley. I am employed by Nelson City Council in the role of Planning Adviser. I have been with the Council for 16 years, eight years as a Planning Assistant, and the remainder in my current role.
- 1.2. I have a Bachelor of Arts (Hons) from the University of Waikato and a Diploma of Environmental Studies from the Open Polytechnic of New Zealand.
- 1.3. I have been involved in this Plan Change from the beginning and have led the process through the notification period.
- 1.4. This Plan Change was developed:
  - in response to a survey of the Plan holders stating they would prefer the freshwater rules were moved to an appendix rather than repeated in each zone; and
  - in response to an update of the water quality classifications after five more years of monitoring.

### 2. Overview of Proposed Plan Change

- 2.1 *Proposed Plan Change 24.1* seeks to move all the Freshwater rules to an appendix that applies to all zones, rather than repeating the rules in each zone chapter.
- 2.2 The Proposed Plan Change enables Freshwater rules FWr.26 to FWr.29 to apply in all zones (rather than the Rural Zone only). The three rules related to stock management will not have significant effect because they are unlikely to ever be relevant in any zone except the Rural Zone.
- 2.2 However, applying the rule related to effluent disposal fields (FWr.29) to all zones does have potential to be relevant in other zones. It means that the rule will apply in cases where developers choose not to join up to reticulated services in urban areas, as provided for in Proposed Plan Change 14 and the NCC Land Development Manual 2010.
- 2.3 Proposed Plan Change 24.1 also amends FWr.29 to states that extensions to existing effluent disposal fields (as well as establishment of new disposal fields) require resource consent.
- 2.2 *Plan Change 24.2* updates the water quality classifications in Ap28.4. The current water classifications in Appendix 28.4 of the Freshwater Plan Change are based on eighteen months of monitoring (up until 2002). After five more years of monitoring, the Council commissioned the Cawthron Institute to review the water classifications and set up a more uniform assessment process to ensure consistency of classification over the long term. The Cawthron report made 16 changes to the classifications.

### **3. Purpose of this Officer's Report**

3.1 This officer report has been prepared under Section 42A of the Resource Management Act:

- to assist the Independent Commissioner in making a decision on the submission to Proposed Plan Change 24 – 'Freshwater' to the Nelson Resource Management Plan (the Plan);
- to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.

3.2 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submission. In evaluating the submission, the matters considered include whether a decision requested:

- falls within the functions of Nelson City Council under the Resource Management Act 1991 (RMA);
- will enhance the ability of the Plan to achieve the purpose of the RMA;
- will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
- will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness and coherence.

### **4. Consultation**

4.1 In May 2009 the Council staff sent a questionnaire to all holders of the NRMP (both in Council and outside Council), asking what the Plan was like to use, and how its structure, overall format and usability could be improved. A total of 46 responses were received to this questionnaire. A number of responses commented on the repetition of the freshwater rules in each Zone chapter and suggested providing them in one place instead to reduce the bulk of the NRMP.

4.2 This change will enable the bulk of the NRMP to be reduced by moving all the freshwater rules to an appendix rather than repeating them in each zone. It will also allow the Residential Zone chapter to be included in Volume 2, with the other Zone chapters.

4.2 Both Proposed Plan Change 24.1 and Proposed Plan Change 24.2 were discussed with Tiakina te Taiao, in recognition of the importance of water quality to iwi.

### **5. Notification, submissions and further submissions**

5.1 The Proposed Plan Change was publicly notified on 25 September 2010, with submissions closing on 3 December 2010. One submission was received.

5.2 A summary of the decisions requested was notified on 30 January 2011 and closed on 12 February 2011. No further submissions were received.

5.3 The table below lists the submission received:

Submission Number	Submission Name	Submission Summary
1	Tiakina te Taiao Ltd	1) It is inappropriate to identify what "iwi values" are. 2) The priorities for improvement for some rivers should be changed. 3) Iwi should have some input into establishing what the cultural values are, and water quality.

5.4 There were no submissions on Plan Change 24.1 which means the Freshwater rules FWr.26, FWr.27, FWr.28 and FWr.29 can be moved to an appendix rather than being repeated in each zone.

## 6. Statutory assessment

6.1 Council must consider the relevant provisions of the RMA in its assessment of the Plan Change. This includes an assessment of the purpose and principles of the Act (part 2), consideration of Councils functions (s31), an assessment of the alternatives and their costs and benefits (s32), and shall consider the Regional Policy Statement, regional plans, and management plans prepared under other acts (s74 and 75). The relevant provisions of the RMA are assessed below.

### 6.2 Part 2

The updating of the water quality classifications assists the Council and the community to be aware of trends in water quality, so that it is better able to manage activities in a way that safeguards the life-supporting capacity of water.

### 6.3 Section 32

Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, section 32 of the RMA imposes upon the Council a duty to consider:

- the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

6.4 A Section 32 assessment was prepared and made available as part of the public notification process (see Attachment 1 of this report, document [953030](#)).

6.5 Two key options were assessed in the section 32 report relating to Plan Change 24.1:

- not proceeding with this aspect of the Plan Change
- proceeding with this aspect of the Plan Change, which means amending the NRMP by applying the four freshwater rules that currently only occur in the Rural Zone to all zones, and amending FWr.29 (establishment of, and discharges to, effluent disposal fields) to more explicitly relate to all zones, and to state that extensions to existing effluent fields require resource consent.

- 6.6 This evaluation identified that proceeding with part 24.1 of the Proposed Plan Change has the following potential benefits:
- It supports Proposed Plan Change 14 and the Land Development Manual, which promote site specific design, including the option of on-site servicing where appropriate.
  - It provides developers with certainty about the rules which will be applied when on-site servicing is proposed in zones other than Rural.
  - It supports a less bulky Plan, which was requested by Plan users.
  - It supports a more efficient and effective process of resource consents for effluent disposal fields, and discharges to them, by providing clarity and consistency about the matters to be considered, regardless of the zone.

6.7 Two key options were assessed in the section 32 report relating to Plan Change 24.2:

- not proceeding with this aspect of the Plan Change
- proceeding with this aspect of the Plan Change by amending the NRMP to reflect the updated water quality classifications.

6.8 This evaluation identified that proceeding with part 24.2 of the Proposed Plan Change has the following potential benefits:

- It enables decision makers and the community to track changes in the quality of Nelson waterways.
- In the long term, worsening water quality would trigger a change in activity status for vehicle crossings, and stock access and crossings. It would not be possible to make these changes if water quality trends were not documented.

## 6.9 **Regional Policy Statement**

The Proposed Plan Change is consistent with the Nelson Regional Policy Statement (RPS), particularly the following provisions:

- Objective WA1.2.1 – The maintenance and enhancement of the quality of inland water to protect the life supporting capacity of aquatic ecosystems and in specific areas, for urban water supply.
- Method WA1.4.1 – Council will classify all inland waters through a Regional Water Quality Management Plan, having particular regard to existing water quality, the community expectation of water quality, values associated with particular areas, and existing and future point and non-point discharges into inland waters.

## 6.10 **NRMP**

The Proposed Plan Change relies on existing operative objectives within Chapter 5 – District Wide Objectives and Policies of the Plan, specifically:

- Objective DO19.1 - All surface water bodies contain the highest practicable water quality.
- Objective DO19.2 - Contamination of groundwater is avoided to ensure the highest practicable water quality.


- 6.11 The amendments to rules FWr.26 (stock fences), FWr.27 (stock access and crossings), and FWr. 28 (discharge of stock effluent onto or into land) make no real difference to delivery of the above objectives and is purely an administrative change, to improve the structure and usability of the NRMP.
- 6.12 The amendments to FWr.29 (establishment of, and discharges to, effluent disposal fields) clarify the conditions that must be met wherever discharges to septic tanks occur, regardless of what zone the activity is in. The amendments to rule FWr.29 will also ensure discharges to effluent disposal fields cannot increase in scale without gaining resource consent. These changes will contribute to Objectives DO19.1 and DO19.2 by avoiding runoff of effluent to waterways and groundwater.
- 6.13 The update of the water quality classifications assists the Council to track where water quality is improving, and where further action is required to meet the objectives of highest practicable water quality for both surface water and groundwater.

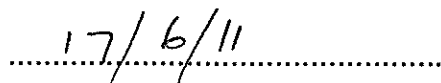
**7. Conclusions**

- 7.1 This report provides a statutory and effects based assessment of proposed Plan Change 24. I have described the general approach and the background and consultation leading to the development of this Plan Change. I have also assessed it against the statutory requirements under the RMA and have concluded that it meets all the relevant matters.
- 7.2 I acknowledged the various concerns, and suggestions for improvement outlined in the submission, and have commented on those and made specific recommendations in Part B of this Report.
- 7.3 No amendments to the Plan Change are recommended, as shown in Part C.
- 7.4 I am of the opinion that the package of measures embodied in Plan Change 24 will provide a workable and realistic planning response to this resource management issue in Nelson.

**Author: Debra Bradley**

**Date:**

  
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**Peer Reviewed: Matt Heale**

**Date:**

  
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## PART B – RECOMMENDATIONS AND REASONS

### Recommendation – Plan Change 24.2

#### Appendix 28.4 – Classification of Nelson water bodies

##### Recommendation:

*Accept in part submission 1/1*

##### **Reasons for Recommendation:**

Following discussions with the submitter it was agreed that no changes could be made to address the issues raised in the submission, as the Proposed Plan Change only related to the water quality classifications column of Appendix 28.4.

The submission highlights the importance of water quality to Iwi, and the need to collaborate with Iwi on any actions or plan development that relates to water. The relationship of Maori and their culture and traditions with water is a matter of national importance, which the Council is required to recognise and provide for, under section 6(e) of the RMA. In addition, section 7(a) of the RMA requires Council to have particular regard to kaitiakitanga, recognising that Iwi have a role in the stewardship of natural resources such as water.

Current projects where Iwi and the Council are working together are:

- cultural health monitoring of water quality is being undertaken by Iwi, contributing to state of the environment reporting carried out by the Council.
- the Council has made an application to the Community Environment Fund for funding of a Stoke Streams Rescue programme. If the application successful, Iwi will be a partner in this work, made possible through more funding of the Waimaori programme.
- raising awareness about the importance of water to Iwi, whenever opportunities arise.

These projects highlight the collaboration between Council and Iwi in relation to water.

The submitter seeks amendments that identify the importance of water quality to Iwi. However, the Proposed Plan Change that they have submitted on only seeks amendments to the water quality classifications. Therefore there is not the scope within the Proposed Plan Change to accommodate the amendments sought by the submitter.

The submission does not request any changes to the updated water quality classifications in Appendix 28.4. Therefore no changes are recommended to the Proposed Plan Change.



## PART C – RECOMMENDED PLAN AMENDMENTS

**Note: these amendments are provided for information only. No changes are recommended in response to the two submissions.**

### Format of the Plan Change provisions

Within this Plan Change:

'Normal' text applies to current operative provisions to remain unchanged.

'Underline' text applies to proposed new provisions.

'~~Strikethrough~~' text applies to operative provisions proposed to be deleted or amended as described.

'*Italic*' text applies to instructions.

*Add a new Appendix 28.9 Freshwater Rules for All Zones, which includes these rules:*

- i) FWr.26 stock fences*
- ii) FWr.27 stock access and crossings*
- iii) FWr.28 discharge of stock effluent onto or into land*
- iv) FWr.29 establishment of, and discharges to, effluent disposal fields*

*Delete the following rules from the Rural Zone chapter:*

- i) FWr.26 stock fences*
- ii) FWr.27 stock access and crossings*
- iii) FWr.28 discharge of stock effluent onto or into land*
- iv) FWr.29 establishment of, and discharges to, effluent disposal fields*

*Amend FWr.29 (establishment of, and discharges to, effluent disposal fields) as follows:*

FWr.29.3

#### **Discretionary**

In the Rural Zone:

- a) Discharges to new on-site effluent disposal fields for single residential units on lot sizes smaller than 15 ha are a discretionary activity.
- b) New on-site wastewater discharges associated with commercial or industrial activities are a discretionary activity.

The application may be considered without the need to:

- i) be notified, or
- ii) gain written approval of affected parties, or
- iii) serve notice of applications on any person.

Any establishment or extension of, or discharge to, effluent disposal fields that does not meet the conditions for permitted activities is a discretionary activity.

In all zones except the Rural Zone:

Discharges to new on-site effluent disposal fields for residential, commercial or industrial activities of less than 10 lots are a discretionary activity.

Amend Ap28.4 as follows:

#### AP28.4 Classification of Nelson water bodies

River	Reach	Riparian margin management values (from Appendix 6)	Associated land uses and values	Water quality classification (2002) (2007)	Priority for improvement
Poorman Valley Stream	Seaview Road to Christian Academy	Access Conservation Hazard mitigation	<ul style="list-style-type: none"> <li>• Residential Zone</li> <li>• stormwater drainage</li> <li>• lwi values</li> <li>• native fisheries</li> <li>• high amenity and recreation values</li> <li>• sensitivity of Waimea Inlet receiving environment</li> </ul>	<u>D/E</u>	First
Brook Stream	Maitai confluence to 328 Brook Street		<ul style="list-style-type: none"> <li>• Lower (measured at Manuka St ford)</li> <li>• stormwater drainage</li> <li>• recreation and aesthetics</li> <li>• lwi values</li> <li>• native fisheries</li> </ul>	<u>D/E D</u>	First
	328 Brook St to above Brook Motor Camp	Hazard mitigation Conservation Access	<ul style="list-style-type: none"> <li>• native fishery</li> <li>• old reservoir</li> <li>• lwi values</li> <li>• high recreation and amenity values</li> </ul>	<u>B-A</u>	Second Maintain C quality and upgrade to B where practicable.

River	Reach	Riparian margin management values (from Appendix 6)	Associated land uses and values	Water quality classification (2002) (2007)	Priority for improvement
Maitai River	The Haven to Jickells Bridge	Conservation Access Hazard mitigation	Lower (Riverside to seaward boundary) <ul style="list-style-type: none"> <li>• stormwater drainage</li> <li>• swimming (health issue)</li> <li>• trout, whitebait and eel fishing</li> <li>• dog swimming</li> <li>• kayaking</li> <li>• whitebait spawning</li> <li>• lwi values</li> <li>• high amenity and recreational value</li> <li>• walkway</li> </ul>	<u>C-D</u>	First
	Jickells Bridge to Conservation Zone boundary	Conservation Access Hazard mitigation	Mid-Upper (from Almond Tree ford to Motor camp) <ul style="list-style-type: none"> <li>• swimming</li> <li>• trout and eel fishing</li> <li>• dog-swimming</li> <li>• native fisheries</li> <li>• trout fisheries</li> <li>• walkway</li> <li>• lwi values</li> </ul>	<u>BC</u>	Third  Maintain
Groom Creek			<ul style="list-style-type: none"> <li>• native fisheries</li> <li>• lwi values</li> <li>• affects Maitai River quality for swimming (health issue)</li> </ul>	<u>CB</u>	Second
Wakapuaka River	Hira township to Ross Road turnoff	Conservation Access	<ul style="list-style-type: none"> <li>• domestic abstraction</li> <li>• swimming</li> <li>• trout spawning and rearing</li> <li>• native fisheries</li> <li>• lwi values</li> </ul>	<u>B-A</u>	Second  Maintain
	Ross Road turnoff to last Whangamoa layby	Conservation Access	<ul style="list-style-type: none"> <li>• domestic abstraction</li> <li>• swimming</li> <li>• trout spawning and rearing</li> <li>• native fisheries</li> <li>• lwi values</li> </ul>	<u>BA</u>	Third  Maintain

River	Reach	Riparian margin management values (from Appendix 6)	Associated land uses and values	Water quality classification- (2002) (2007)	Priority for improvement
Lud River	SH6 to Small Holdings Area boundary	Conservation Access Hazard mitigation	Lower <ul style="list-style-type: none"> <li>• domestic abstraction</li> <li>• swimming</li> <li>• trout spawning and rearing</li> <li>• native fisheries</li> <li>• lwi values</li> </ul>	<u>D</u> <u>C</u>	First
			Upper <ul style="list-style-type: none"> <li>• domestic abstraction</li> <li>• swimming</li> <li>• trout spawning and rearing</li> <li>• native fisheries</li> <li>• lwi values</li> </ul>	<u>D</u> <u>C</u>	First
Pritchard's Stream			<ul style="list-style-type: none"> <li>• native fishery</li> <li>• lwi values</li> </ul>	<u>B</u> <u>A</u>	Third Maintain
Whangamo a River	Whangamo a Main Stem inlet to Graham Stream confluence	Conservation Access	Lower <ul style="list-style-type: none"> <li>• native fisheries</li> <li>• trout fishing</li> <li>• drinking water</li> <li>• vehicles crossings</li> <li>• lwi values</li> <li>• sensitive coastal receiving environment</li> </ul>	<u>C</u> <u>A</u>	Third  Upgrade to Class B where practicable
	Whanga-moa Main Stem above Graham Stream		Upper <ul style="list-style-type: none"> <li>• native fisheries</li> <li>• trout spawning</li> <li>• drinking water</li> <li>• vehicle crossings</li> <li>• lwi values</li> </ul>	<u>B</u> <u>A</u>	Third  Maintain
Graham Stream	-	-	<ul style="list-style-type: none"> <li>• native fisheries (unknown values)</li> <li>• trout spawning and fishing</li> <li>• drinking water</li> <li>• vehicle crossings</li> <li>• lwi values</li> <li>• sensitive coastal receiving environment</li> </ul>	<u>B</u> <u>A</u>	Third  Maintain

River	Reach	Riparian margin management values (from Appendix 6)	Associated land uses and values	Water quality classification- (2002) (2007)	Priority for improvement
Collins River	-	-	<ul style="list-style-type: none"> <li>• native fisheries</li> <li>• trout spawning and fishing</li> <li>• lwi values</li> </ul>	<u>GB</u>	Third  Upgrade to Class B where practicable
Dencker Creek			<ul style="list-style-type: none"> <li>• native fisheries</li> <li>• drinking water</li> <li>• vehicle crossings</li> <li>• lwi values</li> </ul>	<u>GA</u>	Third  Upgrade to Class B where practicable

## PART D – SUBMISSIONS

### Plan Change 24. 2

#### Appendix 28.4 - Classification of Nelson water bodies

Submitter 1: Tiakina Te Taiao Ltd 1	Statement
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Details Classification of water bodies.

Reasons Iwi involvement in determining cultural values of water.

Remedy

- 1) It is inappropriate to identify what "Iwi values" are.
- 2) The priorities for improvement for some rivers should be changed.
- 3) Iwi should have some input into establishing what the cultural values are, and water quality. Iwi have been monitoring some streams, with indicators of their health etc. This should be related to the work to be done on the Iwi Management Plan.

**Attachment One**

NELSON CITY COUNCIL

**Nelson Resource Management Plan**

Proposed Plan Change 24  
Freshwater

**Section 32 Report**

25 September 2010



## **1.0 Introduction**

### **1.1 Purpose of report**

Section 32 of the Resource Management Act 1991 (RMA) requires Council to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule or method in a Plan or Policy Statement prepared under the RMA. Before publicly notifying a proposed Plan or Plan Change, the Council is required to prepare a Section 32 report summarising these considerations.

The purpose of this report is to fulfil these Section 32 requirements for proposed Plan Change 24 (Freshwater).

### **1.2 Steps followed in undertaking the Section 32 evaluations**

The 7 broad steps which this section 32 evaluation follow are:

1. identifying the resource management issue;
2. evaluating the extent to which any objective is the most appropriate way to achieve the purpose of the RMA;
3. identifying alternative policies and methods of achieving the objective;
4. assessing the effectiveness of alternative policies and methods;
5. assessing the benefits and costs of the proposed and alternative policies, rules, or other methods;
6. examining the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
7. deciding which method or methods are the most appropriate given their likely effectiveness and their likely cost, relative to the benefit that would likely deliver.

### **1.3 Description of proposed Plan Change**

The Plan Change consists of two parts, as follows.

#### **1.3.1 Plan Change 24.1 – Freshwater rules FWr.26 to FWr.29 to apply in all zones (rather than the Rural Zone only)**

This Plan Change enables Freshwater rules FWr.26 to FWr.29 to apply in all zones (rather than the Rural Zone only as currently happens). A survey of plan users identified they did not like the increased bulkiness of the Resource Management Plan created by the freshwater rules being repeated in each zone. All the rules will be moved into an Appendix, which will apply to all zones. A Plan Change is not required to generally move the rules, as this does not change the effect of the rules. This will significantly reduce the size of the NRMP (by 40 pages per zone).

A Plan Change is required to apply the four rules that currently only occur in the Rural Zone to all zones. These are FWr.26 (stock fences), FWr.27 (stock access and crossings), FWr.28 (discharge of stock effluent onto or into land) and FWr.29 (establishment of, and discharges to, effluent disposal fields).

The three rules related to stock management will not have significant effect, but the one related to effluent disposal fields (FWr.29) will now be able to be applied in cases where developers choose not to join up to reticulated services, as provided for in Proposed Plan Change 14 and the NCC Land Development Manual 2010. Proposed Plan



Change 24 amends FWr.29 to more explicitly apply to all zones, and states that extensions to existing effluent disposal fields (as well as new disposal fields) require resource consent.

### **1.3.2 Plan Change 24.2 – Update of the water quality classifications in Ap28.4**

This Plan Change amends the freshwater quality classifications to reflect the updated water quality classifications. The current water classifications in Appendix 28.4 of the Freshwater Plan Change are based on eighteen months of monitoring (up until 2002). After five more years of monitoring, the Council commissioned the Cawthron Institute to review the water classifications and set up a more uniform assessment process to ensure consistency of classification over the long term. The revised classifications are shown in Cawthron Report No. 1349 (September 2007).

This technical change does not result in any material change to policy or methods in the Plan, and is not discussed further in this report.

## **1.4 Consultation**

Plan Change 24.1 was instigated following feedback from plan users (to reduce the bulk of the NRMP by moving all the freshwater rules to an appendix rather than repeating them in each zone. Amendments to FWr.29 to tailor it for all zones involved consultation with Resource Consents planners.

Plan Change 24.2 is reflecting scientific data only. Tiakina te Taiao will be considering the reclassifications further at their board meeting on 9 August.

## **2.0 Resource Management issue**

### **2.1 Resource Management issue being addressed**

An issue is an existing or potential problem that must be resolved to promote the purpose of the RMA. The RMA does not require the identification or analysis of issues within Section 32 evaluations. Notwithstanding this issues are being included in this report because it will be helpful to users to understand the basis and origin of the issue as this provides a context for the evaluations of the objectives and policies that follow.

The Plan Change relies on an existing operative issue within clause RI18 (Freshwater environments) of Chapter 4 (Resource Management Issues) of the Plan:

*RI18.1.ix The potential for activities and discharges to adversely affect water quality and natural character. How to maintain or enhance water quality to a level appropriate to maintain the recognised uses and values.*

The specific issue to be resolved in this Plan Change is how to extend the Rural rule for discharges to on-site effluent disposal fields to apply equally well to other zones.

## **3.0 Appropriateness in achieving the purpose of the RMA**

### **3.1 Evaluation of the objective(s) – the environmental outcome to be achieved**

Section 32 requires an evaluation of the extent to which the objective is the most appropriate to achieve the purpose of the Act. Appropriateness is not defined in the Act.

In undertaking the evaluation it has generally been helpful to consider alternative forms of the objective and test them in terms of how well they met the environmental, social/cultural, and economic outcomes in Section 5, plus achieving other Part 2 matters. Often these assessments require value judgements because they are not readily quantified. Usually the objective is also tested against how well it addresses the elements of the issue.

In the case of Plan Change 24 no new objectives are being proposed. Instead the Plan Change relies on existing operative objectives within Chapter 5 – District Wide Objectives and Policies of the Plan, specifically:

*DO19.1 highest practicable water quality*

*All surface water bodies contain the highest practicable water quality.*

*DO19.2 contamination of groundwater*

*Contamination of groundwater is avoided to ensure the highest practicable water quality.*

These objectives are operative and are not being altered by the proposed Plan Change, so no evaluation of the appropriateness of the objectives is required. The operative objectives are the most appropriate way to achieve the purpose of the RMA because they have already been through the statutory notification, decision and appeal process as part of the development of the NRMP.

### **3.2 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives in terms of their efficiency and effectiveness, benefits and costs, and in regards to the risk of acting or not acting**

#### **3.2.1 Introduction**

The evaluation of appropriateness assesses the alternative policy options under the headings of efficiency, effectiveness, benefits, costs, and the risk of acting and of not acting.

A range of criteria/matters have been used to assist in undertaking the evaluations:

- efficiency** the ratio of inputs to outputs. Efficiency is high where a small effort/cost is likely to produce a proportionately larger return. Includes the ease of administration/administrative costs e.g. if the cost of processing a grant or collecting a fee exceeds the value of the grant or fee, that is not very efficient;
- effectiveness** how well it achieves the objective or implements the policy relative to other alternatives. The likelihood of uptake of a method;
- benefits** social, economic, environmental - as both monetary and non monetary cost/benefits;
- costs** social, economic, environmental - as both monetary and non monetary cost/benefits; and
- risk** the risk of taking action and not taking action in say the next 10 years because of imperfect information e.g. the cause/effect relationships are not fully understood.

In the case of the proposed Plan Change rule FW.29 (establishment of, and discharges to, effluent disposal fields) is amended to more explicitly apply to all zones. The rule

now clearly states that extensions to existing effluent disposal fields (as well as new disposal fields) require resource consent. (Previously the rule was silent on the status of extensions to existing effluent disposal fields.)

The report concludes with a summary of the analysis undertaken and outlines which option best meets the requirements of Section 32 of the RMA.

### **3.2.2 Format of the evaluation**

The following tables provide an evaluation of the costs and benefits of the proposed policies, and considers whether these policies are the most appropriate for achieving the objectives, having regard to their efficiency and effectiveness. The terms efficiency and effectiveness are not defined in the RMA and, therefore, the criteria set out in Part 3.2.1 of this report have been used to help focus the analysis.

Costs and benefits have largely been assessed subjectively and or comparatively because of the great difficulty in assessing/quantifying intangible costs e.g. environmental costs. In some cases quantitative assessments of costs have been given.

The concept of risk has two dimensions, the probability of something adverse occurring and the consequence of it occurring. For example, if there is low risk associated with acting but high risk associated with not acting, then taking action is clearly the sensible thing to do. Risk is usually expressed as 'probability times consequence' and associated with a cost – usually a severe economic, social or environmental cost. Assessing the risk of acting or not acting means assessing the probability of a cost occurring and the size of that potential cost.

The policy alternatives assessed in this section will achieve the objective to different degrees and combinations of policy approaches will be used to form the final preferred option.

### **3.2.3 Plan Change 24.1 – Freshwater rules FWr.26 to FWr.29 to apply in all zones (rather than the Rural Zone only)**

The broad alternative options are evaluated in Table 1 (Part 3.2.4 of this report):

- Option 1      Status quo – do not proceed with the Plan Change.
- Option 2      Proceed with the Plan Change – amend the Plan by applying the four freshwater rules that currently only occur in the Rural Zone to all zones. Amend FWr.29 (Establishment of, and discharges to, effluent disposal fields) to more explicitly relate to all zones. Explicitly state that extensions to existing effluent fields require resource consent.

**3.2.4 Table 1: Assessment of Alternative Options for Plan Change 24.1**

	<b>Option 1: Status quo</b> <b>Do not proceed with the Plan Change.</b>	<b>Option 2: Proceed with Plan change</b> <b>Apply the four freshwater rules that currently only occur in the Rural Zone to all zones</b>
<b>Benefits</b>	<u>Economic Benefit (Council):</u> Small financial saving from not having this Plan Change, and subsequent reporting and hearing costs.	<u>Environmental Benefit (Community):</u> Supports Proposed Plan Change 14 and the Land Development Manual, which promote site specific design, including the option of on-site servicing where appropriate. A smaller Plan will result in a reduced demand for paper, in the long term.  <u>Social Benefit (Community):</u> Provides developers with certainty about the rules which will be applied when on-site servicing is proposed in zones other than Rural.  This Plan Change supports a less bulky Plan, which was requested by Plan users.  <u>Economic Benefit (Community):</u> Supports the option of on-site servicing, which may be more a more economic option for some developments.  This Plan Change promotes more efficient processing of resource consents for effluent disposal fields, and discharges to them, by providing clarity about the matters to be considered, regardless of the zone.

	<b>Option 1: Status quo</b> <b>Do not proceed with the Plan Change.</b>	<b>Option 2: Proceed with Plan change</b> <b>Apply the four freshwater rules that currently only occur in the Rural Zone to all zones</b>
<b>Costs</b>	<p><u>Environmental Cost (Community):</u> Lack of clarity about the assessment criteria to apply when processing applications to establish, and discharge to, effluent disposal fields which are not in the Rural Zone. This could result in critical factors being overlooked.</p> <p><u>Social Cost (Council):</u> Perception that Council is not responsive to Plan user's concerns about the bulky nature of the Plan.</p>	<p><u>Economic Cost (Council):</u> Small financial cost of undertaking this Plan Change, and subsequent reporting and hearing costs.</p>
<b>Benefit and Costs Summary</b>	The costs far outweigh the benefits of the status quo option.	There environmental, social and economic benefits far outweigh the cost of undertaking the Plan Change.
<b>Effectiveness and Efficiency</b>	The status quo option is an inefficient and ineffective way to meet the objectives of the Plan, because it does not provide guidance for regulation of effluent disposal fields which are not in the Rural Zone.	The Plan Change is an efficient and effective way to address the operative issues and achieve the objectives. A shorter plan is more efficient and effective.  Applying the principles for on-site effluent disposal (which were developed for the Rural Zone) to all zones is efficient and effective, because it will lead to a consistent approach to management of effluent fields, and their potential impacts on water quality.
<b>Risk of Acting or Not Acting if there is uncertainty or insufficient information</b>	Council has sufficient information on Option 1 to make a decision on its effects.  Therefore there is no risk of acting of not acting.	Council has sufficient information on Option 2 to make a decision on its effects.  Therefore there is no risk of acting of not acting.

### 3.2.5 Plan Change 24.2 – Update of the water quality classifications in Ap28.4

The broad alternative options are evaluated in Table 2 (Part 3.2.6 of this report):

- Option 1 Status quo – do not proceed with the Plan Change.
- Option 2 Proceed with the Plan Change - amend the Plan to reflect the updated water quality classifications.

### 3.2.6 Table 2 - Assessment of Alternative Options for Plan Change 24.2

	<b>Option 1: Status quo</b> <b>Do not proceed with the Plan Change.</b>	<b>Option 2: Proceed with Plan change</b> <b>Apply the four freshwater rules that currently only occur in the Rural Zone to all zones</b>
<b>Benefits</b>	<u>Economic Benefit (Council):</u> Small financial saving from not having this Plan Change, and subsequent reporting and hearing costs.	<u>Environmental Benefit (Council and Community):</u> Enables decision makers and the community to track changes in the quality of Nelson waterways. In the long term, worsening water quality will affect the activity status of the following activities: <ul style="list-style-type: none"> <li>- vehicle crossings in the beds of rivers and lakes, and wetlands (FWr.2), and</li> <li>- stock access and crossings</li> </ul> <p>This Plan Change promotes more efficient and effective processing of resource consents by providing more up to date information about water quality, to be taken into account when considering the effects of activities with potential to affect water quality.</p>
<b>Costs</b>	<u>Environmental Cost (Council and Community):</u> Lack of clarity about water quality values to be protected or improved.	<u>Economic Cost (Council):</u> Small financial cost of undertaking this Plan Change, and subsequent reporting and hearing costs.
<b>Benefit and Costs Summary</b>	The costs far outweigh the benefits of the status quo option.	There environmental, social and economic benefits far outweigh the cost of undertaking the Plan Change.

	<b>Option 1: Status quo</b> <b>Do not proceed with the Plan Change.</b>	<b>Option 2: Proceed with Plan change</b> <b>Apply the four freshwater rules that currently only occur in the Rural Zone to all zones</b>
<b>Effectiveness and Efficiency</b>	The status quo option is an inefficient and ineffective way to meet the objectives of the Plan, because it does not provide guidance on progress towards meeting the objectives of the NRMP in relation to water quality.	The Plan Change is an efficient and effective way to address the operative issues and achieve the objectives.
<b>Risk of Acting or Not Acting if there is uncertainty or insufficient information</b>	Council has sufficient information on Option 1 to make a decision on its effects. Therefore there is no risk of acting or not acting.	Council has sufficient information on Option 2 to make a decision on its effects. Therefore there is no risk of acting or not acting.

## 4.0 Conclusion

An evaluation of two alternative options of status quo (do nothing) and proceed with the Plan Change has been undertaken in Part 3.2.3 of this report. The report has evaluated these alternative options against the benefits, costs, effectiveness, efficiency, the risk of acting and the risk of not acting.

This evaluation has clarified that Option 2 (proceed with this Plan Change) has environmental, social and economic benefits which outweigh the cost of undertaking the Plan. It is the best option in regards to its efficiency and effectiveness with no risk of acting or not acting.

The alterations to the Plan as a result of the proposed Plan Change will be:

- applying the four rules that currently only occur in the Rural Zone to all zones. These are FWr.26 (stock fences), FWr.27 (stock access and crossings), FWr.28 (discharge of stock effluent onto or into land) and FWr.29 (establishment of, and discharges to, effluent disposal fields).
- amending FWr.29 to more explicitly apply to all zones, and to state that extensions to existing effluent disposal fields (as well as new disposal fields) require resource consent.
- amending the freshwater quality classifications to reflect the updated water quality classifications, as shown in Cawthron Report No. 1349 (September 2007).

The Plan Change relies on an existing operative issue (freshwater environments) and two objectives (highest practicable water quality, and contamination of groundwater). The issue and objectives are not being considered in this report because of their operative status.