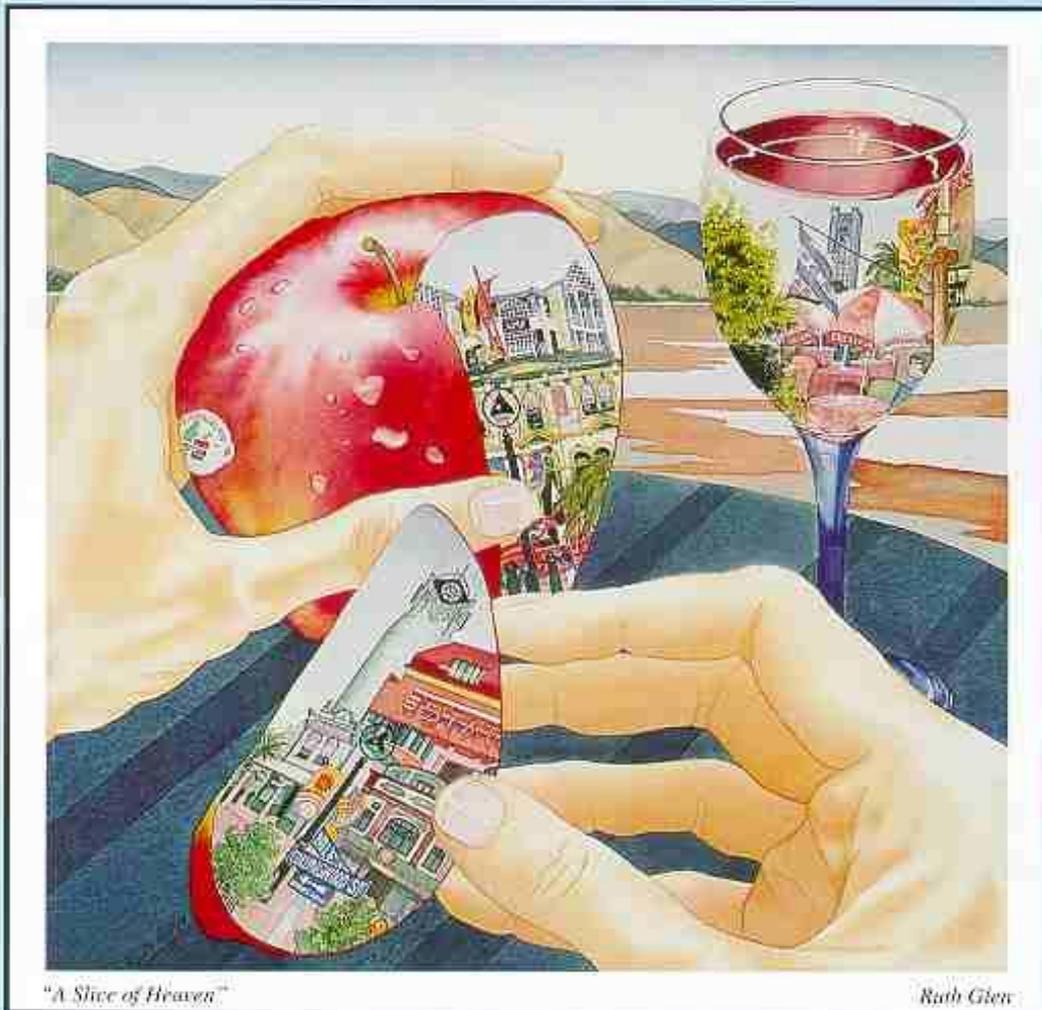




NELSON CITY COUNCIL

Nelson Regional Policy Statement



"A Slice of Heaven"

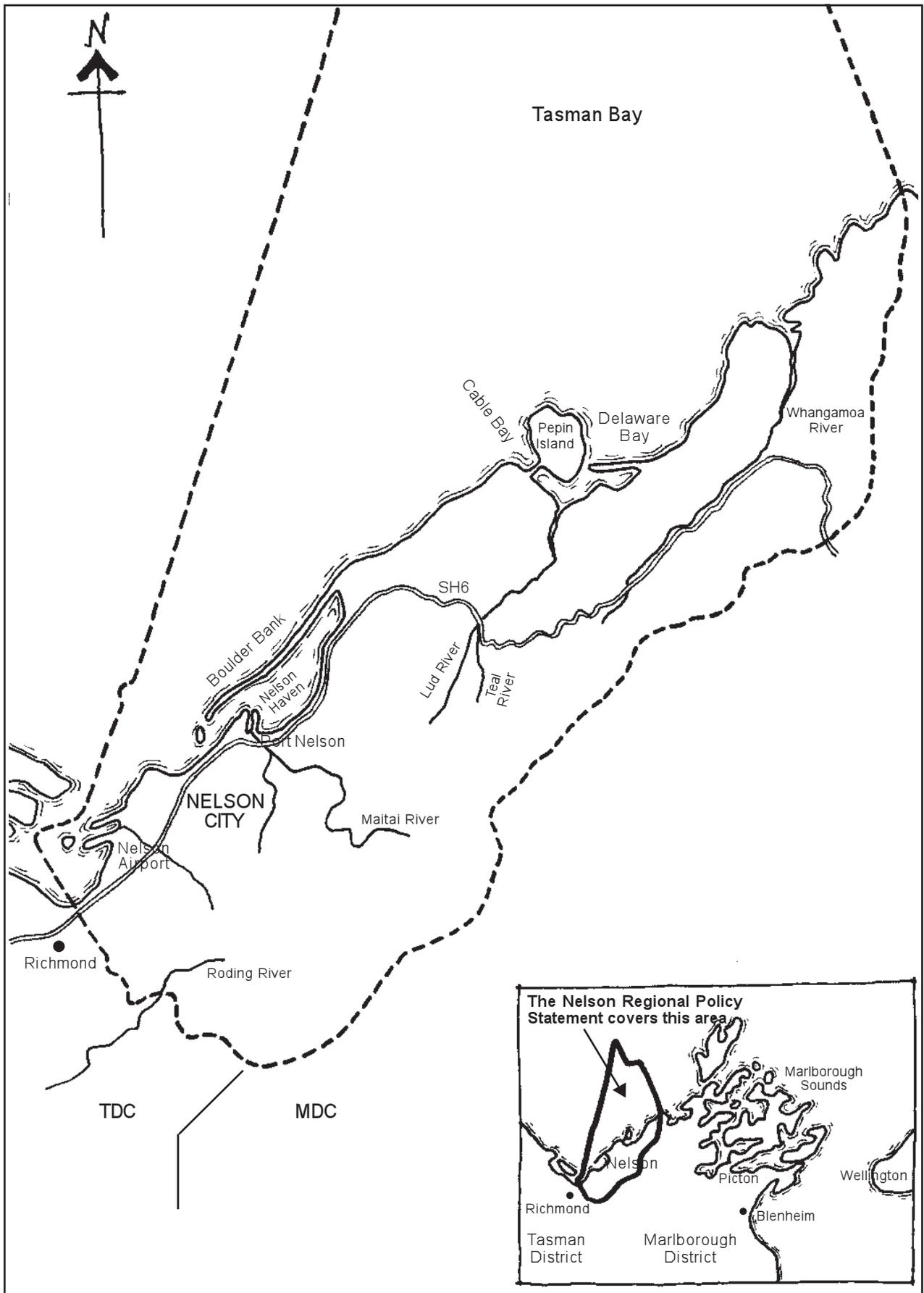
Ruth Glen

OPERATIVE: 10 MARCH 1997

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1

about this document



AB1 introduction

This document has been prepared by the Nelson City Council as the Regional Policy Statement for the Nelson City Council jurisdictional area (Nelson City) in accordance with the Resource Management Act 1991.

The Regional Policy Statement sets out how Council will achieve integrated management of the significant resource management issues of the area, including general principles by which Council will be guided in making decisions on these issues and how Council will address cross boundary issues with the wider community of interest.

This Statement has been prepared with significant public input. It is intended to reflect the views of the community of Nelson and so seeks to accommodate these views within the framework of the legislation and the powers of Council. Council recognises the need to acknowledge physical, mental, and spiritual attributes when addressing social, economic, and cultural well being and has addressed these as far as is consistent with the Resource Management Act. However, it considers that these matters may be more appropriately pursued through other social and economic plans and initiatives, including the local Agenda 21 initiative.

By working with those sections of the community that have shown a desire to be involved with the process of creating the document, it is intended that the community will accept and adopt as its own the objectives and policies contained within and actively work with Council to achieve the desired outcomes.

AB2 structure of the document

The document is structured into fifteen parts.

The remainder of **Chapter 1** sets the scene for the Regional Policy Statement in terms of the hierarchy of sustainable management.

Chapter 2 gives an explanation of the terms used in the document. These definitions are extremely important as they supply the content of the terms and give precision to the meaning of those terms.

Chapter 3 sets out the legislative background for the document and describes the relationship of the Regional Policy Statement with the Resource Management Act 1991 and other statements and plans prepared by Central and Local Government. This part also explains the main terms found throughout the document and the purpose and contents of a Regional Policy Statement.

Chapter 4 describes the underlying philosophy which Council seeks to achieve in terms of its approach, to which it has adhered in preparation of the document, and by which Council will be guided in subsequent decision making.

Chapter 5 outlines Tangata Whenua interests and how Council will ensure that the principles of the Treaty of Waitangi will be taken into account.

Chapters 6 to 14 deal with the natural and physical resources of Nelson City. These sections discuss the primary resource management issues and set objectives to be achieved and policies and methods to indicate how Council intends to deal with these issues, and the reasons that these courses of action have been selected.

Chapter 15 establishes the monitoring procedures Council intends to use to monitor the state of the environment, compliance with conditions of resource consents and the effectiveness of the Policy Statement.

AB3 hierarchy of sustainable management

AB3.1 setting the scene

In order to place the Nelson Regional Policy Statement in context, it is useful to look at changes in philosophy at a global scale which have brought on legislative review at a national level and in turn has resulted in a shift in focus in resource planning at a local level.

AB3.2 global context (earth summit 1992)

In recent years, a number of international protocols and conventions have been aimed at controlling the adverse effects of human activities on the environment. Agenda 21 and the Rio Declaration on Environment and Development, adopted by the Earth Summit in Rio de Janeiro in 1992, are two such initiatives. The Rio Declaration on Environment and Development sets out 27 guiding principles on sustainable development while Agenda 21 provides a common framework of action for all countries to pursue sustainable development.

Two legally binding conventions were finalised at the Earth Summit. The Framework Convention on Climate Change is aimed at stabilising greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous changes to the climate system. The Biodiversity Convention is aimed at conserving the world's biological diversity. New Zealand has ratified both conventions.

AB3.3 national context (resource management act 1991)

The requirements of the Resource Management Act 1991 are, in many respects, consistent with the outputs of the Earth Summit. In essence, Part II of the Act represents a statement of the outcomes and considerations deemed to be relevant to the pursuit of the philosophy of that forum.

The Resource Management Act 1991 enables the New Zealand Government to develop national policy statements on environmental standards.

AB3.4 local context (regional policy statement)

The Regional Policy Statement is the main vehicle for giving effect to the Act and national policy statements in a regional context and, in this regard, guides the development of other plans, such as regional and district plans (see Hierarchy of Plans, clause 2.1).

The Regional Policy Statement is primarily a strategic planning document aimed at ensuring that the use, development and protection of natural and physical resources is put on a sustainable footing.

Under the Local Government Act 1974, the Nelson City Council is required to prepare an annual plan to outline the scope and cost of activities to be undertaken by Council over the forthcoming financial year. The resource management priorities established in the Regional Policy Statement will have a strong influence over Council's annual work programme. In addition to allocating funds to the preparation and administration of resource management policies and plans, Council may choose to fund the delivery of a particular service as a means of achieving a specified resource management objective.

AB4 administration

The task of preparing a Regional Policy Statement which

- i) meets the requirements of the Act and thereby minimises any risk of legal challenge;
- ii) remains relatively simple for the public to understand and follow; and
- iii) is straightforward for Council to administer;

is a difficult one. In the course of preparing this document, Council has borne in mind the end user of the document and attempted to minimise repetition, use of jargon, and complexity of structure.

Council believes that a document which is inherently easy to read and understand is far more likely to be accepted and adopted by the community, which is after all the people for whom this document is produced.

AB5 integrated management of resources

The Regional Policy Statement is required to provide objectives, policies and methods to achieve the integrated management of the natural and physical resources of the region (section 59 of the Resource Management Act).

In addition to those matters laid out in the statutes Nelson City Council considers that integrated management means adopting an approach which recognises the following:

- the linkages between resources, recognising that decisions on the use, development and protection of any given resource may have effects on other resources or the values that other people hold about resources;
- the need for co-operation and co-ordination between agencies exercising functions, powers and duties under the Resource Management Act, such as the requirement on Council to prepare a Regional Coastal Plan in consultation with the Minister of Conservation and iwi authorities;
- the need for co-operation and co-ordination between agencies operating under other Acts which may contribute to the sustainable management of the resources of the region;
- the need to avoid duplication and undue complexity of process;
- the need for internal Council structures, information flows and decision making processes to reflect the requirement for integrated management of natural and physical resources; and

- the need for documents and plans produced under the Act to demonstrate internal integration and avoid where possible the imposition of artificial distinctions, separations and administrative boundaries.

The last matter outlined above is particularly pertinent in a unitary authority such as Nelson City (that is, a Council performing both Regional and District functions). Two such administrative boundaries are Mean High Water Springs (being the boundary between a “District Plan” and a “Regional Coastal Plan”), and the arbitrary jurisdictional boundary between Nelson City Council and Tasman District Council below Mean High Water Springs (that is, the line between the two authorities which cuts across Tasman Bay).

Council will prepare a combined District Plan/Regional Coastal Plan. Council recognises the need to ensure that consistent provisions are introduced for the whole of the Tasman Bay area and will liaise closely with Tasman District Council and Marlborough District Council to prepare complementary provisions related to the coastal marine area and in particular to water quality and navigation and safety matters.

AB6 **property rights**

With ownership comes an expectation of the ability to reasonably develop and use private land. In a property owning democracy reasonable rights and expectations of private property owners are respected. However, all property owners must respect the rights of other property owners to be able to enjoy their property free from adverse effects arising from the activities on adjacent properties.

The Crown also has a role as landowner, both in relation to foreshore and seabed, and in relation to terrestrial lands managed by the Department of Conservation under the relevant conservation legislation.

What many landowners do not always recognise is that the Crown has certain pre-emptive rights regarding ownership or use of land. For instance Parliament has the power to pass legislation restricting landowners’ rights in certain ways for the public good. The Resource Management Act is an example of such legislation.

Under sections 30 and 31 of the Act, Council is afforded certain functions, powers and duties for the purpose of giving effect to the Resource Management Act. These include control over land use, use of the coastal marine area, the taking, use, damming and diversion of water, discharge of contaminants, land subdivision, noise emissions and use of the surface of water in rivers and lakes.

Section 85 of the Resource Management Act sets out limits to resource management controls where land use controls render land incapable of reasonable use.

Council will only restrict the rights of property owners if there is an adverse or potentially adverse environmental effect of activities which can not be dealt with by other means. In this situation regulation will only be used if it satisfies the tests imposed by section 32 of the Act.

The Resource Management Act generally contains the presumption, in the case of land, that a natural or physical resource can be utilised by people and communities to provide for their social, economic, and cultural well being provided that the adverse effects of that utilisation are acceptable or can be avoided or mitigated and the reasonably foreseeable needs of future generations are provided for. In the cases of water and air this presumption is reversed and it is necessary to show that the effects are acceptable or can be avoided or mitigated before the resource can be utilised.

Section 32 of the Act specifically requires that before adopting any objective, policy, rule, or other method, Council must have regard to the extent to which that objective, policy, rule, or other method is necessary in achieving the purpose of the Act. Council must also have regard to other means of achieving the same purpose, and to the benefits and costs of the various alternative methods.

Alternatives open to Council to achieve the purpose of the Act without restrictive rules include:

- **Doing nothing**, except where the Act requires otherwise. This may be appropriate if the issue is not pressing, is not resulting in any significant adverse environmental effects and/or may resolve itself in time.
- **Provision of information and education** in an attempt to change community perceptions and actions. In order to achieve this, Council may co-ordinate efforts with other relevant authorities or interest groups.
- **Advocating** to other agencies the need to undertake particular actions. This is often appropriate when an issue or a set of effects is not confined to a region and requires a response at a national level. Appropriate actions could include requesting central government to prepare a national policy statement.
- **Service provision** which is often appropriate where an issue can be overcome through a particular service delivery function (eg refuse collection).
- **Provision of incentives** which can be appropriate where a resource in private ownership is also associated with community values (eg an historic building).
- **Charges** which can be appropriate to achieve an equitable allocation of limited resources (eg to take water from a river).

Council is of the view that there must be a strong justification before it introduces any objective, policy, rule, or other method of regulation. Council is also of the view that where constraints are placed on the private use of land these should not be any more restrictive than is necessary to achieve the purpose of the Act.

In general, Council will:

- use alternative means where the purpose of the Act can be achieved through other than regulatory means; and
- use the minimum degree of regulation, where regulation is necessary, to achieve the purpose of the Act.

ABS

economic instruments

The Resource Management Act includes recognition that economic instruments such as levies and charges may also be appropriate in achieving resource management outcomes. Council believes that in order to achieve the sustainable management of natural and physical resources, as required by section 5 of the Act, the full costs and benefits of resource management decisions must be identified and equitably distributed.

Where an activity releases contaminants into the environment or degrades the quality of a resource, it is appropriate that those responsible pay the costs for remedying or mitigating those effects and any costs associated with residual contamination or degradation of resource quality.

In general, Council will:

- i) require that all users of natural and physical resources avoid the release of contaminants and other adverse effects on the environment; and/or
- ii) require that resource users who cannot avoid adverse effects on the environment provide:
 - a) environmental compensation where a user is likely to cause a permanent or long term loss of significant natural and physical resources, such funds to be used for rehabilitation, enhancement or permanent protection of an area with similar values; or
 - b) cash contributions, including subdivision contributions and development impact levies, towards the cost of the consent authority providing suitable servicing or undertaking rehabilitation, restoration, or protection; and/or
- iii) require mitigation at the expense of the resource users where their activities have resulted in significant adverse effects on natural or physical resources (such as the clean up of contaminated sites).

AB9

self regulation

Section 32 of the Act requires Council to consider alternatives when determining what methods will be employed to control any environmental effects. Self regulation, through voluntary codes of practice and/or environmental management plans, is a valid method by which environmental outcomes can be achieved and is consistent with the philosophy of users proactively taking responsibility for any adverse effects of their activities.

Codes of practice and environmental management plans which are designed to provide an adequate level of environmental protection may go further and be more successful than rules imposed by an external agency such as Council. This is because the industry has taken responsibility itself to manage effects, and therefore has “ownership” of the process; and also because some industries may possess or are better able to afford more sophisticated monitoring tools than a council.

Self-regulation does not reduce Council's responsibilities under section 35 of the Act to monitor the state of the environment or the effects of exercise of resource consents, or its responsibilities under section 5 of the Act to ensure resources are managed in a sustainable manner. In order to satisfy these requirements Council will ensure that significant adverse effects are avoided, remedied or mitigated where self-regulation proves inappropriate or ineffective. Council will also ensure that the accuracy and adequacy of any self-monitoring it requires as a condition of a resource consent is assessed by independent audit on a regular basis. It may also require the posting of bonds where appropriate to cover the contingency costs associated with adverse effects, which may arise as a result of unsuccessful self-regulation methods.

Council believes that self-regulation is generally to be encouraged. Where codes of practice or environmental management plans will satisfy or improve minimum environmental standards which Council is seeking to achieve through its plans, consideration will be given to incorporating these codes or plans (or adherence to these codes or plans) into Regional or District Plans.

AB10 **consultation**

During the preparation of this Regional Policy Statement, Nelson City Council provided the opportunity for public input in a number of ways. These included:

- Targeted consultation with major interest groups via a round of meetings held at the City Council offices. The purpose of these meetings was to identify the significant resource management issues of the region.
- Inviting representatives of iwi to prepare a written statement addressing tangata whenua views and including this statement in both the discussion documents and Proposed Regional Policy Statement.
- Preparation of Issues and Options discussion documents and their promotion and circulation free of charge to members of the public.
- A series of public meetings to seek public views on matters raised in the Issues and Options documents.
- Receipt of written submissions on the Issues and Options documents.
- Preparation and circulation of a summary of submissions.
- Targeted consultation with major interest groups to discuss the provisions of the Proposed Regional Policy Statement.
- Public notification of a Proposed Regional Policy Statement and call for submissions.
- Receipt of written submissions and further cross-submissions and preparation and circulation of a summary of each.
- Consideration of all written submissions and further submissions.
- A week long hearing of oral submissions on the Proposed Regional Policy Statement.

This Regional Policy Statement is the first to be prepared by Nelson City Council under the provisions of the Resource Management Act. Council sees it as an evolving document and will welcome feedback on its effectiveness and ways in which it can be improved. Where appropriate, parts of the Regional Policy Statement can be changed during its life through the plan change process or the document can be completely reviewed.

The Act requires that a formal review of the Regional Policy Statement is commenced no later than 10 years after it became operative.

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(AB) about this document

2 interpretation



IP1 definitions / glossary

(NOTE: Definitions in italics are taken directly from the Resource Management Act 1991)

Abstraction	In relation to a water body, means taking water away from that water body.
Accelerated Erosion	Intensification of the rate of erosion of the land surface (including soil, regolith and bedrock) induced by human activity.
Access Strip	<i>Means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in the First Schedule of that Act).</i>
Act	The Resource Management Act 1991 and amendments.
Adverse Effect	An unwanted or detrimental effect.
Advocacy	Active support.
Aesthetic Value	A value associated with the visual quality, or the appreciation of the inherent visual quality, of an element in the built or natural environment.
Agenda 21	Both the published outcomes of the United Nations Conference on the Environment and Development, held in Rio de Janeiro, Brazil between 3-14 June 1992, and the community-based Agenda 21 process piloted in the Nelson/Tasman region in 1994.
Air	The mixture of gases enveloping the earth and forming the atmosphere.
Alternatives	In relation to objectives, policies and methods of implementation, means the principle alternatives available to achieve the purpose of the Act.
Amenity Values	<i>Means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.</i>
Annual Plan	A mandatory document to be produced by local authorities outlining significant policies and objectives, the nature and scope of significant activities to be undertaken, performance targets and measures by which performance may be judged in relation to the objectives, and costs involved and funds available during the financial year.
Anticipated Environmental Result	The intended result or outcome on the environment as a consequence of implementing policy or policies and methods.

Argillite	A general term for a weakly metamorphosed siltstone or shale which is highly indurated.
Aquaculture	See marine farming.
Benefits and Costs	<i>Includes benefits and costs of any kind, whether monetary or non-monetary.</i>
Coastal Environment	<p>An environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place depending upon the extent to which it affects or is (directly) affected by coastal process and the management issue concerned. It includes three distinct but interrelated parts:</p> <ol style="list-style-type: none">i) the coastal marine area;ii) the active coastal zone, andiii) the land backdrop. <p>The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands, including estuaries.</p>
Coastal Margin	A strip of land along the coast adjacent to mean high water springs and adjacent to the landward boundary of the coastal marine area.
Coastal Marine Area	<p><i>Means the foreshore, seabed, and coastal water, and the air space above the water:</i></p> <ol style="list-style-type: none">i) of which the seaward boundary is the outer limits of the territorial sea;ii) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:<ol style="list-style-type: none">a) one kilometre upstream from the mouth of the river; orb) <i>the point upstream that is calculated by multiplying the width of the river mouth by 5.</i>
Coastal Water	<p><i>Means seawater within the outer limits of the territorial sea and includes:</i></p> <ol style="list-style-type: none">i) seawater with a substantial fresh water component; andii) <i>seawater in estuaries, fiords, inlets, harbours, or embayments.</i>
Codes of Practice	Operational procedures and practices agreed to by industry groups and designed to achieve defined goals.
Co-disposal	Landfill disposal of appropriate hazardous waste substances by mixing them, in an informed and predetermined manner, with municipal refuse, so as to use the attenuation and biochemical processes operating within the landfill, to reduce the environmental effects to an insignificant level.
Compliance Monitoring	Monitoring to determine whether conditions imposed on resource consents are being complied with.
Conditions Book	A register held by Council which details natural hazards or engineering conditions known to be, or thought to be, present on a site.

Conservation Covenants	A legal agreement for conservation purposes.
Conservation Estate	Covers all land administered by the Department of Conservation
Conservation Flow	A river flow below which Council will suspend all non-essential water permits unless a Water Conservation Plan is in force for that river.
Consultation	The communication of a genuine invitation to give advice and a genuine consideration of that advice.
Contaminant	<p><i>Includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat-</i></p> <ul style="list-style-type: none"><i>i) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</i><i>ii) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.</i>
Council	The Nelson City Council acting as a unitary authority
Discharge	Includes emit, deposit, and allow to escape.
Ecosystem	A dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
Effect	<p><i>Includes:</i></p> <ul style="list-style-type: none"><i>i) any positive or adverse effect; and</i><i>ii) any temporary or permanent effect; and</i><i>iii) any past, present, or future effects, and</i><i>iv) any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect, and also includes:</i><i>v) any potential effect of high probability; and</i><i>vi) any potential effect of low probability which has a high potential impact.</i>
Energy	Is the capacity of a body to do work.
Environment	<p><i>Includes:</i></p> <ul style="list-style-type: none"><i>i) ecosystems and their constituent parts, including people and communities; and</i><i>ii) all natural and physical resources; and</i><i>iii) amenity values; and</i><i>iv) the social, economic, aesthetic, and cultural conditions which affect the matters stated [in the above] or which are affected by those matters.</i>
Environmental Bottom Line	A minimum acceptable level before significant adverse effect on natural and physical resources are likely to occur.
Erosion	The natural (geological) processes of the wearing away of the land surface (including soil, regolith or bedrock) by natural agents and the transport of the derived material. Erosion includes sheet, wind, creep, slump, flow, rill, gully, tunnel gully and stream erosion.

Esplanade Reserve	<i>Means a reserve within the meaning of the Reserves Act 1977:</i> <ul style="list-style-type: none">i) which is either:<ul style="list-style-type: none">a) a local purpose reserve within the meaning of section 23 of the Act, if vested in the territorial authority under section 239, orb) a reserve vested in the Crown or a regional council under section 237D, andii) <i>which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.</i>
Esplanade Strip	<i>Means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.</i>
Essential Water Permit	Includes permits allowing the take of water for human consumption, stock water (excluding factory farming) and fire-fighting water.
Fauna	All the animal life of a given place or time.
Flora	All the plant life of a given place or time.
Fresh Water	Means all water except coastal water and geothermal water.
Greenhouse Gases	Gases in the earth's lower atmosphere (eg carbon dioxide, methane, nitrous oxide) that cause the global "greenhouse" effect. This is a natural effect that traps heat in the atmosphere near the earth's surface.
Guidelines	Principles used to set standards.
Habitat	Means the place or type of site where an organism or population normally occurs.
Hapu	Means sub-tribe, usually a number of whanau with a common ancestor.
Hazardous Substances	Any substances which may impair human, plant, or animal health or may adversely affect the health and safety of any person or the environment, whether or not contained in or forming part of any other substance or thing.
Impact Monitoring	Monitoring of the environmental impacts of specific activities.
Indigenous	Native to New Zealand.
Industrial Waste	Wastes generated from manufacturing or processing activities.
Infill Development	The development of sites initially by-passed in the expansion of an urban area, or as a result of demands for greater intensity of development.
Instream Values	Are those uses or values of rivers and 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 Resource Management	The practice of managing all resources in an holistic manner or systems approach, rather than managing each individual resource as a single component
Intrinsic Values	<i>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have values in their own right, including (a) Their biological and genetic diversity; and (b) The essential characteristics that determine an ecosystems integrity, form, functioning and resilience.</i>

Iwi	Tribe or grouping of Maori.
Iwi Authority	<i>Means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.</i>
Issue	An “issue” describes an adverse (or potentially adverse) environmental effect which is judged by the community to have significance.
Issue Statement	Detailed explanation of the issue. Contains background to the issue and explanation of the objectives and policies.
Kaitiaki	A person or agent who cares for taonga; may be spiritual or physical. Guardian, steward, but the meaning of kaitiaki in practical application may vary between different hapu and iwi.
Kaitiakitanga	<i>Means the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.</i>
Land	<i>Includes land covered by water and the air space above land.</i>
Landscape	Natural and built scenery seen in a broad view.
Leachate	Liquid effluent from landfills.
Mahinga Kai	Means areas from which food resources are gathered and/or propagated.
Mana Whenua	Customary authority and title exercised by an iwi or hapu over land or other taonga within the tribal rohe.
Marine Farming/Aquaculture	Means the activity of breeding, hatching, cultivating, rearing, of ongrowing fish, aquatic life or seaweed for harvest.
Mean High Water Springs	The average line of the spring tides.
Method	A “method” is the action to be taken to put a policy into effect.
Minimum Flow	A river flow below which Council will suspend all non-essential water permits.
Mitigate	In relation to an effect means to reduce or eliminate the severity or incidence of an effect, and includes compensation both before and after the effect.
National Policy Statement	<i>Means a statement issued under section 52 of the Act.</i>
Natural and Physical Resources	<i>Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.</i>
Natural Hazard	<i>Means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.</i>
Nelson City	The jurisdictional area of the Nelson City Council.

**Network
Utility Operator**

Means a person who -

- i) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or
- ii) operates or proposes to operate a network for the purpose of telecommunication or radiocommunication as defined in section 2(1) of the Telecommunications Act 1987; or
- iii) is an electric operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- iv) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- v) undertakes or proposes to undertake a drainage or sewerage system; or
- vi) constructs, operates, or proposes to construct or operate, a road or railway line; or
- vii) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by the Act; or
- viii) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- ix) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act.

**New Zealand Coastal
Policy Statement**

Means a statement issued under policy section 57 of the Act.

Non-Point Discharge

Involves diffuse discharges such as run-off or leachate from land, onto or into land, air, a water body or the sea.

Objective

An “objective” is the desired result the community is seeking.

Open Space Covenant

A contract between a landowner and a government body for the protection of natural features on their land for an agreed period of time and registered on the title of the property.

Papakainga

Is a general term for Maori housing complexes on Maori land and marae.

**Performance
Monitoring**

Measures whether councils are achieving the desired outcomes of policies and plans and in the most cost-effective way.

Pest

Any organism defined as a pest under the Biosecurity Act 1993.

Plan

Means a regional plan or a district plan.

Point**Source Discharge**

Means a discharge from a specific and identifiable outlet, onto or into land, air or water.

Policy

A “policy” is what needs to be done to reach an objective.

Primary Products

The output of agriculture, horticulture, viticulture, forestry, aquaculture and fisheries.

Principle

An overriding expression or code of conduct or behaviour that directs or guides other actions.

Reclamation	A part of the foreshore and sea bed that has been raised above the line of Mean High Water Spring by impoundment and/or infilling.
Regional Coastal Plan	<i>Means an operative plan approved by the Minister of Conservation under the First Schedule and includes all operative changes to such a plan (whether arising from a review or otherwise).</i>
Regional Plan	<i>Means an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).</i>
Regional Policy Statement	<i>Means an operative regional policy statement approved by a regional council under the First Schedule, and includes all operative changes to such a policy statement (whether arising from a review or otherwise).</i>
Resource Consent	A consent for an activity that would otherwise contravene the Act.
Riparian Margin	Means a strip of land adjacent to any river, lake or wetland, which is frequently moist. In inland situations this generally extends from the perceived change in contour of the flood plain to the waterway itself.
River	<i>Means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).</i>
Rule	<i>Means a district rule or regional rule.</i>
Shrub Land	Continuous cover of shrubs (woody, branching vegetation not more than 5 to 6 metres high). These shrubs may comprise native species or, where land has been repeatedly cleared, may be dominated by exotic species such as gorse. Exotics may act as a nurse crop and, in time, regenerate to native species.
Service Delivery	A provision of physical works, eg water supply, rubbish collection.
Soil	Means loosely, the earth or ground but specifically the loose material of the earth's surface in which terrestrial plants grow, usually formed from weathered rock or regolith changed by chemical, physical and biological processes and may be considered as an entity quite apart from the rocks below it.
Solid Waste	The term solid waste refers primarily to solid non-hazardous contaminants for which disposal by discharge into the environment is intended, or for which disposal by discharge into the environment would be necessary if other processes such as reuse or recovery can not be applied.
Structure	<i>Means any building, equipment, device, or other facility made by people and which is fixed to land, and includes any raft.</i>

Sustainable Management

Means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- i) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- ii) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- iii) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Taiapure

A local fishery declared under the Maori Fisheries Act 1989, Part IIIA.

Tangata Whenua

In relation to a particular area, means the iwi, or hapu, that holds mana whenua over the area and/or by right of noho tuturu (can demonstrate occupation since ancient times).

Treaty of Waitangi

Has the same meaning as the word

(Te Tiritio O Waitangi)

“Treaty” as defined in section 2 of the Treaty of Waitangi Act 1975.

Tsunami

Tidal wave caused by underwater earthquakes or other disturbances.

Waahi Tapu

A place which has particular sacred or spiritually meaning to local iwi. It includes burial grounds and places where significant events have taken place.

Water

- i) *Means water in all its physical forms whether flowing or not and whether over or under the ground;*
- ii) *Includes fresh water, coastal water, and geothermal water;*
- iii) *Does not include water in form while in any pipe, tank, or cistern.*

Water Users’ Group

A group representing all people with water permits to take water from a particular water resource.

Water**Conservation Plan**

A plan prepared by Council and/or a water users’ group and approved by Council, which specifies what water conservation measures will be undertaken, and how they will be administered in the event of Council giving notice in writing to water users’ group that river flows have fallen to or below conservation flows.

3

legislative background



LB1 purpose of this regional policy statement and its position in the hierarchy of plans

LB1.1 matters of regional significance

One of Council's functions under section 30(1)(b) of the Act is the preparation of objectives and policies in relation to any actual or potential effects of the use, development or protection of land, which are of regional significance.

Regional significance may be attributed to one or more of the following:

- Matters which are of widespread public concern or interest throughout the region relating to actual or potential effects on the environment;
- Values associated with natural and physical resources or any structure, place, feature or area which are of greater than local significance, which are rare or unique within the region;
- Issues where resources or effects cross administrative boundaries and require co-ordination or integration of policies, actions or decision making;
- Effects considered by tangata whenua to be of greater than local significance;
- Any significant use or development of the region's stock of natural and physical resources;
- Cumulative effects of resource use, management or protection which are of regional significance; and/or
- Matters relevant to the Nelson City area which are of national or international significance.

LB1.2 a regional policy statement

Nelson City Council is a unitary authority with both regional and district responsibilities. As a unitary authority, Council has a duty under section 59 of the Resource Management Act 1991 (the Act) to prepare a Regional Policy Statement.

The purpose of a Regional Policy Statement (section 59 of the Act) is to achieve the purpose of the Act by providing an overview of the significant resource management issues of Nelson and the ways of achieving integrated management of associated natural and physical resources.

the purpose of the resource management act

The purpose of the Act is set out in section 5 of the Act:

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

“Sustainable Management” is defined as:

“ ... managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while -

- a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

(Other relevant sections of the Act include sections 6, 7 and 8 which provide a further set of principles to be followed in achieving the purpose of the Act (see Appendix 1).

Sustainable and integrated management means that decision making about any particular resource must take into account the likely effects on the environment, including natural and physical resources, people and communities.

It implies a long-term approach designed to meet the social, economic, and cultural needs of the people and communities of Nelson City. The Regional Policy Statement does this by:

- providing a vision for the environmental future of Nelson City;
- stating principles for the sustainable management of the City’s natural and physical resources; and
- establishing a set of policy directions providing guidance and certainty as to how Council will go about meeting its responsibilities.

Other purposes of the Regional Policy Statement include:

- to establish an overall philosophy, vision, and direction for resource management in Nelson.
- to identify the main resource management issues that Council wishes to tackle over the next 10 years.
- to set guidelines and provide interim guidance (where appropriate) until new plans are in place, particularly on important issues.
- to identify and put in place mechanisms which tackle cross-boundary issues with other councils and agencies (eg Department of Conservation, Ministry of Agriculture and Fisheries etc).

From the date on which this Regional Policy Statement becomes operative, Council:

- must ensure that the content of Council’s other resource management plans, including the district plan or any regional plan, is not inconsistent with the Regional Policy Statement.
- must begin to implement the Regional Policy Statement, observe, and to the extent of its authority enforce the observance of the Regional Policy Statement.

- must not grant a resource consent contrary to the provisions of the Regional Policy Statement unless it is otherwise authorised by the Act.
- may initiate a change to its Regional Policy Statement.

Following decisions and any appeals the Regional Policy Statement will become operative and will have a maximum life of 10 years before review.

Changes to Regional Policy Statements may only be requested by Ministers of the Crown or territorial authorities within the region and must follow the procedures set out in the First Schedule of the Act.

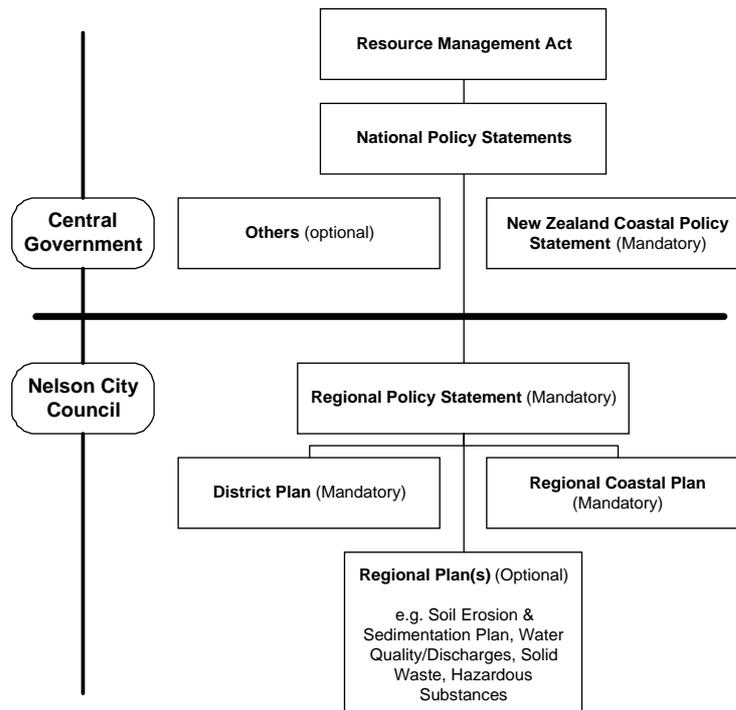
LB1.4 hierarchy of plans

The Resource Management Act establishes a hierarchy of policy statements and plans. The Regional Policy Statement is on the third tier of the hierarchy and sits above all other plans prepared by local government. It is the highest level document that Council can produce under the Act. It remains operative for ten years and once operative only a Minister of the Crown or Council can request a change to it. (Refer to Section LB4: Review and Monitoring of the Regional Policy Statement).

Below the Regional Policy Statement sits the District Plan, Regional Coastal Plan, and other Regional Plans. The District Plan and Regional Coastal Plan are mandatory, that is, Council is legally obliged to prepare them. The relationship between the Regional Policy Statement and the plans below is very close in a unitary authority given that the same Council prepares all documents for the same community.

Preparation of plans which sit below the Regional Policy Statement will therefore logically come after the preparation of the Regional Policy Statement in order to maintain the hierarchy and consistency. The only exception to this sequence in Nelson is the Soil Erosion and Sedimentation Plan which was prepared in advance of the Regional Policy Statement before transitional provisions covering those issues expired. The next documents to be prepared following the Regional Policy Statement will be the District Plan and the Regional Coastal Plan. No commitment to further regional plans has been made at time of notification of this document.

figure LB1: hierarchy of plans



The purpose of a Regional Policy Statement described in section 59 needs to be read in conjunction with section 62 which requires the Regional Policy Statement to make provision for a number of matters including:

- significant resource management issues of the Region;
- matters of resource management significance to iwi;
- objectives to be achieved by the statement;
- policies in regard to those issues and objectives (including an explanation of those policies);
- methods used or to be used to implement the policies;
- principal reasons for adopting the objectives, policies and methods;
- environmental results anticipated from implementation of those policies and methods;
- issues which cross boundaries and methods of resolving them; and
- procedures for review of these matters and to monitor the effectiveness of the Statement (see Clause 2.4).

LB2.1**definitions - issues, objectives, policies, methods, anticipated environmental results and performance indicators**

LB2.1.1 issue

An issue is an adverse, or potentially adverse, effect which is judged by the community to have significance or must be addressed in order to achieve the purpose of the Act.

LB2.1.2 objectives

An “objective” is the desired environmental outcome the community is seeking. Reasons for any objective selected are contained in the narrative issue statement in order to maintain clarity of structure of the document.

LB2.1.3 policies

A “policy” is what needs to be done to reach an objective. Background to policies may be found in the issue narrative.

LB2.1.4 methods

A “method” is the action to be taken to put a policy into effect.

There are a wide range of alternative methods available to implement and achieve the objectives and policies of this Statement. These may include:

- providing information and helping to raise awareness in the community about environmental issues and the effects of activities;
- providing works and services to directly carry out a required action;
- providing incentives for people and organisations to undertake the desired action;
- using a range of economic instruments to enable desired results to be achieved;
- obtaining ownership of a resource or site in order to have management control;

- transferring the responsibility for certain actions and decisions to another organisation by way of a transfer of powers or delegation of functions;
- advocating changes to central government policy;
- recognising and incorporating appropriate industry codes of practice into planning and decision making;
- supporting negotiated agreements between parties on environmental issues;
- undertaking research and monitoring to gain an understanding of natural and physical resources and the effects of activities on the environment, including the assessment of risks; and/or
- establishing and maintaining inventories of natural and physical resources.

For each resource management issue, this Statement indicates some methods of implementation. The methods identified are not exhaustive. Management agencies could adopt other methods during the term of this Statement to implement the policies and to satisfy the requirements of the Act.

The stated methods include those currently identified as a means to achieving the objectives of the statement.

“**Anticipated Environmental Results**” are the specific results, closely related to the objective, which the community could expect to see or experience if the objective is met.

“**Performance Indicators**” are key factors which may be monitored in order to assess whether or how well policies are achieving the desired objectives.

LB3 requirements of section 32 of the act

Section 32 of the Resource Management Act requires that certain duties be performed by Council before adopting any objective, policy, rule or method. Council must (our emphasis):

- *have regard* to the alternative means that may be available to achieve the purpose of the Act in relation to a particular issue, including the use of non-regulatory methods (eg provision of information, services, incentives or the levying of charges) and the option of taking no action; and
- *evaluate* the likely benefits and costs of the principal alternative means; and
- *be satisfied* that any proposed objective, policy, rule or other method is **necessary** to achieve the purpose of the Act and is the most **effective** and **efficient** means.

In addition, as an extension of section 32(1)(a) requirement to *have regard to the reasons for and against* a proposed course of action, section 62(1)(f) of the Act requires the Regional Policy Statement to:

- *state* the **principal reasons** for adopting the objectives, policies and methods of implementation set out in the Policy Statement.

In the preparation of this Regional Policy Statement, Council has endeavoured to give effect to section 32 through a process of continued public consultation, preparation of public discussion papers and the analysis and consideration of submissions on these papers (and reference to hearings and submissions to arrive at this version).

From the date of public notification of this Regional Policy Statement, the Council:

- must ensure that the content of the Council's other resource management plans is not inconsistent with the Regional Policy Statement
- must have regard to its provisions when considering any application for any resource consent
- may begin to implement the Regional Policy Statement
- may propose any amendment to the Regional Policy Statement

Following decisions and any appeals the Regional Policy Statement will become operative and will have a maximum life of 10 years before review.

Changes to Regional Policy Statements may only be requested by Ministers of the Crown or territorial authorities within the region and must follow the procedures set out in the First Schedule of the Act.

LB4 review and monitoring of the regional policy statement

Section 62(1)(i) of the Resource Management Act requires that Council include in its Regional Policy Statement the procedures to be used to:

- monitor the effectiveness of the Statement as a means of achieving its objectives and policies; and
- review the Regional Policy Statement.

This section sets out the procedures which Council will follow in undertaking these functions.

LB4.1 monitoring of the regional policy statement

Monitoring of the state of the environment and of resource consents, as discussed in Part 15.1, coupled with the performance of the plans, will determine how well the policies and methods are achieving the objectives and hence resolving the issues identified in this Statement.

Specific means of monitoring the effectiveness of this Statement are included in each section where regional resource management issues have been identified.

LB4.2 review of and changes to the regional policy statement

A full review of this Regional Policy Statement is required within ten years of its becoming operative. It may however at any time be reviewed by Council, including on request by any Minister of the Crown.

Circumstances which may result in a review or change include:

- changes in legislation which would make part of the Regional Policy Statement ultra vires (i.e. unlawful);
- case law rendering part(s) of the Regional Policy Statement ultra vires;
- the notification of, or change to, any national policy statement or the New Zealand Coastal Policy Statement, or the making of any water conservation order with which the Regional Policy Statement would then be inconsistent;

- iv) new information which would require change to part(s) of the Regional Policy Statement; and/or
- v) the emergence of new issues of regional, national, or international significance not dealt with in the Regional Policy Statement.

Any changes must be made in consultation with Ministers of the Crown, adjoining local authorities and iwi, but may also include any other persons.

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(LB) legislative background

4

underlying philosophy



The following three sections dealing with underlying philosophy are included to provide guidance on how Council will approach resource management issues. These issues do not follow directly from a specific part of the Resource Management Act. They are subservient to the Act and its specific provisions.

UP1 issues affecting other authorities

Common issues can be matters between adjoining local authorities or between organisations with overlapping responsibilities. Such issues are referred to as “cross-boundary” issues in that they cross jurisdictional and/or geographic boundaries. These can arise in several ways, for example:

- from differences in policies or methods dealing with the same resource issue;
- from adverse effects of activities in one jurisdictional area transferring to or occurring in another area;
- from provisions for activities in one jurisdictional area influencing land use needs in another area (e.g. industrial land);
- from differences in community aspirations and goals; and/or
- from physical resources which cross jurisdictional boundaries.

Councils which adjoin Nelson City are the Tasman District Council and Marlborough District Council. The Nelson City Council will use consultation and ongoing liaison with these adjoining local authorities and other organisations as appropriate to ensure that:

- cross-boundary issues are identified;
- a process for dealing with cross-boundary issues including investigating standard methods for resolving these issues is implemented; and
- the effects of cross-boundary issues are minimised.

The cross-boundary issues with other local authorities identified to date relate to:

- a consistent approach in the development of resource management plans (Marlborough District / Nelson City / Tasman District);
- a co-ordinated and complementary approach to urban spatial requirements including the needs for residential, rural-residential, commercial, and industrial expansion (Nelson City / Tasman District);
- the consistent provision and co-ordinated management of recreational, cultural, and tourist facilities (Nelson City / Tasman District);
- consistent water management for urban supply (Nelson City / Tasman District);
- consistent management of the Roding River (Nelson City / Tasman District);

- consistent management of transport modes (including the port and the airport), their adverse effects and equality of access (Nelson City / Tasman District);
- a consistent approach to roading (Marlborough District / Nelson City / Tasman District);
- consistent management of the coastal marine area, including management of coastal water quality and coastal space for aquaculture and recreational activities in Tasman Bay (Nelson City/Tasman District) and Marlborough Sounds (Nelson City/Marlborough District);
- continued joint management of the Regional Sewerage Scheme (Nelson City / Tasman District);
- protection of natural values and features in the Waimea Estuary (Nelson City / Tasman District);
- a consistent approach to iwi issues (Marlborough District / Nelson City / Tasman District);
- an integrated approach to waste minimisation and hazardous waste management programmes (Nelson City / Tasman District);
- the co-ordinated monitoring of water and air quality and hazardous wastes (Nelson City / Tasman District).
- the co-ordinated provision for hard rock quarry aggregate sources in the Eastern Nelson hills (Nelson City / Tasman District);
- the co-ordinated provision for noxious plants and pest control; and
- information sharing and co-ordinated information gathering on common issues to maximise consistency and minimise duplication of effort.

UP2 the precautionary approach

UP2.1 issue

Resource management actions where the knowledge of the resource and effects of resource use is limited.

The Resource Management Act is focused on avoidance and mitigation of adverse effects. In general a natural or physical resource may be utilised provided that there are no adverse effects, or that any adverse effects of that utilisation can be avoided, remedied, or mitigated to an adequate degree.

In carrying out their planning functions and in issuing resource consents, local authorities need to be able to clearly identify what level of effect is acceptable and therefore provide for the sustainable management of the resource. In addition, they need to identify what level of effect is **not** acceptable and is likely to result in the degradation of the resource.

In order to establish this level, a good knowledge of the resource, its dynamics and its interaction with other resources and the risk of unforeseen adverse effects is required. This information can be very time-consuming and costly to collect, and is not always available when needed.

Where there is an understanding of the resource and the adverse effects of its use, Council needs to establish the level of effect the community is prepared to accept.

While the Nelson City Council currently holds some base information on natural resources, and some information related to adjoining areas, in many instances this information is incomplete and inadequate to confidently establish sustainable limits to utilisation. In the meantime, Council must however proceed with the preparation of the Regional Policy Statement and the consideration of resource consent applications as required by the Act.

Council also recognises that the information base regarding the effects of activities, both existing and new, on resources will never be perfect. For that reason, ongoing monitoring of both resource consents and the state of the environment is crucial to making progress towards sustainable management.

If Council is cautious in its allocation of resources there will be implications for those wishing to utilise the resources. It is likely that a potential resource user will be required to make an application for a resource consent. Under these circumstances, Council will require sufficient evidence that granting the resource consent application would not lead to the non-sustainable use of resources. This is likely to place considerable cost on the applicant and there is no certainty that the resource consent would be granted.

The alternative to a precautionary approach to resource management would be for Council to permit access to resources without the need for resource consents until it became clear that resource damage was occurring. If this approach was taken, some resource damage is likely as the limits of sustainable use are exceeded. It may also be necessary for Council to require a resource user to cease an activity and/or become involved in remedial action, even where they have committed significant capital expenditure on the assumption of continued access to the resource.

The purpose of the Act (section 5) is to *promote the sustainable management of natural and physical resources*. Integral to this is the requirement that any adverse effects of activities on the environment be avoided, remedied or mitigated. The following sections of the Act, including section 17 (Duty to Avoid, Remedy or Mitigate Adverse Effects), reinforce the view that in order to discharge its responsibilities under the Act Council must be cautious in its approach to resource management.

The people of Nelson City indicated to Council through their response to the Issues and Options papers, and in submissions to the Regional Policy Statement, that they favour the adoption of the principle of caution rather than risk the occurrence of unanticipated adverse effects.

UP2.2 **objective**

UP2.2.1 Resource management decisions which do not, as a consequence of incomplete information, result in significant adverse environmental effects.

UP2.3 **policies**

UP2.3.1 To require resource consents to be applied for where:

- i) the knowledge of a resource is limited; and/or
- ii) the adverse effects of any activity on that resource is potentially significant and cannot be confidently predicted.

- UP2.3.2 To only grant resource consents where Council is confident that potential adverse effects on the environment can be avoided, remedied, or mitigated.

UP2.4 methods

- UP2.4.1 Council will identify permitted, controlled, discretionary and prohibited activities in its resource management plans.
- UP2.4.2 Council will require applicants for resource consents to provide sufficient information to enable Council and affected persons to reasonably judge the likely extent of adverse effects and the means to avoid, remedy or mitigate these.
- UP2.4.3 Council will place conditions on resource consents in order to avoid, remedy, or mitigate potential adverse effects and may require monitoring and reporting on environmental effects of the activity.
- UP2.4.4 Where concern exists regarding the adequacy of information available in the decision-making process, Council will limit the extent and duration of any resource consents granted so that development is incremental and review is frequent.
- UP2.4.5 Council will decline resource consent applications where information is inadequate, potential adverse effects are significant, and/or placing conditions on the consent is unlikely to avoid, remedy or mitigate adverse effects.

UP2.5 principal reasons for the adoption of these objectives, policies and methods of implementation

- UP2.5.1 Community response to the Issues and Options paper and the Proposed Regional Policy Statement indicates a preference for the adoption of the "Precautionary Principle" in maintaining a high level of protection for the environment of Nelson City.
- UP2.5.2 The obligations placed on Council by Part II (Purpose and Principles) and section 17 (Duty to Avoid, Remedy, or Mitigate Adverse Effects) of the Act led Council to the conclusion that it must be cautious in its allocation of resources in order to avoid significant adverse effects, otherwise it will be in breach of the Act.
- UP2.5.3 Council is aware that the resource information it presently holds is incomplete, limiting its ability to confidently establish minimum environmental standards. Council therefore considers that it must adopt a cautious approach in order to avoid unanticipated adverse effects.

UP2.6 anticipated environmental results

- UP2.6.1 Activities in the Nelson City area will not result in significant unexpected adverse effects.
- UP2.6.2 Activities in Nelson City will not lead to significant adverse effects which can not be remedied, avoided or mitigated.

UP2.7

performance indicators

- UP2.7.1 State of the environment monitoring showing the quality of the environment being preserved or enhanced.
- UP2.7.2 A decline in the need to serve abatement notices, enforcement orders or to use other forms of enforcement.

UP3

council as a resource user

UP3.1

issue

Establishing a clear separation of resource management functions where Council is the resource user as well as the consent authority.

The reform of local government in 1989, and of environmental and planning law in 1991 have radically altered the roles and responsibilities of local government. The combining of local government roles into a single unitary authority in Nelson has the potential to create conflict between various functions of Council in policy, formulation, regulation, advocacy, service delivery, and asset management. This potential for conflict exists in all councils, whether unitary authorities or not.

Because of the possibility of conflicts the Local Government Amendment No 2 Act 1989 makes it clear that local authorities must:

- resolve conflict in a clear and proper manner;
- separate regulatory functions from others, where practical;
- have management and political structures that clearly separate regulatory from other functions; and
- clearly document and be accountable for decisions made.

In order to fulfil this requirement the Nelson City Council has developed structures, as appropriate, with responsibilities for:

- corporate services
- resource management and regulation
- financial services
- works and services
- community services and development.

Of special interest is how Council will deal with applications for its own activities and projects. It is important that Council acts and is seen to act in a fair, impartial and accountable way when it processes resource consent applications from itself and other organisations or activities in which it has an interest. These include:

- Nelson Regional Airport
- Port Nelson Ltd
- Forests/Waterworks reserves
- Sewerage systems
- Community facilities
- Citipower
- Council developments

Council's Register of Delegations ensures that Council subjects resource consent applications from itself to at least as intensive a public scrutiny as any other applications. They will generally be publicly notified and an independent commissioner(s) appointed to hear and make a decision on Council's resource consent application where any submission in opposition is received. Council maintains a public register of all the resource consents it operates.

UP3.2 objective

UP3.2.1 Resource consent applications made by Council being subject to the same level of scrutiny as resource consent applications made by other parties.

UP3.3 policies

UP3.3.1 To resolve conflict of interests within Council in a manner which grants Council, where it is a resource user, the same status as any other resource user.

UP3.3.2 To ensure that Council complies with all aspects of the Resource Management Act, and policy statements and plans prepared under it.

UP3.4 methods

UP3.4.1 Council will ensure that a separation between its regulatory and service delivery functions is maintained in order to avoid potential conflicts.

UP3.4.2 Council will generally treat applications from itself as notified applications unless they are clearly unlikely to have other than minor adverse effects.

UP3.4.3 Council will engage an independent commissioner or commissioners to hear and make a decision in any notified resource consent application by Council where there is a submission in opposition and a hearing is required.

UP3.4.4 Council will undertake monitoring of council-held resource consents and enforcement action if required.

UP3.5 other relevant sections

TW1	Tangata Whenua Interests
DH	Development and Hazards
NA	Natural and Amenity Values
CO	The Coast
WA	Water
SO	Soils
DA	Discharges to Air
EN	Energy
WM	Waste Management
IN	Infrastructure
RM	Resource Monitoring

UP3.6

principal reasons for the adoption of these objectives, policies and methods of implementation

UP3.6.1 Section 84 of the Act requires local authorities to observe their own policy statements and plans and enforce observance as necessary.

UP3.7

anticipated environmental results

UP3.7.1 All agencies and individuals being required to comply with the provisions of the Act, policy statements and plans.

UP3.8

performance indicators

UP3.8.1 Council holding resource consents for all of its activities requiring them.

UP3.8.2 Council complying with conditions of all resource consents it holds.

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(UP) underlying philosophy

5

treaty of waitangi



TW1 tangata whenua interests

TW1.1 issue

The adverse effects of resource use on cultural values and sites of significance to tangata whenua

TW1.2 the resource management act

Part II (Purpose and Principles) of the Resource Management Act requires Council to:

- i) recognise and provide for “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga” (section 6(e));
- ii) have particular regard to “Kaitiakitanga” (section 7(a)); and
- iii) take into account “...the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)” (section 8 of the Act). These are listed in Appendix 3 of the Regional Policy Statement.

The Resource Management Act distinguishes between Maori currently living in an area, and the tangata whenua of the area who are Maori who can claim by direct descent to belong to the iwi or hapu which holds manawhenua¹ over that area.

The First Schedule of the Act (Preparation, Change, and Review of Policy Statements and Plans) requires that:

“During the preparation of a proposed policy statement or plan, the local authority concerned shall consult The tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga” (Clause (3(d)))

Section 33 of the Act provides that under particular circumstances a local authority may transfer its functions or powers to an iwi authority. This transfer could include plan preparation (but not plan approval) and hearing of resource consents relating to sites of significance to tangata whenua.

TW1.3 tangata whenua interests

The iwi of Nelson City are represented by the following formal organisations:

- i) Ngati Koata No Rangitoto ki te Tonga Charitable Trust;
- ii) Ngati Rarua Trust;
- iii) Ngati Tama Manawhenua ke Te Tau Ihu Charitable Trust;
- iv) Te Atiawa Manawhenua ke Te Tau Ihu Charitable Trust;
- v) Te Runanga O Toa Rangatira Inc.; and
- vi) Te Runanga o Ngati Kuia.

Two additional groups have historical connections to the area. They are Ngati Apa and Ngati Tumatakokiri.

A body previously representing Ngati Koata, Ngati Rarua, Ngati Tama and Te Atiawa, Te Runanganui o Te Tau Ihu o Te Waka a Maui, prepared a document in 1993 on behalf of the iwi groups which it represented. This document is contained in Appendix 2 and sets out in detail some of the background factors which determine how these iwi groups respond to resource management issues.

Iwi were consulted prior to and during the preparation of the Regional Policy Statement, as well as through the submission process. Many of the views they expressed have been incorporated in this section. They have asked that further reference to their views on a range of matters, some falling outside the scope of the Resource Management Act, also be included as an appendix to the Regional Policy Statement.

The matters contained in Appendix 2 contain those views and are not necessarily endorsed by Council. Appendix 2 does not comprise part of this Regional Policy Statement and should be considered as for information purposes only.

Matters addressed in this Appendix include:

- i) traditional values such as:
 - a) the preservation of access (by designation, regulation, practices and physical barriers e.g. fencing) to areas of pingao, flax, kiekie and other culturally important materials;
 - b) the identification and setting aside as waahi tapu reserves of any sites of significant traditional value currently given inappropriate zoning; and
 - c) provision for the establishment of papakainga housing.
- ii) cultural values such as:
 - a) the protection of specific sites of cultural importance;
 - b) the avoidance of damage to waahi tapu sites as a result of earthworks or developments; and
 - c) the establishment of taiapure and mahinga mataitai.
- iii) commercial values such as:
 - a) management of iwi owned land; and
 - b) commercial fishing, marine farming, and other commercial operations.

The Resource Management Act introduced a greater opportunity for tangata whenua involvement in resource management matters. In order for tangata whenua to fully participate, both they and local government must develop new skills and understandings; these will take time to achieve and variations or changes to this Regional Policy Statement may be necessary in order to reflect these developments as they occur.

TW1.4

objectives

- TW1.4.1 Resource use which provides for the relationship of the Maori and their culture with their ancestral lands, water and sites, waahi tapu, urupa, and other taonga.
- TW1.4.2 A mutually satisfactory relationship between Council and tangata whenua regarding resource management.
- TW1.4.3 Increased opportunities for tangata whenua to exercise kaitiakitanga in the region.
- TW1.4.4 Increased opportunities for the cultural aspirations and tikanga of the tangata whenua with regard to natural and physical resources to be met.

TW1.5

policies

- TW1.5.1 To ensure that all persons exercising functions and powers under the Act take into account the Principles of the Treaty of Waitangi.
- TW1.5.2 In consultation with tangata whenua, to seek to identify and protect specific matters or sites of cultural significance to the tangata whenua.
- TW1.5.3 To seek the views of the tangata whenua when developing objectives, policies, or rules relating to matters which the tangata whenua themselves have indicated to Council are of significance to them.
- TW1.5.4 To provide for matters stated to be of significance to the tangata whenua (as outlined in Appendix 2) or as otherwise defined in the future as far as is consistent with the purpose and principles of the Resource Management Act and the powers of Council to do so.
- TW1.5.5 To ensure that tangata whenua views are sought and considered prior to Council consideration of any resource consent application which relates to matters which the tangata whenua themselves have indicated are of significance to them.
- TW1.5.6 In exercising functions and powers related to Crown land (including foreshore and seabed which is not in private ownership) to recognise and facilitate the special relationship between the Crown and tangata whenua.
- TW1.5.7 To implement policies and procedures to ensure that those undertaking works which may potentially result in damage to sites of significance to the tangata whenua are informed of the presence of any such sites.
- TW1.5.8 To consider prosecution under section 338 (Part XII) of the Resource Management Act where damage to an archaeological and/or cultural site has occurred and those responsible for the damage have failed to take into account readily available information, or failed to obtain any necessary resource consents for the work, or failed to observe any conditions placed on any necessary resource consent, or failed to stop work as soon as it became apparent that damage to an archaeological or cultural site was occurring.
- TW1.5.9 To advocate to Central Government the need to independently fund iwi in order to enable them to participate in resource management.

- TW1.5.10 To recognise the tangata whenua are kaitiaki of the coastal environment. (Reference: Principle 9 of the New Zealand Coastal Policy Statement)
- TW1.5.11 To have regard to environmental plans prepared by iwi authorities.

TW1.6

methods

- TW1.6.1 Council will, in consultation with the tangata whenua, complete an inventory of objects and/or sites of cultural significance within Nelson City and develop resource management provisions for their protection.
- TW1.6.2 Council will ensure that the tangata whenua are given ample opportunity to have input into the preparation of resource management policies and plans by consultation during plan preparation and by circulating material for comment prior to Council consideration.
- TW1.6.3 Where a resource consent application is received which the Nelson City Council considers likely to affect matters or sites of significance to the tangata whenua, Council will encourage applicants to consult with tangata whenua as part of the assessment of effects, and will ensure that the views of the tangata whenua are sought by Council before a decision is made on the application.
- TW1.6.4 Council will archive identified sites of cultural, spiritual, archaeological and historical significance in a computer based geographic information system to ensure the presence of such sites is automatically identified during any property inquiry.
- TW1.6.5 Council will address matters of interest raised by the tangata whenua through the Regional Coastal Plan, the District Plan and Regional Plan for the control of the quality and allocation of inland waters. Where appropriate Council will consider delegation or transfer of functions, powers and duties to iwi for the preparation and/or administration of the relevant sections of these plans.
- TW1.6.6 Council will, in consultation with tangata whenua, develop internal systems and procedures to ensure that Council's own actions do not result in damage to archaeological or cultural sites.
- TW1.6.7 Council will make provision in the District Plan for papakainga housing where the adverse effects associated with such development can be avoided, mitigated or remedied.
- TW1.6.8 Council, in consultation with tangata whenua, will consider transfer or delegation of powers, functions and duties to relevant iwi, in relation to the management of specific matters or sites of cultural significance to tangata whenua.
- TW1.6.9 Council will inform the public of their obligations related to sites and objects of cultural significance to tangata whenua and will specifically contact owners of land on which such sites are located.
- TW1.6.10 Council will facilitate tangata whenua liaison through staff training and establish protocols for plan development and for resource consent processing.
- TW1.6.11 Council will recognise and provide for tangata whenua participation in environmental monitoring as appropriate.

TW1.7

other relevant sections

NA1	Amenity Values
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
WA2	Water Allocation
SO1	Sustainability of the Soil Resource

TW1.8

principal reasons for the adoption of these objectives, policies and methods of implementation

- TW1.8.1 Information provided by, and discussion with, representatives of the tangata whenua indicate that they support the objectives and policies adopted by this plan.
- TW1.8.2 Response to the Issues and Options Paper and the Proposed Regional Policy Statement indicate a preference for the adoption of an open consultative arrangement with the tangata whenua.
- TW1.8.3 Some information required to establish detailed policy is not currently available, therefore Council considers it appropriate that the Regional Policy Statement concentrates on closing information gaps and outlining procedures through which future policies may be established.

TW1.9

anticipated environmental results

- TW1.9.1 Resource management and information procedures which avoid accidental or unanticipated damage to resources or sites of significance to the tangata whenua.
- TW1.9.2 Planning provisions which provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- TW1.9.3 Tangata whenua are involved in resource management decision-making processes which affect cultural sites or values.
- TW1.9.4 Appropriate consultation is undertaken on resource management matters of significance to tangata whenua.
- TW1.9.5 Tangata whenua are involved in environmental monitoring of matters of resource management significance to them.

TW1.10

performance indicators

- TW1.10.1 A reduction in the incidence of damage to sites of cultural significance.
- TW1.10.2 An increase in the level of physical and legal protection of archaeological and cultural sites.
- TW1.10.3 The level of satisfaction expressed by tangata whenua on procedures and practices followed by Council in terms of its resource management responsibilities.

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(TW) treaty of waitangi

6

development and hazards



DH1 urban expansion

DH1.1 issue

Adverse effects on natural and physical resources as a result of urban expansion.

Potential constraints to urban expansion in Nelson include limitations to physical space in and around the city, amenity and conservation considerations, natural hazards, servicing constraints, and cultural values. Furthermore, any planned limits or expansion should take into account the needs of Tasman District.

The Nelson urban area is sandwiched between hills and coastline with limited land readily available for urban expansion. These physical constraints pose real limits to expansion. Further limits are imposed in achieving the purpose of the Act itself. The Act requires the potential of physical and natural resources to meet the reasonably foreseeable needs of future generations to be sustained, the life supporting capacity of air, water, soil, and ecosystems to be safeguarded, and any adverse effects of activities on the environment to be avoided, remedied, or mitigated. Further, section 6 requires that Council recognises and provides for the following (amongst other things):

- a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development; and*
- b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development; and*
- c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

Section 7 requires that Council has particular regard to:

- i) Kaitiakitanga;
- ii) the efficient use and development of natural and physical resources;
- iii) the maintenance and enhancement of amenity values;
- iv) intrinsic values of ecosystems;
- v) recognition and protection of the heritage values of sites, buildings, places, or areas;
- vi) maintenance and enhancement of the quality of the environment;
- vii) any finite characteristics of natural and physical resources; and
- viii) the protection of the habitat of trout and salmon.

Any further expansion must be adequately serviced, particularly in terms of effluent and stormwater disposal. Where it is not possible to utilise public systems, private systems with acceptable capacity and performance standards will need to be developed.

When considering the options for urban expansion it is necessary to assess the environmental effects of such expansion against identified minimum environmental standards. Accommodating urban expansion raises the question of the appropriate density of development in the urban area, and the extent to which existing infrastructure can cater for additional development.

Further intensification of development may be associated with loss of urban amenities, such as outdoor living space, privacy, and separation from adverse effects of noise and smelly activities. It may also result in benefits such as reduction in the use of energy and in the emission of greenhouse gases, associated with transport systems.

There is a need to consider both the impact of urban expansion on the transport system and of the transport system on urban expansion.

Adverse effects on the road network may include ribbon development or over-intensification of activities along the margins of arterial roads, resulting in road safety problems, road congestion, and increased travel times and costs.

Significant adverse effects resulting from the development of the road network to cater for urban expansion may include increased traffic flows and noise on new arterial roads, leading to loss of amenity values in residential areas.

Both the adverse and beneficial effects of intensification of existing development versus urban expansion into adjoining rural areas will need to be assessed.

The people of Nelson also have opinions in terms of what they value in their environment. Some assessment of these values is required to indicate whether they are compatible with continued urban growth. Such an assessment should not however be limited to just Nelson. Tasman District and in particular Richmond forms part of the wider economic and social community with Nelson to the point where many facilities and services are shared. Richmond has some serious urban growth constraints, most importantly with horticultural activity on the Waimea Plains. As those conflicts have the potential to adversely affect the economic well-being of a sector of the wider Nelson-Tasman community, it is important that Nelson City Council takes these matters into account when deciding growth options.

DH1.2 **objective**

DH1.2.1 To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.

DH1.3 **policies**

DH1.3.1 To identify areas having features or values of significance and to ensure that these features or values are appropriately protected. Areas identified will include those which:

- i) have significant flora and fauna values;
- ii) are subject to significant natural hazards;
- iii) are recognised as being significant in terms of culture or heritage;

- iv) have high natural amenity value;
 - v) have significant open space values such as greenbelt(s);
 - vi) make significant contribution to the natural character of the coastal environment, wetlands, rivers and their margins; and/or
 - vii) are outstanding natural features and landscapes.
- DH1.3.2 To have regard to community expectations when determining the extent and location of urban expansion.
- DH1.3.3 Where urban expansion is considered to have greater net benefit than intensification, to provide for the most appropriate form of urban expansion for Nelson. In determining what is most appropriate, to assess the costs and benefits of various options according to the following criteria:
- i) energy efficiency in terms of location and structures;
 - ii) infrastructure costs including opportunity costs of existing infrastructure;
 - iii) natural or physical barriers to expansion;
 - iv) existence of incompatible rural activities such as quarries or smelly activities;
 - v) susceptibility to natural hazards;
 - vi) existence of sensitive uses such as land transport links, airports or ports;
 - vii) utilisation of the land resource for primary production purposes;
 - viii) proximity to existing facilities;
 - ix) impacts on natural and conservation values associated with riparian and coastal margins, rivers and the coast;
 - x) effects on internationally, nationally, or regionally significant natural features and landscapes;
 - xi) effects on internationally, nationally, or regionally significant native vegetation and significant habitats of indigenous fauna;
 - xii) effects on ancestral land, water sites, waahi tapu and other taonga of significance to tangata whenua;
 - xiii) effects on heritage values of sites, buildings, places, and areas of regional, national, or international significance;
 - xiv) effects on amenity values of international, national, or regional significance;
 - xv) effects on recreation resources of international, national, or regional significance;
 - xvi) effects on urban form and on the demarcation between urban and rural areas; and
 - xvii) effects on availability of land resources for future generations.
- DH1.3.4 To ensure that any proposals for urban subdivision and/or development include adequate and appropriate provision of services including waste disposal, stormwater, water supply, electricity and other network services.

DH1.4

methods

- DH1.4.1 As part of the District Plan Review process, Council will seek public input in order to ascertain community expectations with respect to urban expansion.
- DH1.4.2 Council will undertake an assessment of future demand for and implications of urban expansion and, where community expectations and environmental effects can be met, will make appropriate provision for further expansion in its District Plan and Regional Coastal Plan,
- DH1.4.3 Council will develop rules in its District Plan to ensure adequate water supply and waste disposal is provided for all subdivisions and/or developments.
- DH1.4.4 Council will continue to work with Tasman District Council to achieve an integrated approach to urban expansion through both the Nelson and Tasman District Plans.
- DH1.4.5 Council will review existing information and where necessary initiate resource surveys in order to classify areas according to their conservation significance, amenity values, or susceptibility to natural hazards.

DH1.5

other relevant sections

- TW1 Tangata Whenua Interests
- DH2 Natural Hazards
- NA1 Amenity Values
- NA3 Protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
- NA5 Management of Riparian and Coastal Margins
- CO1 Management of the Coastal Environment
- WA2 Water Allocation
- SO1 Sustainability of the Soil Resource
- DA2 Noise
- EN1 Use of Energy and Emission of Greenhouse Gases
- IN2 Transport

DH1.6

principal reasons for the adoption of these objectives, policies and methods of implementation

- DH1.6.1 Council has adopted these objectives, policies and methods in order to provide protection of matters outlined in Part II, (Purpose and Principles of the Act), specifically those of section 6 (Matters of National Importance) and section 7 (Other Matters).
- DH1.6.2 There was significant public submission on the Proposed Regional Policy Statement addressing the topic of urban expansion. Council has endeavoured to give effect to the remedies sought.
- DH1.6.3 In order to achieve consistency with other sections of the Regional Policy Statement, regard must be had to significant community values which will limit the options for urban expansion, such as valued indigenous vegetation and fauna and areas of open space.

DH1.7

anticipated environmental results

- DH1.7.1 Urban expansion which avoids, remedies, or mitigates adverse effects on areas identified as having special significance or value to the community.
- DH1.7.2 Maintenance of environmental standards when assessing the relative merits of intensification of the urban area versus urban expansion.
- DH1.7.3 A pleasant, functional and coherent urban area which provides for the reasonable expectations of the community while avoiding, remedying, or mitigating adverse effects on the environment.

DH1.8

performance indicator

- DH1.8.1 The degree to which minimum environmental standards and the protection of significant areas are maintained.

DH2

natural hazards

DH2.1

issue

The threat to human health and safety and to natural and physical resources as a result of development on hazard prone land.

Council is responsible for controlling the use of land for the purpose of avoiding or mitigating natural hazards.

Natural hazards likely to occur in Nelson include:

- flooding, fire, and land instability (erosion, landslide, subsidence, and sedimentation),

and less frequently:

- earthquake,
- adverse climatic events,
- tsunami,
- coastal erosion, and
- possible sea level rise.

These hazards are discussed in detail below. Possible results include:

- loss of human life;
- damage to natural and physical resources, private properties, roads, fences, pipelines, and other structures;
- loss of animals, crops, forests, and productive land;
- disruption to transport systems and services;
- community stress, physical, emotional, or financial;
- damage to the environment; and/or
- activate secondary hazard events such as liquefaction of land, landslide, flooding, and fire.

Sometimes one event will activate another such as flooding and land instability or earthquake and land instability.

Nelson City has in the past experienced a number of loss events associated with natural hazards. As one means to address this situation, Council has developed a “Conditions Register” which records properties which may be or are known to be subject to natural hazards. Properties recorded in the Conditions Register are then subject to section 36 of the Building Act which requires Council to be satisfied that adequate provision is made to avoid, remedy, or mitigate the potential effect of the hazard.

DH2.1.2 hazard categories

i) flooding

Flooding is a widely experienced natural hazard in the Nelson region. It has resulted in considerable expense in terms of direct damage, loss of land productivity, clean-up and flood protection works.

In urban areas the problem is often one of existing development within a natural flood plain or increased rates of stormwater run-off from roofs and paved surfaces associated with urban development. Past management has focused on protection works to control flood waters.

In rural areas development of flood prone sites has been less intensive but stock losses and, in some cases, damage to houses and buildings are still potential problems. As a result of continuing population growth and changes in lifestyle expectations, Council is under considerable pressure to provide for the expansion of rural-residential living. It is likely that rural population densities will increase in the future with consequent increased pressure for development of flood prone river valleys.

ii) land instability

Slope failures such as landslides, earthflows, superficial slipping and rock falls have in the past incurred significant damage to parts of Nelson City. The complex geology underlying Nelson and the range of hill slope angles result in the degree of hazard varying throughout the city.

Many of Nelson’s land instability problems have been inherited through early development of areas when land instability was not so well documented or understood. Consequently, some houses have been built on active slumps. Other land instability problems include river bank erosion and landslips in rural areas. These problems require an integrated land management approach, to avoid the land instability where practicable and to mitigate the effects of lost productive land and sedimentation caused by extreme climatic or earthquake events.

The Nelson City area has been divided into three slope stability zones and appropriate planning provisions will be based on these zones.

iii) earthquake

The Nelson City area is traversed by several fault lines as it is part of the Waimea-Flaxmore Fault Zone. In addition to generating the highest levels of earthquake shaking, this zone poses potential for surface fault rupture. The recurrence interval for repeated movements along this fault zone is about 15,000 years (the date of its last large earthquake or movement is at present unknown), and accordingly it is not of great planning significance to Nelson City.

However, Nelson City also lies in close proximity to parts of the Alpine Fault System (approximately 35km from the Wairau Fault). This places Nelson in the most seismically active part of New Zealand. Nelson City has experienced moderate to strong earthquake shaking at least five times since European settlement in 1840, including the Murchison Earthquake in 1929 and the Inangahua Earthquake in 1968. This level of earthquake shaking can reasonably be expected to continue and should form the basis for future land use and emergency response planning.

The potential effects of earthquake are:

- a) direct dislocation caused by land rupture along faults; and
- b) damage caused by seismic shaking, including liquefaction of soft water-logged sediments away from the areas of greatest shaking (for example reclaimed land in the Port area) and induced slope failure.

Damage due to severe shaking can affect buildings, bridges, transport, radio, telephones, power supplies, and other services. Such an event could seriously disrupt the city. Planning to limit damage to the Nelson City lifelines is important to ensure that general damage and disruption in the City is minimised and can be repaired as quickly as possible.

Council has commissioned an independent study of the earthquake hazard in Nelson City which includes identification of the most likely earthquake event to plan for and maps of areas where amplification of earthquake shaking is likely as a result of variations in the underlying geology.

iv) **fire**

Nelson's dry climate and the extent of exotic forests and shrub land vegetation heightens the potential for fire hazards. Fire-breaking, to separate sources of ignition from forest and shrub land areas and to allow for fire-fighting access, has been a traditional approach. Separation areas between residential areas and forests have been required before forests can be planted. Currently the rate of forestry planting and the demand for rural-residential properties are both growing. Appropriate planning is needed in order to avoid increased fire risk.

v) **tsunami**

Four recorded tsunami (large waves generally generated by earthquake, submarine slumping or undersea volcanic activity) have affected the Nelson Region since about 1840. The largest waves appear to have occurred between 15th and 18th August 1868 when waves up to 1.5m were reported. Most waves came over the top of the Boulder Bank, although the state of the tide at the time is not known. Other tsunami reports seem to have had only a minor influence on tides at Nelson.

Much of Nelson City including the Stoke fan is situated well above sea level and is not thought likely to be affected by tsunami. An independent report commissioned by Nelson City Council on the hazard posed by tsunami recommends that: *"Because of the shallowness of Tasman Bay and the barriers to the open sea presented by the Boulder Bank and the islands of Tasman Bay, a large (ten metres high) tsunami wave is unlikely although a wave of several metres is possible. Alternatively a gradual rise of one or two metres on top of the normal tide cycle over a several hour period is more probable. This would cause flooding in low-lying areas, particularly if it occurred close to high tide. Nevertheless, because of the hilly nature of the region the areas affected would be limited to the fringe of the Waimea inlet, the area from Monaco to Tahunanui, the port, the lower Vanguard street area, the head of Nelson Haven and the mouths of the valleys."*

vi) coastal erosion

Because of natural events occurring since the last glaciation, parts of the coastline of Nelson City are undergoing change. This is resulting in the erosion of some areas and the deposition of sediment in other areas.

The Nelson Haven Boulder Bank is still growing to the south-west but is becoming narrower along the older north-east part where it is also migrating slowly eastward. The width of the bank above mean high water mark is currently 40-50 metres in the south whereas it is only half or even less than this in the north.

The Tahunanui area lies near the focus of north-east and north-west longshore drift patterns, and it also lies between two major inlets, those of Nelson Haven and Waimea Inlet. As a result, the Tahunanui Beach area is dynamic and undergoes regular erosion and deposition events. In 1995 the Blind Channel migrated to the east, resulting in erosion of the back beach area and development of a spit at the western end on Tahunanui Beach. If the spit becomes detached from the main beach the rate of eastward migration of the Blind Channel is likely to increase.

Coastal features such as the Boulder Bank and Tahunanui Beach also provide a degree of protection for coastal developments. Without such coastal features, rapid coastal erosion may occur.

vii) volcanic activity

Nelson is not a volcanically active region and the volcanic hazard is thought to be small. Some indirect hazard may exist as Nelson City is within the zone of influence of volcanic regions such as Taranaki and the central North Island. It could experience volcanic ash showers from volcanic eruptions in these areas with potentially significant environmental effects. However the hazard posed from this source is thought to be minor as only a major volcanic event (1 : 20,000 yr) coinciding with winds from the North direction is likely to result in ash showers reaching Nelson City.

viii) possible sea level rise

Sea level rise in New Zealand is currently unproven. However, evidence of changes in the composition of the world's atmosphere suggests that global warming and associated sea level rise are real possibilities in the near future. Assessing the likely impact of possible sea level rise is a complex task made more difficult by a global lack of previous experience with this type of situation.

The New Zealand Coastal Policy Statement requires local authorities to recognise the possibility of a rise in sea level, including ensuring the integrity of natural systems is not unduly affected. Assessing the likely impact of possible sea level rise is a complex task made more difficult by a global lack of previous experience with this type of situation.

The Ministry for the Environment (1993) has adopted for practical planning purposes a 0.6 metre rise in sea level over the next 100 years, as recommended by an international panel on climate change. This figure has been adopted for the hazards assessment of Nelson City.

Because flat land close to sea level in Nelson City is limited, the inundation effects of a sea level rise of a 0.6m magnitude on property is likely to be restricted to the Tahunanui area, the Port, lower Vanguard Street, Monaco Street, the head of Nelson Haven, and a few other areas. Existing floor level requirements would largely prevent buildings being flooded in these areas, except where sea level rise was combined with flooding during heavy rain or tsunami events. One of the most important impacts on Nelson City however is likely to be that on services, particularly stormwater and sewerage, which would require major capital expenditure to maintain or relocate.

Sea level rise could also result in some natural features, such as beaches, migrating inland, with significant implications for the built environment including Nelson City services.

DH2.2 objectives

- DH2.2.1 Protection of property and human health and safety from the effects of natural hazards.
- DH2.2.2 Adverse effects from hazard events being minimised.
- DH2.2.3 Hazard proneness being minimised.
- DH2.2.4 The avoidance, remedy or mitigation of the adverse effects of hazard-related works.

DH2.3 policies

- DH2.3.1 To accord first priority to avoiding or mitigating hazards which threaten human life and second priority to avoiding or mitigating hazards which threaten property or other values.
- DH2.3.2 Where possible Council will avoid inappropriate development in hazard prone areas. Where this is not practical or achievable Council will require that remedial or mitigation measures are undertaken in such a way as to avoid adverse environmental effects to the extent practicable.
- DH2.3.3 To only permit development in hazard prone areas where the developer demonstrates to Council that the hazard will be avoided or adequately mitigated. In making its decision, Council will take into account the following matters:
 - i) the types, levels of risk and any likely increase in the disaster or risk potential if development proceeds;
 - ii) any measures that can be taken to avoid, remedy or mitigate adverse effects of the development (both on and off site);
 - iii) the type of risk and the consequent danger to human life;
 - iv) the potential costs resulting from hazard event/s and where those costs will fall;
 - v) the appropriateness of alternative uses of that particular site;
 - vi) the alternative sites available for the proposed development; and
 - vii) the presence/likelihood of significant cumulative effects.

- DH2.3.4 To prohibit developments in hazard prone areas which increase the potential for loss of human life or which result in potential damage to other resources and values which can not be avoided or adequately mitigated.
- DH2.3.5 To only undertake physical works, or issue resource consents for physical works to be undertaken, to avoid or mitigate the adverse effects of natural hazards, where Council is satisfied as to:
- i) the need for the work;
 - ii) the likely effects of the work on the environment;
 - iii) available means of avoiding, remedying, or mitigating likely effects on the environment;
 - iv) the costs and benefits of alternative means of achieving the desired outcome including the 'do nothing' option; and
 - v) the potential to offset adverse effects through environmental compensation.
- DH2.3.6 To recognise the function of natural coastal features (such as beaches, sand dunes, wetlands and barrier islands) and natural processes in protecting subdivision, use, or development and to maintain and, where appropriate, enhance that ability.
- DH2.4.7 To decline consent to inappropriate development in hazard prone areas, or to otherwise require that remedial or mitigation measures are undertaken in such a way as to avoid adverse environmental effects of natural hazards.

DH2.4

methods

- DH2.4.1 Council will continue to develop and update the "Conditions Register" and to make this information available to the public on request and through the issue of Land and Project Information Memorandums required under the provisions of the Building Act (1991) and Land Information Memorandums under the Local Government Official Information and Meetings Act (1987).
- DH2.4.2 Council will, in association with Tasman District Council, other local authorities, agencies, organisations, and individuals, continue investigations in order to better understand the threat posed to life, property and the wider environment by natural hazards.
- DH2.4.3 Council will distribute information to the public on natural hazards and on ways in which both individuals and communities can make adjustments to reduce their susceptibility to such risks.
- DH2.4.4 Council will promote the use of hazard prone areas for purposes which minimise the hazard potential to life and property.
- DH2.4.5 Council will identify hazard prone areas in the combined Coastal/District Plan, together with rules which restrict or control land uses in order to avoid, remedy, or mitigate the adverse effects of natural hazards.
- DH2.4.6 Council will, through the annual plan process, identify and undertake physical and other works in order to mitigate the effects of existing natural hazards which can not be avoided.
- DH2.4.7 Council will prepare contingency and civil defence plans in order to remedy or mitigate the effects of natural hazards when they do occur.

- DH2.4.8 Council will foster community awareness and preparedness in order to avoid or mitigate the effects of natural hazards when they do occur.
- DH2.4.9 Where possible, Council will not permit inappropriate development in hazard prone areas. Where this is not practical or achievable, Council will require that remedial or mitigation measures are undertaken in such a way as to avoid the adverse environmental effects of natural hazards.

DH2.5 other relevant sections

- DH1 Urban Expansion
- NA5 Management of Riparian and Coastal Margins
- CO1 Management of the Coastal Environment
- SO1 Sustainability of the Soil Resource
- IN3 Maritime Transport

DH2.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- DH2.6.1 Responses to the Issues and Options paper and Proposed Regional Policy Statement indicate a preference for the adoption of methods which avoid inappropriate development in hazard prone areas.
- DH2.6.2 While it may be possible to minimise further inappropriate development in hazard prone areas, considerable development already exists. Council believes that contingency plans, and in certain areas physical works, are likely to be the most appropriate response to natural hazards in these areas.
- DH2.6.3 Council acknowledges that further work is necessary to better quantify the nature and extent of natural hazards in Nelson City and intends to continue to compile this information.

DH2.7 anticipated environmental results

- DH2.7.1 Threat to human life and loss of natural and physical resources from potential hazard situations will be minimised.
- DH2.7.2 Any further development in hazard prone areas will be restricted to those activities where the danger to human life and property is avoided or minimised.
- DH2.7.3 A high degree of community understanding of natural hazards and preparedness for natural hazard events.

DH2.8 performance indicators

- DH2.8.1 Reported damage of threats to human life and natural and physical resources from hazard events being reduced.
- DH2.8.2 Assessment of financial losses associated with hazard events.
- DH2.8.3 Assessment of costs/benefits associated with hazard mitigation measures implemented.

DH3 nuclear issues

DH3.1 issue

The threat of radioactive contamination of the environment posed by the presence of nuclear power facilities, nuclear propulsion, or the disposal of nuclear waste in the Nelson City area.

In 1983, Council declared Nelson City to be a Nuclear Weapons Free Zone. This resolution has been reconfirmed three times, in April 1984, June 1987 and September 1993. The September 1993 resolution expanded the policy to include chemical and biological weapons and to prohibit the establishment of nuclear power, disposal of nuclear waste and use of nuclear propulsion within the city area.

DH3.2 objective

DH3.2.1 Elimination of the potential for radioactive contamination.

DH3.3 policies

DH3.3.1 To prohibit the establishment of or use of nuclear power, nuclear propulsion or the disposal of nuclear waste within the Nelson City area.

DH3.3.2 To maintain the present policy of Nelson City being a zone free of nuclear, chemical and biological weapons.

DH3.4 methods

DH3.4.1 Council will make appropriate provisions in its resource management plans to prohibit the establishment or use of nuclear power, nuclear propulsion or the disposal of nuclear waste, and to control the storage, use, disposal and transportation of radioactive substances within the Nelson City area.

DH3.4.2 Council will liaise with interested parties to assess the adequacy of existing controls on the storage, use, disposal and transportation of radioactive substances for purposes such as medicine, and will consider promoting or introducing additional controls if necessary.

DH3.5 principal reason for the adoption of these objectives, policies and methods of implementation

DH3.5.1 The adverse effect of nuclear contamination, whilst being low in probability, is high in potential impact. In order to promote the purpose of the Act, Council believes that nuclear contamination should be avoided.

DH3.6 anticipated environmental result

DH3.6.1 Maintenance of the Nelson City area as one which is free of radioactive contamination and the use of nuclear, chemical or biological weapons.

DH3.7

performance indicators

- DH3.7.1 The presence or absence of any facilities for the use of nuclear power or disposal of nuclear waste.
- DH3.7.2 The presence or absence of nuclear propelled craft or nuclear weapons capable ships, planes or conveyances from coastal waters and territory administered by Council.

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7

natural and amenity values



NA1 amenity values

NA1.1 issue

Areas of significant amenity and/or conservation value at risk of degradation.

Amenity values include a wide variety of factors which have a pronounced influence on our quality of life. They include:

- views;
- availability of sunlight and natural light;
- uncluttered space for outdoor living and recreation;
- absence of noxious elements and activities;
- peace and quiet;
- special characteristics of the environment including plants, trees, geological features and local landscapes;
- areas and items of cultural and historic significance, including townscape, historic sites and buildings, cultural and archaeological sites; and/or
- the natural character of the coast and rivers.

Section 7 of the Resource Management Act requires Council to maintain and enhance amenity values in Nelson City and to recognise and protect sites, buildings, places and areas of historic or cultural significance.

In order to meet its responsibilities under the Act, Council needs to identify potential adverse effects on amenity values and take positive steps to ensure that these are avoided, remedied or mitigated.

Some amenity values can be difficult to define and to protect. A feature significant to one person may be of little significance to another. Likewise one person may be more sensitive to an activity that detracts from an amenity value than another person.

Nelson is a growing community with a growing demand for the development and expansion of network services. The protection of amenity values can place constraints on the use and development of private land and on the provision of services and facilities. Caution should be exercised to ensure that development is not unnecessarily constrained and the cost and benefits of protection are equitably shared between private and public interests. The taking of financial contributions from subdividers and/or developers and the use of those funds by Council to acquire or protect these areas is one mechanism which Council can explore in order to protect areas of value to the community.

NA1.2

objective

NA1.2.1 Preservation or enhancement of amenity and conservation values.

NA1.3

policies

NA1.3.1 Council will, in consultation with Department of Conservation, tangata whenua and other appropriate organisations and agencies, identify areas or sites of significant amenity value based on the following criteria:

- i) natural or physical qualities of the area which contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attribute; and.
- ii) the absence of adverse effects which significantly detract from people's appreciation of pleasantness, aesthetic coherence and cultural or recreational attributes.

For sites or objects of historic or cultural significance, including archaeological sites, historic buildings or objects, the following additional criteria shall apply:

- iii) associations with significant persons or events, culture or traditions;
- iv) length of occupation of any place, including the significance of that occupation;
- v) whether the site is registered on any national data base;
- vi) the rarity or uniqueness of a particular site or object; and/or
- vii) the degree to which the site or object contributes to the aesthetic coherence of the wider townscape setting.

NA1.3.2 To recognise and provide for the protection of those significant amenity and conservation attributes which Council has the power to protect and which contribute to a site being recognised as significant, where these attributes:

- i) are considered to be of high vulnerability to change;
- ii) are subject to actual or potential threat of change; and
- iii) are not subject to any other relevant form of protection.

The degree of protection will be based on the relative importance of the site.

NA1.3.3 To avoid and as far as possible remedy or mitigate the conflicts between adjoining land uses including the provision of services and/or facilities.

NA1.3.4 To allow a wide range of potential uses, as an incentive for the retention of historic sites or buildings, providing these uses protect the heritage value of the resource. Council will actively encourage retention, reuse, care of and interpretation of older buildings and their histories on their original sites.

NA1.3.5 To prevent any activity on or adjacent to any significant township feature, cultural site, tree, or historic site or building, unless the adverse effects of that activity on the sites or features can be avoided, remedied, or mitigated.

NA1.3.6 To consider the use of development impact levies if appropriate to fund amenity and heritage protection and enhancement.

NA1.4

methods

- NA1.4.1 Council will undertake, or encourage and co-ordinate, the compilation of an inventory of significant townscape features, cultural sites, trees, and historic sites and buildings in Nelson City, including detailed drawings and photographs recording relevant attributes. This information will be made available to the public as it is compiled.
- NA1.4.2 Council will include rules in its District Plan (including the use of zoning) to reduce the potential for incompatible uses to establish in close proximity to identified townscape features, cultural sites, trees and historic sites and buildings of significance.
- NA1.4.3 Council will develop performance standards in its District Plan to protect the amenity value enjoyed at/on a particular site and at/on adjoining or nearby sites.
- NA1.4.4 Council will include rules in the District Plan which protect significant townscape features, cultural sites, trees, and historic sites and buildings, including the identification of heritage protection areas within which alteration, reconstruction or demolition of a heritage item requires a resource consent.
- NA1.4.5 Council will require that pre-determined standards are met, or appropriate resource consents granted, before any activity is undertaken which has the potential to adversely affect any significant townscape feature, cultural site, tree, or historic site or building.
- NA1.4.6 Where a resource consent is required for an activity with potential adverse effect on any significant townscape feature, cultural site, tree, historic site or building, or natural feature, Council will forward copies of the application to relevant organisations for their comment. Such organisations may include, but not be limited to, tangata whenua, New Zealand Historic Places Trust, New Zealand Archaeological Association, and Department of Conservation.
- NA1.4.7 Council will establish a heritage protection fund and will investigate, and if appropriate implement, the use of development impact levies to fund amenity and heritage protection and enhancement.
- NA1.4.8 Council will consider the purchase of significant buildings, sites, and items, in order to protect and enhance the amenity values enjoyed by the people of Nelson City and will investigate the taking and use of financial contributions to fund such purchases.
- NA1.4.9 Council will consider making provision in the annual plan for rates relief and/or grants towards the preservation of significant amenity or heritage sites or items. Council will allocate these funds where an approved preservation management plan is in place and the activity proposed is consistent with the provisions of the preservation management plan.
- NA1.4.10 Council will consider establishing a heritage protection committee including representatives of interested parties to advance the protection of significant townscape features, cultural sites, trees, and historic sites and buildings.
- NA1.4.11 Council will use Heritage Orders, abatement notices and enforcement orders where preservation of any significant townscape feature, cultural site, tree or historic site or building warrants such an approach.

- NA1.4.12 Council will notify land owners and developers of the presence of significant townscape features, cultural sites, trees, and historic sites and buildings protected under the District Plan and/or by the Historic Places Act, through the use of land and project information memorandums and the Conditions Book.
- NA1.4.13 Council will, in consultation with appropriate organisations and agencies, including tangata whenua, inform the public of their obligations relating to sites and objects of significant amenity value and will specifically liaise with owners of land on which such sites are located.
- NA1.4.14 Council will educate the public on the significance of amenity values and of their responsibilities regarding the protection of significant townscape features, cultural sites, trees, and historic sites and buildings.

NA1.5 **other relevant sections**

TW1	Tangata Whenua Interests
DH1	Urban Expansion
NA3	Protection of Significant Areas of Indigenous Vegetation and Significant Habitats of Indigenous Fauna
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
WA2	Water Allocation
DA1	Air Quality
DA2	Noise
IN1	Transport
IN3	Maritime Transport

NA1.6 **principal reasons for the adoption of these objectives, policies and methods of implementation**

- NA1.6.1 Responses to the Issues and Options paper and the Proposed Regional Policy Statement indicated a preference for the adoption of methods which protect the amenity values enjoyed by the people of Nelson City.
- NA1.6.2 The approach Council has adopted is consistent with the Purpose and Principles (Part II) of the Resource Management Act, in particular sections 7(c) and 7(e).
- NA1.6.3 The approach Council has adopted in relation to amenity values is consistent with the findings of a number of independent studies of amenity values which Council has commissioned during the preparation of this Regional Policy Statement and its District Plan.
- NA1.6.4 The approach Council has taken builds on provisions Council introduced under previous legislation and is therefore familiar to the people of Nelson City.

NA1.7

anticipated environmental results

- NA1.7.1 The protection and enhancement of significant townscape features, cultural sites, trees, and historic sites and buildings while minimising conflict with private land ownership rights.
- NA1.7.2 Development which is sympathetic to or complements significant townscape features, cultural sites, trees, and historic sites and buildings.
- NA1.7.3 Minimisation of conflict between adjoining land uses in relation to a compromise of amenity values.

NA1.8

performance indicators

- NA1.8.1 Significant townscape features, cultural sites, trees and historic sites and buildings being afforded a level of protection which preserves or enhances the amenity values enjoyed by the people of Nelson City
- NA1.8.2 A reduction in the number of conflicts between adjoining land uses identified through complaints received by Council.

NA2

landscape values and natural features

NA2.1

issue

Adverse impacts on natural features and the landscape character of Nelson City.

The landscape character of Nelson City is unique and dominated by physical landforms. The city is located at the head of Tasman Bay behind the Nelson Boulder Bank and is flanked by a number of ranges of hills rising from coastal foothills up to the city boundary along the ridge of the Bryant Range. The urban area is principally located on the narrow coastal plain, the floodplain of the Maitai River and the coastal foothills. Other parts of the coastal plain and the inland valleys mainly support pastoral farming. The coastal foothills support a variety of uses including pastoral farming, exotic forestry, reserve land, exotic shrubland, and regenerating native bush.

The main divide of the Bryant Range forms a dominant backdrop to the city. It is mainly comprised of indigenous or regenerating indigenous vegetation, including beech forest, specialised ultramafic vegetation and subalpine species. This area is in two land ownerships: the Mt Richmond Forest Park administered by the Department of Conservation and the Water Works Reserve administered by Nelson City Council.

Major threats to the landscape character of the Nelson City area include:

- Residential expansion especially along prominent ridgelines in the urban area. These result in loss of natural colours and patterns, development of a saw tooth appearance to ridgelines from houses and other prominent structures, and loss of public views from the ridgeline.
- Loss of views from within the urban area to prominent landscape features such as the coast or ridgelines. This may include the loss of prominent views from main routes in and out of the city, loss of views from within the central business district to the hills and coast, and blurring of the urban rural interface.

- Exotic forest establishment and harvesting along prominent foothills. This may result in removal of native vegetation, development of tracks and landings, and changes in landscape colours and patterns especially during harvesting.

The landscape characteristics and ownership patterns are such that they provide a useful basis on which to develop resource management plans such as the District Plan as they draw together many features important to the conservation and amenity values in Nelson City.

For such a small country, New Zealand has a unique and extremely diverse natural landform, geological and soil heritage as a result of its long and complex geological history and location between two of the world's crustal plates. Nelson City area is no exception and contains a large number of landforms such as the Nelson and Cable Bay Boulder Bank, mineral sites such as the Dun Mountain chromite and olivine deposits, earth deformation sites such as the Whangamoia Fault, fossil localities such as The Cliffs, and igneous sites such as the Pepin Island intrusives.

There are a wide variety of human activities, such as major earthworks, forestry, farming, and quarrying, that may threaten the natural character or continued existence of these natural features

The variety of landscape types and landforms in the Nelson area is complemented by a diverse range of habitats and corresponding diversity of wildlife. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is addressed in detail in Section 6.3.

NA2.2

objective

NA2.2.1 A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected.

NA2.3

policies

NA2.3.1 To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City.

NA2.3.2 To avoid development which detracts from the amenity afforded by dominant ridgelines.

NA2.3.3 To avoid development which detracts from the landscape and amenity values afforded by viewshafts within the urban area and by gateways between urban and rural areas and between different landscape units.

NA2.3.4 To encourage land use practices in rural areas which avoid, remedy, or mitigate impacts on landscape values.

NA2.3.5 To identify and protect significant landscape and natural features throughout the city area, including:

- i) natural or physical features considered to be of regional, national, or international significance;
- ii) macro features which contribute to the landscape setting of Nelson;
- iii) natural or physical qualities of the area which contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes; and

- iv) the absence of adverse effects which significantly detract from people’s appreciation of pleasantness, aesthetic coherence and cultural and recreational attributes.

NA2.3.6 To identify landscape areas and natural features of significant conservation value based on the following criteria:

- i) significant Maori cultural sites identified now or in the future in accordance with tikanga maori;
- ii) protected areas such as reserves, sanctuaries and parks;
- iii) scenic sites of national or international significance, including their collective characteristics;
- iv) representative examples of regionally, nationally or internationally significant or outstanding landforms; and
- v) geologic features of regional, national or international significance and of high vulnerability.

Note: Identification of areas of significant conservation value will be undertaken in consultation with Department of Conservation, tangata whenua, and other appropriate organisations, agencies and individuals.

NA2.3.7 To recognise and provide for the protection of those landscape and natural attributes which contribute to a site being recognised as significant where these attributes:

- i) are considered to be of high vulnerability to change;
- ii) are subject to actual or potential threat of change;
- iii) are not subject to any other relevant form of protection; and
- iv) it is within Council’s powers to achieve appropriate protection.

The degree of protection will be based on the relative importance of the site.

NA2.3.8 To prevent any activity on or adjacent to any significant landscape or natural feature unless the adverse effects of that activity on the site or feature can be avoided, remedied, or mitigated.

NA2.3.9 To preserve the natural character of the coastal environment.

NA2.4

methods

NA2.4.1 Council will undertake a detailed inventory of landscape and natural features in order to assess their relative significance, vulnerability and the degree to which they are threatened.

NA2.4.2 Council will introduce rules in its District Plan to restrict land use activities with the potential to impact on significant landscape and natural features.

NA2.4.3 Council will consider purchasing particular significant landscape and natural features where they meet established criteria and as they become available.

NA2.4.4 Council will encourage those persons undertaking subdivisions or other activities attracting development contributions to vest significant landscape and natural features in Council.

- NA2.4.5 Council will encourage and, where it considers appropriate, assist landowners and resource users to protect significant landscapes and natural features through covenants and other mechanisms.
- NA2.4.6 Council will develop landscape and building appearance guidelines in order to advise applicants seeking resource consents.
- NA2.4.7 Council will consider and, where appropriate, prepare a landscape management strategy for the city foothills and the Maitai Valley in order to co-ordinate land management and to preserve and enhance Nelson’s landscape setting.
- NA2.4.8 Council will require that pre-determined standards are met or appropriate resource consents are granted before any activity is undertaken which has the potential to adversely affect any significant landscape or natural features.
- NA2.4.9 Council will use abatement notices and enforcement orders where protection of significant landscape and natural features warrants such an approach.

NA2.5

other relevant sections

- DH1 Urban Expansion
- NA1 Amenity Values
- NA3 Protection of Areas of Significant Vegetation and Significant Habitats of Indigenous Fauna
- NA5 The Management of Riparian and Coastal Margins
- CO1 Management of the Coastal Environment

NA2.6

principal reasons for adoption of these objectives, policies and methods of implementation

- NA2.6.1 Responses to the Issues and Options paper and the Proposed Regional Policy Statement indicated a preference for a high level of protection of Nelson City’s landscape.
- NA2.6.2 Submissions on the Proposed Regional Policy Statement requested a separate section dealing with landscape and natural features.
- NA2.6.3 The approach being taken draws upon and is consistent with preliminary landscape assessments undertaken for Nelson City Council during the preparation of this Regional Policy Statement.
- NA2.6.4 The approach taken is consistent with the matters contained in Part II of the Resource Management Act.

NA2.7

anticipated environmental results

- NA2.7.1 Preservation or enhancement of significant landscape and natural features while minimising conflict with private land ownership rights.
- NA2.7.2 Development which is sympathetic to or complements significant landscape and natural features.

NA2.8

performance indicators

- NA2.8.1 Positive protection being introduced for significant landscape and natural features.
- NA2.8.2 Developments which preserve or enhance landscape and natural features.

NA3

protection of significant indigenous vegetation and significant habitats of indigenous fauna

NA3.1

issue

The limited extent of remaining indigenous flora and habitats of indigenous fauna, and their lack of formal protection, outside land administered by the Department of Conservation.

The Resource Management Act states that the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance. It also requires Council to have particular regard to the intrinsic values of ecosystems. This section relates to the role of Council in relation to all areas of significant indigenous vegetation and significant habitats of indigenous fauna, whether part of terrestrial, fresh water or coastal ecosystems.

In order to achieve the protection of these resources, it is necessary to:

- decide what level of significance is appropriate in terms of the need for protection;
- identify existing areas of significance;
- curtail further modification of areas of significance; and
- rehabilitate areas of significance which have been unacceptably modified.

Potential issues arise when:

- the protection of these natural resources conflicts with a development that a landowner wishes to undertake;
- the control of activities which may result in unacceptable effects on indigenous vegetation and significant habitats of indigenous fauna will have adverse economic impacts on those proposing the activity; and/or
- the protection or rehabilitation requires expenditure by either private or public sectors.

The former Wildlife Service published a survey report on the wildlife of the Nelson region in 1987. This report was not just restricted to consideration of the wildlife itself but also habitat issues such as habitat loss and the effect of predators (eg cats) and browsers (eg goats).

The report concluded that:

“While the rugged Nelson mountains are largely still forested, 150 years of European settlement have reduced the natural vegetation of the lowlands to tiny “islands” of forest and wetlands isolated from each other by pasture, exotic forests, urban areas and roads”.

The Wildlife Service survey registered and mapped these “islands’ as sites of special wildlife interest. While in other regions of New Zealand a lower size limit of survey was set at 10 ha for forests and 0.5 ha for wetlands, in Nelson this limit was reduced to 1 ha for forests and 0.25 ha for wetlands. With so few natural areas remaining on the lowlands, all remaining remnants have increased wildlife value, at least regionally.

Nelson City also contains features of international significance such as the Boulder Bank, and of national significance such as the Waimea Inlet.

Utilising material from their First Order Coastal Resources Inventory for the Nelson Marlborough Conservancy, the Nelson Marlborough Conservancy of the Department of Conservation has prepared an inventory of “Internationally and Nationally Important Coastal Areas from Waimea Inlet to Cape Soucis” (Nelson Marlborough Conservancy, Occasional Publication No 15). Based on their geomorphic and ecological significance the following sites of international and national importance have been identified in the coastal environment of the region.

Index of Internationally and Nationally Important Sites in the Coastal Environment from Waimea Inlet to Cape Soucis

Site	Status
Back Beach (Waimea Inlet)	International
Nelson Boulder Bank	International
Waimea Inlet	National
Nelson Haven	National
The Glen to Cable Bay	National
Delaware Inlet and Spit, Pepin Island	National
Whangamoia Estuary	National
Whangamoia River Mouth to Cape Soucis	National

It is of significance that the entire coastal margin of Council area, with the exception of the Port Nelson area and the coastal margin between Maori Pa Beach and Whangamoia Head, is identified as of national or international significance.

A survey undertaken for the Nelson City Council during 1993 identified and established a ranking for geomorphic and ecological priority conservation areas in the District. The ranking order is based on the present threat to the habitat, using measures of the availability of that habitat type, land ownership, and adjoining land use.

Priority Conservation Habitats

Priority of Area	Habitat Type
High priority on alluvial soils	<ul style="list-style-type: none"> • Indigenous forest and regenerating indigenous forest areas • Coastal sand dune, spit and boulder communities • Coastal forest and shrub land • Estuarine communities • Ultramafic communities (Dun Mountain area) • Freshwater wetlands and riparian indigenous forest • Significant rivers and regenerating riparian margins
Medium priority areas	<ul style="list-style-type: none"> • Lowland hill country indigenous forest • Regenerating shrub land areas • Upland indigenous forest
Lower priority areas	<ul style="list-style-type: none"> • Exotic vegetation • Rural grasslands • Urban areas

It is important that protection is co-ordinated between all interested parties, including Nelson City Council, Department of Conservation, tangata whenua, adjoining local authorities, Queen Elizabeth II National Trust, New Zealand Historic Places Trust, private land owners and others.

Formal protection of significant areas and species may not in itself be enough for the long term enhancement of these resources. There is also a need to improve our management techniques to maintain and enhance these features. For example, many significant areas of remnant forest are suffering damage from browsing animals including stock and pest species, existing vegetation is being damaged and regeneration is being prevented. Improved management such as fencing to exclude domestic stock and pest control operations, especially against possums and goats, would in the absence of formal protection enhance the chance of survival of these remnants and their future regeneration.

There are already a number of mechanisms and initiatives in existence which include the promotion of the protection and sustainable management of areas of indigenous vegetation. These include the Conservation Management Strategy and other Department of Conservation strategies, the New Zealand Forest Accord, the Forests Act 1949, the Queen Elizabeth II Covenant Scheme, plus numerous local and private initiatives.

NA3.2 objectives

- NA3.2.1 Protection of areas of significant indigenous flora and significant habitats of indigenous fauna.
- NA3.2.2 Restoration and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna, undertaken as appropriate.

NA3.3 policies

- NA3.3.1 To promote the protection of areas of significant indigenous vegetation and habitats of indigenous fauna which are recognised for their ecological, scientific, botanical, intrinsic, amenity, landscape, cultural or conservation values. In determining the significance of these resources, matters to be considered shall include:
- i) the extent of that habitat type within the ecological region or district;
 - ii) the quality of the vegetation, or of the habitat, for the species including its degree of modification;
 - iii) the diversity and abundance of species of plants and animals supported by that habitat;
 - iv) habitats, communities or areas important to the continued survival of indigenous species of plants and animals;
 - v) habitats, communities or areas containing nationally or regionally rare or vulnerable species of plants and animals;
 - vi) habitats or areas that support indigenous species or subspecies of plants or animals that are uncommon or threatened with extinction (rare, vulnerable, or endangered) within the ecological region or district and ecological corridors connecting such areas;

- vii) the representativeness of the area, habitat, or community within the ecological region or district;
- viii) the contribution of the area or habitat as an integral part of an association, community or ecosystem;
- ix) the contribution of the area or habitat to ecological, scientific and intrinsic values, to cultural and spiritual values of tangata whenua, and to recreational, amenity, heritage, landscape, and conservation values of regional, national, or international significance;
- x) the importance of the area for the maintenance and enhancement of water quality and quantity, fishery habitat including the habitat of indigenous fish, soil conservation, and natural hazard avoidance and mitigation;
- xi) areas which contain regionally endemic species or communities;
- x) wetlands, estuaries and lagoons of regional, national or international importance, including those:
 - a) necessary to act as buffer areas;
 - b) of importance as spawning grounds or nurseries for marine and fresh water species;
 - c) where related catchments, marginal lands and tidal flats have been minimally modified;
 - d) strategically situated to act as stepping stones for migratory species along coastal tracts;
 - e) of importance to marine mammals and birds; and/or
 - f) containing significant or threatened ecosystems, flora, fauna, and/or habitats.

NA3.3.2 To recognise and provide for the protection of those attributes which contribute to a site being recognised as an area of significant indigenous vegetation or significant habitat of indigenous fauna, where these attributes:

- i) are considered to be of high vulnerability to change;
- ii) are subject to actual or potential threat of change;
- iii) are not subject to any other relevant form of protection; and
- iv) it is within Council's powers to achieve appropriate protection.

The degree of protection will be based on the relative importance of the site.

NA3.3.3 To encourage the retention of all areas of indigenous vegetation.

NA3.3.4 To advocate to landowners or occupiers the need for protection of priority areas where they occur outside the Crown Estate, and to consider methods and mechanisms to ensure that this protection occurs.

NA3.3.5 To maintain and protect corridors important to the movement of biota and to recognise the intrinsic values of ecosystems.

NA3.3.6 To encourage the planting of indigenous flora species, and where possible of local genetic stock, when rehabilitation or restoration of these significant or priority natural areas is undertaken.

NA3.3.7 To take into account the conservation of areas of indigenous vegetation and significant habitats of indigenous fauna and regenerating shrubland when managing Council's own land holdings.

NA3.4

methods

- NA3.4.1 Council will, in consultation with appropriate agencies including tangata whenua, identify priority areas for protection of indigenous vegetation and significant habitats of indigenous fauna which are of regional, national or international significance.
- NA3.4.2 Council will, in consultation with Department of Conservation, local interest groups and landowners, undertake field verification of areas of indigenous vegetation and significant habitats of indigenous fauna which are of priority for protection.
- NA3.4.3 Council will, in its resource management plans, identify areas where esplanade reserves or strips will be required for protection of these significant natural values.
- NA3.4.4 Council will, in its resource management plans, identify areas where resource consents must be obtained before any activity with the potential to result in significant adverse effect on a priority protection area is permitted.
- NA3.4.5 Council will evaluate the most appropriate protection mechanism, establish criteria for the acquisition of land, and consider provision of funds through the annual plan for assistance with protective covenants and for land purchase.
- NA3.4.6 Council will require an application for a resource consent for any activity with the potential to result in a significant adverse effect on any identified priority protection area and will consider the use of abatement notices and enforcement orders where protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna warrants such action.
- NA3.4.7 Council will prepare management plans for all Council-owned reserves containing areas of significant indigenous flora and significant habitats of indigenous fauna.
- NA3.4.8 Council will promote the maintenance and enhancement of suitable indigenous riparian vegetation.
- NA3.4.9 When undertaking or requiring restoration or rehabilitation planting, Council will give preference to the use of indigenous species from local genetic stock.
- NA3.4.10 Council will consider contributing on a case by case basis towards the cost of establishing protective covenants over private land and the provision of rates relief and other assistance for the areas protected where there is a commensurate public benefit.
- NA3.4.11 Council will raise public awareness of the need to conserve and enhance areas of significant indigenous vegetation and habitats of significant indigenous fauna through promotional material and personal contact and encourage private initiatives to undertake this work.
- NA3.4.12 Council will encourage and assist landowners to adopt management practices which sustainably manage, preserve or enhance significant areas of indigenous vegetation and significant habitats of indigenous fauna on their land.

- NA3.4.13 Council will advocate to central government about the protection of priority protection areas through appropriate management of the Crown Estate and/or through its rationalisation.

NA3.5 other relevant sections

TW1	Tangata Whenua Interests
DH1	Urban Expansion
NA1	Amenity Values
NA4	Management of Pests (Animals and Plants)
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
WA2	Water Allocation

NA3.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- NA3.6.1 Responses to the Issues and Options paper and the Proposed Regional Policy Statement indicated a preference for objectives, policies, and methods to include a full range of protective measures for areas of significant indigenous vegetation and significant habitats of indigenous fauna, including the use of rules and resource consents procedures.
- NA3.6.2 Many areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Nelson area are located in or adjoining the coastal marine area. The Minister of Conservation may specify that activities which have an adverse effect on these values are to be considered as restricted coastal activities. The objectives and policies adopted are consistent with this specification.

NA3.7 anticipated environmental results

- NA3.7.1 Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from adverse effects resulting from land use change and development while minimising conflict with private land ownership rights.
- NA3.7.2 Management of significant areas of indigenous vegetation and significant habitats of indigenous fauna to actively enhance their intrinsic values.

NA3.8 performance indicators

- NA3.8.1 Progress towards and achievement of formal protection of priority areas.
- NA3.8.2 Changes in the area of significant indigenous vegetation and significant habitats of indigenous fauna where stock are excluded and pests are controlled.
- NA3.8.3 Restoration of degraded aspects of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

NA4 the management of pests (animals and plants)

NA4.1 issue

Adverse effects on natural and physical resources as a result of pest infestations.

The protection of significant indigenous vegetation and significant habitats of indigenous fauna is stated as a matter of national importance, while the maintenance and enhancement of the quality of the environment is stated as a matter to which particular regard must be had (see sections 6(c) and 7(f) of the Act).

Animal and plant pests can result in destruction of indigenous vegetation and significant habitats of indigenous fauna, reduced productivity, increased costs for the agricultural and forestry sectors, accelerated soil erosion, and changes to the quality and character of the environment.

The threat posed to sustainable management by pests varies from area to area depending on the physical characteristics of the site, the use to which the site is put and the pest species present. It is not limited to the dynamics of problem plants or animals but also includes the way in which the land is managed. Changes in land management can result in an area being more or less prone to pests than it otherwise might. In some areas the threat is small and there is little justification for Council involvement. There may be other circumstances where the threat posed is unacceptable and Council intervention is required, in order to promote sustainable management.

Both problem animals and plants are now treated as pests to be dealt with through either a National or Regional Pest Management Strategy under the Biosecurity Act which came into force on the 1st of October 1993.

Any Minister of the Crown on his/her own initiative or as a result of a request (from anyone) can propose a National Pest Management Strategy. A regional council (or unitary authority) may propose, approve and implement a Regional Pest Management Strategy on its own initiative or as a result of a request. Any Regional Pest Management Strategy must be consistent with any National Pest Management Strategies. Funding is by levies or rates and specified in the strategy.

Nelson City Council at the time of preparing this Regional Policy Statement had not completed a review of its pests responsibilities in accord with the provisions of the Biosecurity Act. Council is, therefore, not in a position to establish its policy on particular pests. The present intention of this section of the Regional Policy Statement is to establish the policy environment in which the outcome of this review may be.

NA4.2 objectives

NA4.2.1 Natural and physical resources not subject to significant adverse effects as a result of existing pest infestation.

NA4.2.2 Prevention or rapid control of new infestations of pest species in the Nelson City area.

NA4.3

policies

- NA4.3.1 To consider the preparation of a Regional Pest Management Strategy under the provisions of the Bio-Security Act 1993 in circumstances where:
- i) pest damage to areas of significant indigenous vegetation and significant habitats of indigenous fauna is threatening their continued viability;
 - ii) pest damage to commercial species is occurring to the extent that the value of the damage outweighs the cost of pest control operations;
 - iii) pest infestations are crossing property boundaries;
 - iv) pest populations significantly detract from people's use or enjoyment of natural and physical resources;
 - v) pest numbers are adversely affecting soil conservation values;
 - vi) pest numbers are resulting in unacceptable degradation of water quality; and/or
 - vii) there is a significant risk of a pest species establishing in the Nelson region which would result in one or more of the situations in (i-vi) above.
- NA4.3.2 To ensure pest control is undertaken when the number of pests has reached such a level that damage to natural or physical resources is likely.
- NA4.3.3 To encourage co-operation and co-ordination of pest control initiatives locally and nationally between private, local government and central government agencies.
- NA4.3.4 To require landowners or occupiers to meet the cost of remedying a pest infestation where they have failed to undertake adequate pest control work on their land.
- NA4.3.5 To promote land management practices which reduce the potential for pest infestation and to provide for these when preparing or reviewing Council's District Plan.
- NA4.3.6 To encourage further research and development into environmentally friendly methods of pest control, but in the interim to support the use of 1080 and other poisons for control where this is considered appropriate.

NA4.4

methods

- NA4.4.1 Council will, in consultation with landowners, occupiers, and relevant agencies, identify pest species of greatest concern and prepare a monitoring programme to provide information on trends in pest numbers and their associated adverse effects on the environment.
- NA4.4.2 Council will encourage all landowners and occupiers to control pest numbers on their land to achieve a level where resource damage is avoided. To achieve this, Council will provide information to landowners and occupiers on methods of pest control, including land use change.

- NA4.4.3 Council will prepare a Regional Pest Management Strategy where it is shown that pest numbers are or may result in a significant adverse effect on the environment and that landowners are failing to take steps to adequately control them. The Strategy will include provisions which allow Council to enforce pest control where necessary to prevent adverse effects on natural and physical resources.
- NA4.4.4 Council will support further research and development into biological control agents and evaluate more environmentally friendly methods of pest control, including commercialisation of pest species where appropriate.
- NA4.4.5 Council will prepare pest management plans for Council owned land and will make these available for public inspection.
- NA4.4.6 Council will liaise with Tasman and Marlborough District Councils, Department of Conservation, forestry interests, tangata whenua, private landowners, and the Ministry of Agriculture and Fisheries in the preparation of its Regional Pest Management Strategies.
- NA4.4.7 Council will advocate appropriate land management practices which reduce the potential for pest infestation.
- NA4.4.8 Council will, through distributing literature such as the rates newsletter and through personal contact, raise public awareness of the need to manage pests and encourage private initiatives to undertake this work.

NA4.5

other relevant sections

- NA3 Protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
- CO1 Management of the Coastal Environment
- SO1 Sustainability of the Soil Resource

NA4.6

principal reasons for the adoption of these objectives, policies and methods of implementation

- NA4.6.1 Council does not currently hold sufficient information regarding pest numbers and their associated effect on natural and physical resources to ascertain the need or otherwise for regional pest management strategies. At present there is no request for Council to develop a strategy for any particular pest. Council therefore believes that its first priority should be the collection of information on pests in its area.
- NA4.6.2 Submissions on the Proposed Regional Policy Statement indicated a preference for pest control undertaken by the land owners and occupiers themselves rather than Council becoming directly involved in pest destruction.
- NA4.6.3 Response to the Issues and Options paper which preceded the Regional Policy Statement indicated a preference for the use of pest control techniques through land management changes where appropriate.

- NA4.6.4 Nelson City Council is aware of the potential dangers involved with the use of poisons for pest control work and therefore supports the development of environmentally friendly methods as more appropriate in the longer term. However, Council also recognises that in the short term often the only way of achieving the rapid control of excessive pest numbers, and hence avoiding adverse effects on natural and physical resources, is through the use of poisons.

NA4.7 **anticipated environmental results**

- NA4.7.1 Land use practices which mitigate increases in pest numbers.
- NA4.7.2 Control of pest numbers undertaken before adverse effects on natural and physical resources become apparent.
- NA4.7.3 A greater community awareness of pest related issues and a greater landowner commitment to undertaking regular pest control work.

NA4.8 **performance indicators**

- NA4.8.1 Monitoring of pest numbers, in order to determine whether these are below the threshold where significant adverse effects on natural and physical resources are likely.
- NA4.8.2 Monitoring of land use activities in order to determine the extent of adoption of land use practices which result in reduced proneness to pest infestations.

NA5 **management of riparian and coastal margins**

NA5.1 **issue**

Loss of the natural character, riparian habitats, and public access to and along rivers, wetlands and the coastal environment as a result of intensification and development of land use and activities in and adjoining rivers and the coastal marine area.

The linkage between the land and surface water is the riparian or coastal margin. It is an area of considerable significance in terms of the interaction between land and water and is accorded special significance in the purpose and principles of the Resource Management Act.

Matters referred to in Part II of the Act include:

- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations.
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems.
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and protection of these resources from inappropriate subdivision, use and development.

- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- The maintenance and enhancement of amenity values.
- The maintenance and enhancement of the quality of the environment.
- Protection of the habitat of trout and salmon.

As a dynamic meeting place of land and water, riparian and coastal margins have their own distinctive character and amenity. They:

- have a special and distinct landscape character;
- may be subject to rapid erosion and accretion;
- may be subject to inundation;
- are the meeting point between terrestrial and aquatic species;
- contain specially adapted species;
- are the point at which pollutants from land-based activities enter surface waters;
- are important for access to and along water bodies, including for the purposes of trout fishing and white baiting;
- are often highly productive ecosystems;
- may contain vegetation and structures which impact on water quality and aquatic habitats through shading, stabilising river banks, creation of backwaters and supply insects for fish species;
- are important focuses for a wide range of recreational pursuits;
- may contain a high number of important cultural sites;
- are important areas for the collection of mahinga kai;
- are often considered desirable areas for residential and commercial development; and/or
- contain vital coastal related activities such as ports (refer: Maritime Transport section).

Discharges of contaminants into water bodies can occur as either point or diffuse discharges. Point discharges usually occur through a pipe or drain and are generally unaffected by riparian management. Diffuse discharges can result from activities such as stock grazing, cultivation, harvest of vegetation, or roading. These can destroy protective vegetation or result in the generation of sediments or other pollutants. Where this occurs adjacent to water bodies, it can result in environmental damage to stream and water systems. Where vegetation occurs between the diffuse discharge and the water body, adverse effects can be remedied or mitigated through the filtering or fixing action of the vegetation.

The management of riparian and coastal margins can be undertaken in a variety of different ways and for a variety of purposes including:

- preservation of water quality through the shading, filtering and fixing action of appropriate riparian vegetation;
- preservation of the natural character, areas of conservation significance, areas of recreation or access significance, cultural sites, and natural features;
- avoidance of conflict between competing activities;
- provision for essential coastal activities;
- avoidance, remedy or mitigation of natural hazards, particularly those associated with erosion or inundation; and/or

- the control of land use activities to minimise the discharge of contaminants, including sediment generated by land disturbance, stock or discharges from structures including cowsheds or septic tanks.

Methods to achieve this may include:

- the use of reserve such as esplanade reserves or strips along riparian or coastal margins to ensure that these areas are managed in such a way as to preserve and enhance conservation, recreational and public access values;
- the use of rules controlling development and land disturbance within specified distances of water bodies;
- the use of incentives to encourage landowners to undertake appropriate land management along riparian and coastal margins including maintenance of healthy vegetation and, where appropriate, restoration and revegetation of these areas; and
- the use of public education to inform the public of the benefits of appropriate riparian management and ways in which these benefits can be achieved.

Riparian and coastal margins are in a variety of ownerships, both public and private. Proposed acquisition of esplanade reserves, or controls placed on the use of these areas through esplanade strips or general land use control, will often constrain private land owners in their use of adjoining areas and so introduce management problems. Such problems may include:

- constraints on access to drinking water for stock;
- loss of productive land;
- fencing costs along water courses;
- stock disturbance and security problems.
- constraints on the locations of structures and discharges; and/or
- may act as a refuge for noxious plants and animal pests.

The requirements for the riparian and coastal margins need to be developed through consultation with landowners and any rules or guidelines developed need to take into account their impact on private landowners.

NA5.2

objectives

- NA5.2.1 Management of riparian and coastal margins which protects and enhances significant habitats, natural features, natural functions, natural character, landscape, amenity, cultural features and water quality.
- NA5.2.2 Riparian and coastal margins where natural processes such as floods and erosion do not result in damage to structures or danger to human health and safety.
- NA5.2.3 Protection and enhancement of public access and recreational opportunity to and along riparian and coastal margins consistent with protection of land ownership rights and conservation values.

- NA5.3.1 To identify and protect the natural character of riparian and coastal margins where any or all of the following features or values exist:
- i) presence of regionally or nationally significant natural features, indigenous vegetation, or regionally or nationally significant habitats of aquatic fauna;
 - ii) scenes or landscapes of regional or national significance within which water forms an essential component;
 - iii) landforms or geological features of regional or national significance;
 - iv) heritage, recreational, scientific or other amenity or intrinsic values of regional or national significance;
 - v) actual or potential occurrence of significantly degraded water quality as a result of non point discharges of pollutants;
 - vi) natural hazards such as flooding, erosion or sedimentation, within or adjoining a coastal or riparian margin;
 - vii) the need to maintain access to and along riparian and coastal margins for river maintenance or river/coastal protection works; and/or
 - viii) the need to provide wildlife corridors between significant habitat areas.
- NA5.3.2 When establishing priorities for management of riparian and coastal margins, to attempt to minimise the impact on existing and adjoining land and water use, including customary usage of the adjacent river or sea.
- NA5.3.3 Where a riparian or coastal margin is considered to be of high priority for protection, to give preference to the establishment of an esplanade reserve.
- NA5.3.4 Where a riparian or coastal margin is considered of moderate priority for protection, to give priority to the negotiation of esplanade strips.
- NA5.3.5 Where a riparian or coastal margin is considered of low priority for protection, to encourage appropriate management through general provisions in the District Plan but otherwise not seek additional protection.
- NA5.3.6 To assess the required width of esplanade reserves and strips in terms of the reasons for establishing them.
- NA5.3.7 To consider the establishment of esplanade reserves and esplanade strips along water bodies of less than three metres in width if the values associated with these water bodies:
- i) satisfy the criteria outlined in Policy 1;
 - ii) are under potential threat; and
 - iii) cannot be protected through other mechanisms.
- NA5.3.8 To compensate landowners where appropriate for taking esplanade reserves and strips in accordance with the provisions of the Act.

(NA) natural & amenity values

- NA5.3.9 To permit public access of right to esplanade reserves and esplanade strips, except where:
- i) conservation values may be jeopardised by public access
 - ii) emergency situations may arise and so make public access inappropriate; or
 - iii) instruments creating esplanade reserves, esplanade strips or access strips themselves place restrictions on public access.
- NA5.3.10 Unless legislative or operational requirements dictate otherwise, to manage riparian and coastal margins under Council's ownership or control in such a way as to protect habitats, natural processes, natural character, cultural values, natural features and landscapes, amenity values, the life-supporting capacity of ecosystems, water quality and public access.
- NA5.3.11 To recognise the dynamic nature of riparian and coastal margins and to seek to avoid developments which have the potential to be adversely affected by (or accentuate) natural hazards, including flooding, erosion and accretion events.
- NA5.3.12 To advocate or promote management practices for riparian land that enhance existing or desired natural characteristics and values.
- NA5.3.13 To manage riparian and coastal margins in such a way as to enhance or maintain water quality.

NA5.4

methods

- NA5.4.1 Council will, in consultation with tangata whenua, Department of Conservation, Nelson Marlborough Fish and Game Council, land owners, community interest groups, and other appropriate parties, identify riparian and coastal margins which are of priority for acquisition and will list these in the District Plan.
- NA5.4.2 Council will, through its District Plan, require esplanade reserves in priority areas, at the time of subdivision.
- NA5.4.3 Council will, through personal contact and rates newsletters, encourage appropriate management of riparian and coastal margins.
- NA5.4.4 Council will under section 33 of the Act consider transferring the administration of esplanade reserves to local iwi where the esplanade reserve itself, or the land or water adjoining it, are of significance to iwi and the transfer will not detract from the purpose for which the esplanade reserve was established.
- NA5.4.5 Council will include appropriate riparian management provisions in its own reserves management plans.
- NA5.4.6 Council will require resource consents for any significant land disturbance, vegetation clearance or the erection of new structures in existing or proposed esplanade reserves and esplanade strips, and will consider such activities against the following criteria:
- i) the reasons for establishing the esplanade reserve or strip.
 - ii) the need for the work.
 - iii) the likely effects of the work on the environment and on the integrity of the esplanade reserve or strip;

- iv) available means of avoiding, remedying, or mitigating likely effects on the environment and the integrity of the esplanade reserve or strip;
- v) the costs and benefits of alternative means of achieving the desired outcome, including the 'do nothing' option; and
- vi) the potential to offset adverse effects through environmental compensation.

- NA5.4.7 Council will provide for the maintenance of existing works and structures within riparian and coastal areas, provided such maintenance does not exceed existing scale and intensity and any adverse effects are avoided, remedied, or mitigated.
- NA5.4.8 Council will require resource consents to be granted for works and structures in riparian and coastal margins other than those necessary for specific protection programmes, where such activities are likely to result in significant adverse effects on the environment. Council will place suitable conditions on any consents granted to ensure that works and structures are appropriately designed and maintained, and are removed when no longer required.
- NA5.4.9 Where priority riparian areas become available and protection can not be achieved in any other way, Council will consider purchase of these areas.
- NA5.4.10 Council will negotiate esplanade strips and access strips with the appropriate land owners in areas where these devices are most appropriate to achieving the purpose of the Act.
- NA5.4.11 Council will work with land managers, sector groups (in particular those involved with agriculture, horticulture, forestry, land-based aquaculture and network utilities) and other interest groups to develop strategies and/or codes of practice to avoid, remedy, or mitigate adverse effects caused by riparian land use releasing sediment, chemical or biological contaminants into water bodies.
- NA5.4.12 Council will take enforcement action as appropriate to protect the functioning and integrity of riparian margins where it believes that provisions of the Act, a relevant resource management plan or resource consent are being contravened.
- NA5.4.13 Council will promote the maintenance and enhancement of suitable indigenous riparian vegetation.

NA5.5

other relevant sections

TW1	TangataWhenua Interests
DH2	Natural Hazards
NA1	Amenity Values
NA3	Protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
SO1	Sustainable Management of Soils
IN3	Maritime Transport

NA5.6

principal reasons for the adoption of these objectives, policies and methods of implementation

- NA5.6.1 The Resource Management Act places an obligation on both regional and district councils to take strong measures to protect and enhance riparian and coastal margins. This is reflected in provisions in Part X of the Act regarding esplanade reserves. Given this strong emphasis, it is appropriate that the objectives, policies and methods adopted by Council make positive commitment to the protection of riparian and coastal margins.
- NA5.6.2 Submissions on the Proposed Regional Policy Statement and responses to the Issues and Options paper, indicated a preference for objectives, policies, and methods to include a full range of protective measures for riparian and coastal margins, including the use of rules and resource consents.

NA5.7

anticipated environmental results

- NA5.7.1 Management of riparian and coastal margins which better protects significant:
- i) habitats;
 - ii) natural processes;
 - iii) natural character;
 - iv) cultural values;
 - v) natural features and landscapes;
 - vi) amenity values;
 - vii) life supporting capacity of ecosystems;
 - viii) public access and recreational values; and
 - ix) water quality.

NA5.8

performance indicators

- NA5.8.1 Changes in the proportion/length of riparian and coastal margins under formal protection.
- NA5.8.2 Changes in the volume of sediment entering rivers and the coast and changes in the bacterial, viral, and chemical contamination of water in rivers and in the near shore area.
- NA5.8.3 The extent of public access available along riparian and coastal margins.

NA6 beds of rivers and lakes

NA6.1 **issue**

Works and structures on the beds of rivers and lakes resulting in adverse effects on natural processes and aquatic life.

The Resource Management Act (section 13) places special restrictions on the use of the beds of lakes and rivers. These are considered to be “land” in terms of the definition in the Act, but their management is treated as a regional responsibility. Any structures on or disturbance in riverbeds or lake beds must be provided for by a rule in a regional plan or by a resource consent. This reverses the normal presumption related to land, that is an activity is allowed unless a rule in a plan states it is not.

Whilst the use of river and lake beds is less widespread than the use of water which flows over them, such uses still have the potential to result in adverse effects on the environment. Activities or uses of river or lake beds include bridges, fords, dams, weirs, water intake structures, river control works, and vegetation planting and clearance.

Adverse effects of activities on the beds of rivers and lakes include flooding, erosion and deposition, water quality degradation, damage to aquatic habitats and to the migratory passage of fish. Dams, weirs and other structures interrupt water flow, can block the passage of migratory fish and can lead to sediment accumulation upstream of the structure and scour downstream of the structure. They may also lead to changes in the natural flow variations of the river, causing changes in the river substrate, river bank stability and the composition of aquatic species downstream of the structure.

While Nelson City has only four rivers of significant size and no large natural lakes, two of these rivers (the Maitai and the Roding) are heavily abstracted for urban water supply. Water supply dams also exist on the Brook and the Maitai North Branch, and weirs and water intakes on the Maitai South Branch and on the Roding River. River control works exist on the Maitai River and on most urban streams. Bridges and fords exist on most rivers and streams in the Nelson City area.

Further demand for urban and rural water supply (including for irrigation purposes) is likely in the future. This is likely to result in new dams, weirs, intakes and other structures. Intensified land use practices may also lead to the need for further bridges, fords and river control works and the maintenance and upgrading of the city’s stormwater system.

NA6.2 **objective**

NA6.2.1 Minimal adverse environmental effects from structures on river and lake beds.

NA6.3 **policies**

NA6.3.1 To manage river and lake beds in a manner which gives priority to the natural functioning of the river including the ecosystems they contain and the life supporting capacity of those ecosystems.

NA6.3.2 To provide for structures or physical works on river or lake beds where the adverse effects of such structures or works can be avoided, remedied or mitigated.

- NA6.3.3 To recognise the importance of maintaining and enhancing the flood-carrying capacity of rivers and to only permit structures which conflict with this function where their adverse effects can be avoided, remedied, or mitigated.
- NA6.3.4 To control new works and new structures in the beds of rivers and lakes which have potential to result in significant adverse effects on riparian values.

NA6.4

methods

- NA6.4.1 Council will require resource consents for structures in river or lake beds and will consider applications against the following criteria:
- i) the need for the work;
 - ii) the likely effects of the work on the environment;
 - iii) available means of avoiding, remedying or mitigating likely effects on the environment;
 - iv) the net costs and benefits of the proposed works (including environmental and associated costs);
 - v) costs and benefits of alternative means of achieving the desired outcome, including the 'do nothing' option; and
 - vi) the potential to offset adverse environmental effects through environmental compensation.
- NA6.4.2 Council will give consideration to the preparation of a regional plan to manage structures and works in river beds. This will specify appropriate rules for the authorisation and management of activities considered to have significant adverse effects and will permit activities where the adverse effects are not considered significant.
- NA6.4.3 Until such time as a regional plan may be prepared Council will continue to administer the provisions of the Transitional Regional Plan and the Act through the resource consent procedures. Where appropriate, Council will impose conditions on resource consents to protect the natural functioning of lake and river beds.
- NA6.4.4 Council will, through literature, personal contact and discussions with resource consent applicants, seek to reduce the environmental impact of structures and works on river and lake beds.
- NA6.4.5 Council will undertake river control work including clearance of obstructions where this is shown to be the most appropriate option for hazard mitigation.
- NA6.4.6 Council will require resource consent applications for the erection of new structures in river and lake beds and will place suitable conditions on any consents granted to ensure that structures are appropriately designed, maintained and are removed when no longer required.
- NA6.4.7 Council will provide for the maintenance of existing works and structures within the beds of rivers and lakes provided such maintenance does not exceed existing scale and intensity and any adverse effects are avoided, remedied, or mitigated.

NA6.5

other relevant sections

DH2	Natural Hazards
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA1	Water Quality
WA2	Water Allocation

NA6.6

principal reasons for the adoption of these objectives policies and methods of implementation

- NA6.6.1 The Act requires that resources are managed in a sustainable manner and that the beds of rivers and lakes are managed in such a way as to only permit activities with the potential to result in adverse effects, where a resource consent is granted or where a rule in a regional plan permits that activity. In order to achieve the purpose of the Act and to minimise the need for resource consents for minor activities with little potential to result in adverse effects on the environment Council believes it appropriate to prepare a regional plan for the management of rivers.
- NA6.6.2 Submissions on the Proposed Regional Policy Statement and responses to the Issues and Options paper, which preceded the Regional Policy Statement, indicate a preference for objectives, policies, and methods to include a full range of protective measures for riparian and coastal margins including the use of rules and resource consents.
- NA6.6.3 The Act (section 13) restricts the disturbance of, or erection of structures on, the beds of lakes or rivers unless expressly allowed by a rule in a regional plan or a resource consent. Council believes that in order to provide certainty and to minimise the need for resource consent applications, preparation of a regional plan should be considered.

NA6.7

anticipated environmental results

- NA6.7.1 Maintenance of the life supporting capacity of riparian ecosystems and natural processes such as river discharges and sediment transport.
- NA6.7.2 Maintenance of river bank and river bed stability.
- NA6.7.3 A reduction in flooding problems associated with river bed use.
- NA6.7.4 Maintenance of fish passage past river structures.

NA6.8

performance indicators

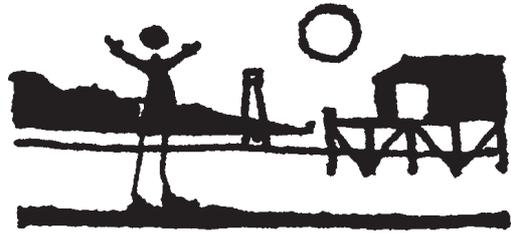
- NA6.8.1 Recorded instances of adverse effects on natural process, including obstruction to fish passage, as a result of works and structures in or on river and lake beds.
- NA6.8.2 Recorded instances of flood events made worse by structures or works within riverbeds.

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(NA) natural & amenity values

8

the coast



C01 management of the coastal environment

C01.1 issue

Maintenance of the natural character of the coastal environment.

The coastal environment is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:

- the coastal marine area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit);
- the active coastal zone; and
- the land backdrop.

While the total land area administered by Nelson City Council is comparatively small in size, Council administers an important and varied coastal environment. This environment includes areas of high conservation, cultural, scenic, commercial, recreation and amenity value, as well as containing the major port in the northern South Island.

Coastal sites of national and international significance are identified in the Department of Conservation Occasional Publication 15. These are listed in Section 6.3 (Protection of significant indigenous vegetation and significant habitats of indigenous fauna) of this policy statement. In particular Council acknowledges the enclosed coastal waters of the City as nationally significant features, vulnerable to change and requiring appropriate protection. These waters include Nelson Haven, Waimea Inlet, and the estuaries of the Wakapuaka and Whangamoia Rivers. The Council also recognises the need to provide appropriate protection to significant coastal landforms and in particular Nelson Boulder Bank which encloses and protects Nelson Haven, provides significant coastal protection to the City and is a landform of international significance in its own right.

Given the high and diverse values associated with the coastal environment, the potential exists for significant conflict between uses and values.

The Resource Management Act places special emphasis on the preservation of the natural character of the coastal environment and the special relationship of Maori with the coast. Section 6(a) of the Act states that Council shall recognise and provide for:

- “(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”

In achieving this, the Act requires:

- the Minister of Conservation to prepare a National Policy Statement dealing with the coastal environment;
- regional councils and unitary authorities to prepare Regional Coastal Plans for the coastal marine area and optionally for the coastal environment, which must not be inconsistent with the provisions of the New Zealand Coastal Policy Statement; and
- that Regional Coastal Plans be approved by the Minister of Conservation (for parts of these plans specific to the coastal marine area) prior to their becoming operative.

The New Zealand Coastal Policy Statement was gazetted in May 1994. It provides a national set of policies guiding management of the coast, based on a list of general principles which are as follows:

- “1. 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 well-being’ of ‘people and communities’. Functionally, certain activities can only be located on the coast or in the coastal marine area.
2. The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places.
3. The proportion of the coastal marine area under formal protection is very small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected.
4. Expectations differ over the appropriate allocation of resources and space in the coastal environment and the processes of the Act are to be used to make the appropriate allocations and to determine priorities.
5. People and communities expect that lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment.
6. The protection of habitats of living marine resources contributes to the social, economic and cultural well-being of people and communities.
7. The coastal environment is particularly susceptible to the effects of natural hazards.
8. Cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible.
9. The tangata whenua are the kaitiaki of the coastal environment.
10. It is important to maintain biological and physical processes in the coastal environment in as natural a condition as possible, and to recognise their dynamic, complex and interdependent nature.

11. It is important to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of New Zealand's indigenous coastal flora and fauna.
12. The ability to manage activities in the coastal environment sustainably is hindered by the lack of understanding about coastal processes and the effects of activities. Therefore, an approach which is precautionary but responsive to increased knowledge is required for coastal management.
13. A function of sustainable management of the coastal environment is to identify the parameters within which persons and communities are free to exercise choices.
14. *The potential for adverse effects of activities to spread beyond regional boundaries may be significant in the coastal marine area."*

Issues which arise in the coastal environment include:

- areas of cultural significance being adversely affected by works and uses;
- natural values being adversely affected by current and future development needs of port operations;
- coastal discharges resulting in degradation of coastal water quality;
- subdivision and development impacting on coastal landscapes, natural areas and habitats;
- loss of public access along the coast as a result of private land ownership and structures;
- navigation and safety concerns related to the use of small craft;
- potential degradation of the coastal environment due to increase in visitors and recreational use;
- natural character of the coastal environment being adversely affected by coastal structures and physical works such as reclamations and impoundments;
- cumulative adverse effects of activities impacting on the natural character of the coast and on natural processes associated with sand and shingle extraction and spoil disposal;
- potential for development in areas subject to coastal erosion and accretion;
- potential adverse effects as a result of the development of aquaculture; and
- marine reserves, taiapure and mahinga mataitai proposals conflicting with other uses and values.

The following provisions are based largely on those contained within the New Zealand Coastal Policy Statement and Parts II and III of the Resource Management Act. Where necessary, the wording has been recast to apply to this particular region and policy statement.

C01.2

objective

- CO1.2.1 Achievement of the social, economic and cultural needs of the community within the coastal environment, while ensuring a high level of protection is afforded to the natural character and to natural and physical resources associated with the coast.

CO1.3

policies

- CO1.3.1 To prevent new subdivision, reclamation, use and development, in areas or habitats within the coastal environment which:
- i) are important to the continued survival of any indigenous species; and/or
 - ii) contain nationally vulnerable species or nationally outstanding examples of indigenous community types.
- CO1.3.2 To avoid or remedy any significant adverse effects of new subdivision, reclamation, use and development in the coastal environment on the following:
- i) landscapes and seascapes of international, national or regional significance;
 - ii) representative landforms and geological features or those of international, national or regional significance;
 - iii) spiritual, historical, and cultural sites of international, national or regional significance;
 - iv) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; or
 - v) areas important to migratory species and to vulnerable stages of indigenous species, particularly wetlands and estuaries.
- CO1.3.3 To identify and protect areas of significant conservation value within the coastal environment based on the following criteria:
- i) Maori cultural sites of local, regional, national or international significance, identified in accordance with tikanga maori;
 - ii) protected areas such as reserves, sanctuaries and parks;
 - iii) wetlands, estuaries and lagoons of national or international importance, including those:
 - a) that are important buffer areas;
 - b) that are important spawning grounds or nurseries for marine and fresh water species;
 - c) where related catchments, marginal lands and tidal flats have been minimally modified;
 - d) strategically situated to act as stepping stones for migratory species along coastal tracts;
 - iv) sites of importance to marine mammals and birds;
 - v) areas of regionally, nationally or internationally significant or threatened ecosystems, flora, fauna and habitats;
 - vi) scenic sites of national or international significance;
 - vii) historic places of national or outstanding significance; and/or
 - viii) representative examples of nationally significant or outstanding landforms and geologic features.
- CO1.3.4 To protect the integrity, functioning and resilience of the coastal environment in terms of:
- i) the dynamic processes and features arising from the natural movement of sediments, water and air;
 - ii) natural movement of biota;

- iii) natural substrate composition;
 - iv) natural water and air quality;
 - v) natural bio-diversity, productivity, and biotic patterns; and
 - vi) intrinsic values of ecosystems.
- CO1.3.5 To recognise and provide for the amenity of significantly unmodified coastal environments.
- CO1.3.6 To classify all coastal waters, having particular regard to existing water quality, community expectation of water quality, values associated with particular areas, and existing and future point and non-point discharges to coastal waters.
- CO1.3.7 To maintain and enhance public access to and along the coastal marine area, except where a restriction is necessary:
- i) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
 - ii) to protect Maori cultural values;
 - iii) to protect public health or safety;
 - iv) to ensure a level of security consistent with the purpose of a resource consent; and/or
 - v) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
- CO1.3.8 To encourage appropriate subdivision, use or development in areas where the natural character has already been compromised, while:
- i) avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
 - ii) taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
 - iii) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.
- CO1.3.9 When managing the coastal environment, to recognise and provide for matters of special significance to tangata whenua identified and protected in accordance with tikanga maori.
- CO1.3.10 To provide for occupation of the coastal marine area for aquaculture and ancillary purposes where Policies 1-9 are satisfied and where there is sufficient information available to satisfy Council that adverse effects will be avoided, remedied, or mitigated.
- CO1.3.11 Where possible, to separate incompatible activities in the coastal environment, in order to minimise the potential for conflict in resource use and management.
- CO1.3.12 To support in principle the investigation and possible establishment of marine reserves, taiapure and mahinga mataitai and other appropriate means of marine protection within the Nelson City coastal marine area where these would provide for a broad range of benefits for the region, including ecological, scientific, educational, cultural and recreational use or value.

- CO1.3.13 To provide for active and passive recreation in the coastal marine area where these activities will not result in significant adverse effects on the coastal environment.
- CO1.3.14 To restore and rehabilitate the natural character of the coastal environment where appropriate.
- CO1.3.15 To support in principle the use of financial contributions to offset environmental damage to the coastal environment.
- CO1.3.16 To recognise that some uses and developments dependent on the natural and physical resources in the coastal environment and important to the social, economic and cultural well-being of the people and the community, should be provided for within the coastal environment providing that the quality of the environment is maintained.
- CO1.3.17 To recognise the existence and impacts of coastal hazards, including cyclic and non-cyclic erosion and accretion, inundation and possible sea level rise.
- CO1.3.18 To recognise the ability of natural coastal features (such as beaches, sand dunes, wetlands, boulder banks and barrier islands) to protect subdivision, use or development in the coastal environment, and to maintain, and where appropriate, enhance that ability.
- CO1.3.19 To acknowledge the role of existing structures in the coastal environment.

CO1.4

methods

- CO1.4.1 Council will prepare a combined Regional Coastal/District Plan
- CO1.4.2 Council will work closely with Tasman District Council and Marlborough District Council to achieve integrated management of the coastal marine area.
- CO1.4.3 Council will prepare a water quality management plan for coastal waters, and will work with adjoining territorial authorities to achieve a combined water quality management plan or common policies for coastal waters.
- CO1.4.4 Council will, through its District Plan, investigate methods of separating incompatible activities in the coastal environment.
- CO1.4.5 Council will investigate and, if appropriate, introduce a harbour bylaw to control navigation and safety matters within the coastal marine area.
- CO1.4.6 Council will work with interested parties to investigate and promote the establishment of protected marine areas, and to restore and rehabilitate the natural character of the coastal environment where appropriate.
- CO1.4.7 Council will work closely with port-related interests to ensure that the present and future operational needs are provided for whilst ensuring that adverse effects are avoided, remedied, or mitigated.
- CO1.4.8 In considering applications for activities in the coastal marine area, Council will have regard to:
 - i) the need for the activity;
 - ii) the likely effects of the activity on the environment;
 - iii) the impact on public access to and along the coast;

- iv) available means of avoiding, remedying or mitigating likely effects on the environment;
 - v) the net costs and benefits of the proposed activities (including environmental and associated costs);
 - vi) costs and benefits of alternative means of achieving the desired outcome, including the do nothing option;
 - vii) the potential to offset adverse environmental effects through environmental compensation.
- CO1.4.9 Council will investigate the legal and practical implications of requiring development impact levies and coastal rentals to fund restoration and enhancement of the coastal environment, and to improve public access to and along the coast. Where appropriate, Council will introduce provisions in its Regional Coastal Plan.
- CO1.4.10 Council will develop criteria for the taking of and use of financial contributions and environmental compensation through its resource management plans including the District and Regional Coastal plans.
- CO1.4.11 Council will allow appropriate subdivision, use and development in the coastal environment where coastal values have already been compromised and further development will not result in significant adverse cumulative effects on the coastal environment.
- CO1.4.12 Council will ensure that any new development permitted in the coastal environment is adequately serviced.
- CO1.4.13 Council will require that an adequate separation be maintained between coastal developments and mean high water springs to ensure that:
- i) coastal hazards are avoided;
 - ii) public access is provided for;
 - iii) coastal vegetation and significant habitats of indigenous fauna are protected;
 - iv) buffers provided for retreat of estuaries in the event of sea level rise; and
 - v) the landscape character of the coastal environment is protected.
- CO1.4.14 Council will require esplanade reserves, esplanade strips and access strips, as appropriate, along the coastal margin through provisions in its District Plan.
- CO1.4.15 Council will compile existing information related to the coastal environment (including coastal hazards), will identify where information is lacking and the significance of information gaps for resource management purposes, and through its monitoring programme will collect additional information where this is critical to decision making.
- CO1.4.16 Council will advocate to Central Government the need to provide clear linkages between fisheries management undertaken by the Ministry of Fisheries and management of the coastal marine area under the provisions of the Resource Management Act.
- CO1.4.17 Council will consult with tangata whenua on matters including customary knowledge, values, and management preferences when discharging its obligations related to the management of the coastal environment.

- CO1.4.18 Council will work with land managers, sector groups (in particular those involved with agriculture, horticulture, forestry, land-based aquaculture and network utilities) and other interest groups to develop strategies and/or codes of practice to avoid, remedy, or mitigate adverse effects caused by land use releasing sediment, chemical or biological contaminants into the coastal environment.
- CO1.4.19 In considering applications for further reclamation, Council will require that adverse effects are avoided, remedied or mitigated, and that the reclamation:
- i) is consistent with the provisions of the Resource Management Act, the New Zealand Coastal Policy Statement and this Regional Policy Statement;
 - ii) is limited in extent, having regard to the extent of existing reclamations, unmodified areas, and the coastal values involved; and
 - iii) provides a net environmental benefit to the region, either directly or through development impact levies or other mechanisms.
- CO1.4.20 Council will provide for the maintenance and enhancement of the safety, operation and efficiency of existing structures in the coastal environment where this does not result in significant adverse effects on that environment and where there is a demonstrable community benefit to be derived from permitting such structures in this environment.
- CO1.4.21 Where there are applications for reclamations, the removal of sand, shingle, shell or other natural materials for commercial purposes, or rights to occupy in relation to lands of the Crown in the coastal marine area Council will consider the applicant's reasons for making the proposed choice and available alternatives to what the applicant seeks to do.

CO1.5

other relevant sections

TW1	Tangata Whenua Interests
DH1	Urban Expansion
DH2	Natural Hazards
NA1	Amenity Values
NA3	Protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
NA4	Management of Pests
NA5	Management of Riparian and Coastal Margins
WA1	Quality of Natural Water
DA2	Noise
IN1	Transport
IN3	Maritime Transport

CO1.6

principal reasons for the adoption of these objectives, policies and methods of implementation

- CO1.6.1 The provisions which Council introduces in the coastal marine area must not be inconsistent with the provisions of the New Zealand Coastal Policy Statement. Further, that part of the Regional Coastal Plan which relates to the coastal marine area must be approved by the Minister of Conservation. Therefore the objectives and policies adopted for this area must reflect national policy on coastal management.
- CO1.6.2 Response to the Proposed Regional Policy Statement and the Issues and Options paper indicated a preference for objectives, policies and methods to include a high degree of protection of the coast and to include appropriate classification of coastal water(s).
- CO1.6.3 The coastal environment contains many features and values of significance. Preservation of its natural character is also accorded status as a matter of national importance in the Act. Therefore the coastal environment must be afforded a high level of protection.
- CO1.6.4 The existence and future operation of port facilities is vital to the economy and future development of Nelson and Tasman Bay, especially given the lack of viable alternative transport modes linking the region with other parts of the country and the world. It is important that Council recognises the importance of port facilities and makes adequate provision in its resource management documents.

CO1.7

anticipated environmental results

- CO1.7.1 A level of protection given to the coastal environment which reflects its status under the Resource Management Act and the New Zealand Coastal Policy Statement.
- CO1.7.2 Maintenance and enhancement of public access to and along the coast.
- CO1.7.3 Appropriate future development being provided for.
- CO1.7.4 Progress towards restoration of some damaged parts of the coastal environment.

CO1.8

performance indicators

- CO1.8.1 The number, type and style of developments and activities locating within the coastal environment.
- CO1.8.2 Trends in water quality.
- CO1.8.3 Changes in public access to the coast.
- CO1.8.4 Species number and diversity in the coastal environment.
- CO1.8.5 The preparation of water quality management plans and undertaking of water classifications within annual plan targets.

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(CO) the coast



WA1 quality of natural waters

WA1.1 issue

The quality of natural waters and their contamination, or potential contamination, by the discharge of pollutants.

WA1.1.1 inland water quality

Water quality is dependent on the natural environment from which it is derived and on human influences on that environment. The existing water quality in Nelson rivers and streams is relatively high notwithstanding a wide range of diffuse and direct discharges in their catchments.

In the past, acceptable water quality was often achieved by maintaining sufficient flow so that pollutants were diluted to an acceptable level. This approach has severe limitations, especially where there are several discharges into the same water body. The ideal approach is to manage all discharges so that no discharge lowers the natural quality of the receiving water. This may be achieved for fixed point discharges, but a more integrated approach is required in order to manage diffuse sources such as agricultural run-off. This may require, for example, the management of the riparian zone as well as the water body.

There is good knowledge of the water quality in the urban water supply catchments comprising the upper Maitai and Roding Rivers but very limited information available on other waterways within the district.

The quality of water may in turn influence the following:

- the presence of indigenous vegetation and significant habitats of indigenous fauna within and adjoining water bodies;
- fisheries values, including the habitats of trout and salmon;
- recreational use;
- suitability as stock and domestic drinking water and urban water supply;
- aesthetic values of water bodies; or
- cultural values.

The following factors influence water quality:

- catchment geology and vegetation cover;
- catchment land use and management;
- characteristics of the catchment, including the presence of wetlands and impoundments;
- urban stormwater run-off and percolation to ground water, particularly from industrial and commercial areas, roads and parking areas;

- non point discharges of fertiliser, pesticide, poisons and other chemicals in rural situations such as farms, orchards, production forests, and pollution from farm and other domestic animals (faeces, urine, sediment);
- discharges of treated or untreated sewage including septic tank discharges;
- sediment mobilised by animals, vehicles or raindrop impact, especially where removal of vegetation has exposed and/or loosened the soil;
- mobilisation of sediment and deposition of faeces and urine as a result of animals and machinery disturbing riverbeds;
- pollution from point discharges including agricultural, industrial, and commercial discharges;
- low flows in rivers resulting from continued pressure for water abstraction; or
- impacts of feral animal populations particularly through faeces and urine reaching water, damage to the vegetation cover, and control operations.

In many areas, particularly rural areas, a number of potential sources of water contamination can be avoided or remedied through appropriate management of the riparian margin (the land immediately adjoining the water body). Maintaining a permanent and healthy vegetation cover along riparian margins can help to prevent direct pollution of water from stock and machinery entering the water body, help prevent sediment released from stock and machinery breaking down river banks, and trap sediment and nutrients released down slope from land disturbance activities in adjoining areas.

WA1.1.2 coastal waters

The coastal waters of Nelson City have a number of values. These include:

- significant areas of indigenous vegetation and significant habitats of indigenous fauna including such areas as the Waimea Inlet and Nelson Haven;
- high utilisation for water contact sports such as swimming, sail boarding, and water skiing;
- significant commercial and recreational fin fish and shellfish fisheries;
- high utilisation by recreational and commercial craft; or
- significant cultural values.

The following factors may influence coastal water quality:

- sewage discharge;
- stormwater outfalls from residential, commercial and industrial areas, roads and other hard surfaces;
- the outfall of rivers and creeks draining from areas of soil disturbance or chemical applications;
- fish processing waste water outfall into Tasman Bay from the port area;
- ground water seepage which may contain a range of contaminants including septic tank discharges, agricultural and industrial chemicals, and seepage from contaminated sites and old landfill sites;
- ballast water discharge from overseas ships which can introduce exotic organisms and contaminants.

The legal situation relating to the operation of international shipping is complex. International shipping is exempt from the provisions of the Resource Management Act and is governed by international conventions such as MARPOL and the London Convention. In order to give effect to these international conventions, Government is reviewing the legislation relating to maritime transport. When this is complete and passes into domestic law, bylaws made under that legislation may be appropriate in controlling the potential impact of ballast waters from visiting ships.

- sewage and rubbish from boats or vessels;
- disposal of dredging spoil from the port area; or
- sediment from natural and accelerated erosion.

The technical issues involved in assessing water quality are complex. At present there is only limited information available for the Nelson City area. Specific bacteriological and chemical sampling can be carried out but this will take considerable time to assemble and relating this information to tidal patterns and the effect of river outfalls and the like can be difficult. Before any final classification options can be decided on, the existing quality must be established.

WA1.2 objectives

- 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.
- WA1.2.2 The maintenance and enhancement of coastal water quality to protect fishery, fish spawning and aquatic ecosystems and, in specific areas, to protect shellfish gathering, contact recreation, and cultural and spiritual values.

WA1.3 policies

- WA1.3.1 Following consultation with appropriate agencies including tangata whenua and the wider community, to classify all inland and coastal waters within the Nelson City area, based on one or more of the following:
- i) protection of urban water supplies to a drinking water standard;
 - ii) protection of instream fisheries and wildlife values;
 - iii) protection of areas of cultural value;
 - iv) protection of recreation values for contact recreation purposes; and/or
 - v) protection of coastal waters to preserve aquatic ecosystems, fisheries, fish spawning, gathering of shellfish and other food, and to safeguard the potential development of aquaculture.
- WA1.3.2 To minimise the volume of contaminant entering water from non-point sources, including sediment, chemicals, refuse and debris.
- WA1.3.3 To control point discharges through the use of resource consents and appropriate conditions in order to ensure that water quality classifications are met and sustained.

WA1.3.4 Where it is in Council's powers to do so, to control discharges from ships and other craft within the coastal marine area, and in particular within confined waters, so as to avoid, remedy or mitigate any adverse effects on water quality and the environment in general.

Such discharges may include:

- i) cooling water;
- ii) ballast water;
- iii) sewage; and
- iv) solid waste including process wastes.

WA1.3.5 To manage riparian and coastal margins in such a way as to enhance or maintain water quality.

WA1.3.6 To recognise and, where possible, reduce, adverse effects on water quality resulting from contaminated stormwater.

WA1.3.7 To recognise and provide for the cultural and spiritual values of water to tangata whenua.

WA1.4

methods

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 waterways.

WA1.4.2 Council will classify all coastal waters through its combined Regional Coastal/District Plan, having particular regard to the existing water quality, community expectation of water quality, values associated with particular coastal areas, and existing and future point and non point discharges into coastal waters.

WA1.4.3 When undertaking water classifications, Council will apply the provisions of section 128(b) of the Act in reviewing water, coastal and discharge permits (subject to section 20) in order to ensure the classifications are met.

WA1.4.4 When considering applications for discharges to natural waters, Council will assess them against the following criteria:

- i) the need for the discharge;
- ii) the likely effects of the discharge on the receiving environment;
- iii) if classified, the classification of the water body and the likely effect of that discharge on maintaining that classification;
- iv) the requirements of section 107 of the Act;
- v) available means of avoiding, remedying or mitigating likely effects on the environment;
- vi) the costs and benefits of alternative means of achieving the desired outcome including the 'do nothing' option; and
- vii) the potential to offset adverse effects through environmental compensation.

- WA1.4.5 In order to assist decision making on resource consent applications, Council will adopt water quality standards to complement the narrative standards included in the Third Schedule of the Resource Management Act.
- WA1.4.6 Council will, through its District Plan, introduce rules controlling land use within riparian and coastal margins and introduce requirements for esplanade reserves and esplanade strips for the purpose of protecting water quality.
- WA1.4.7 Council will, through its regional plans (including its Soil Erosion and Sedimentation Plan and Regional Coastal Plan) introduce rules to control land use activities and discharges with the potential to result in degradation in the quality of water through diffuse discharges.
- WA1.4.8 Council will work with land managers and sector groups (in particular those involved with agriculture, horticulture, forestry, aquaculture including land-based aquaculture and network utilities), and other interest groups to develop strategies and/or codes of practice to avoid, remedy or mitigate adverse effects caused by land uses releasing sediment, chemical and biological contaminants into water bodies.
- WA1.4.9 Council will work with industry and discharge permit holders in order to develop strategies and/or codes of practice to avoid, remedy, or mitigate adverse effects of point discharges into water bodies.
- WA1.4.10 To the extent it has the power to do so, Council will prohibit the discharge of sewage and solid waste from boats within harbour, marina and enclosed bays, except to an approved discharge facility and waste collection point.
- WA1.4.11 Council will require that sewage discharge facilities are provided for boats at all harbour and marina facilities, and at those private jetties where sewage discharge from boats could be reasonably expected.
- WA1.4.12 Council will require the preparation of contingency plans for the remedying or mitigation of accidental discharges to water.
- WA1.4.13 Council will include in its resource management plans provisions which encourage the management of riparian and coastal margins to enhance water quality.
- WA1.4.14 Council will take enforcement action as appropriate where it believes that provisions of the Act, a resource consent or of an operative Water Quality Management Plan are being contravened.
- WA1.4.15 Council will advocate to Central Government the implementation of controls over discharges of ballast waters from foreign-going vessels and mandatory requirements for sewage holding tanks or treatment systems for all vessels.
- WA1.4.16 Council will review its controls related to the discharge of stormwater and will investigate the need for a stormwater management plan.
- WA1.4.17 Council will support the provisions contained within the document "Voluntary Controls On The Discharge Of Overseas Ballast Water Within New Zealand" prepared by Ministry of Fisheries and the future updating, mandatory compliance and enforcement as envisaged in this document.

- WA1.4.18 Council will ensure that where natural water is degraded to the extent that it is unsuitable for swimming, shellfish gathering or other activities, the public is adequately warned and active steps are taken to restore water quality to a standard that will meet the relevant water quality classification.
- WA1.4.19 Council will require that resource consent applications to discharge any sewage to water include:
- i) consultation with tangata whenua and the wider community; and
 - ii) adequate consideration of land disposal alternatives in accordance with the 4th Schedule of the Act.
- WA1.4.20 Where warranted by the nature of the discharge or the degree of risk it poses, Council will require applicants for discharge consents to prepare contingency plans for the remedy or mitigation of accidental discharges to water not covered by any discharge consent granted.
- WA1.4.21 Council will liaise with adjoining territorial authorities in matters relating to water quality in order to foster consistent provisions, especially for Tasman Bay.
- WA1.4.22 Council will for some areas investigate and promote the restoration of water quality through a combination of methods which may include land use change, establishment of buffer planting along riparian and coastal margins, the maintenance, enhancement and restoration of existing wetlands and control of point discharges such as septic tank, stormwater and industrial discharges.

WA1.5

other relevant sections

TW1	Tangata Whenua Interests
NA1	Amenity Values
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA2	Water Allocation
EN1	Solid Waste Disposal
EN2	Management of Hazardous Substances and Contaminated Sites
IN3	Maritime Transport

WA1.6

principal reason for the adoption of these objectives, policies and methods of implementation

- WA1.6.1 The purpose of the Act requires Council to promote the sustainable management of natural and physical resources. This includes safeguarding the life supporting capacity of water and avoiding, remedying or mitigating any adverse effects on the environment.
- WA1.6.2 Response or submissions to the Proposed Regional Policy Statement and the Issues and Options paper indicated a preference for objectives, policies, and methods which include water classification and standards which achieve water quality suitable for drinking and for contact recreation.

WA1.7 **anticipated environmental results**

- WA1.7.1 Water classifications being met.
- WA1.7.2 Rapid and effective response to emergency or accidental discharges resulting in their effects being remedied or mitigated.
- WA1.7.3 Reduced risk of new exotic organisms becoming established in Nelson City Council's coastal marine area.

WA1.8 **performance indicators**

- WA1.8.1 Monitoring of water quality showing that water classifications are achieved and conditions placed on water, coastal, and discharge permits are being met.
- WA1.8.2 Monitoring of the marine environment in the port area showing no new introduced exotic organisms or chemical/heavy metal contamination.
- WA1.8.3 Monitoring of indicator shellfish species and instream fauna.

WA2 **water allocation**

WA2.1 **issue**

The availability of water of an appropriate quality to meet the following needs:

- maintenance of the life supporting capacity of aquatic ecosystems;
- maintenance of urban water supply (including needs of industry); and
- maintenance and enhancement of recreational opportunities.

Water is a limited resource in Nelson City. Climatic conditions dictate the quantity of water in rivers and the demand for some abstractive uses. Low flows can result in unacceptable stress in fish, aquatic communities, plants and animals.

The Maitai and Wakapuaka Rivers are recognised as important trout fisheries. Part of the popularity of the Maitai is its close proximity to the Nelson urban area, good access, good fishable area and suitability for a wide range of other recreational activities especially picnicking, swimming and enjoying the scenery.

A survey of recreation activities undertaken in 1993 showed walking, swimming and picnicking as being among the most popular recreation activities in Nelson. Approximately a quarter of the respondents who listed swimming as a preferred activity swim in rivers. Both the Roding and the Maitai Rivers attract comparatively high recreational usage, particularly during summer. A number of reserves and swimming holes popular for informal recreation, picnicking and swimming, exist along both rivers.

The region's water resources are extensively used for abstractive purposes (taking water from the river). The Maitai and Roding Rivers are used for public water supply, with a limited supply from the Brook, while many of the smaller streams are used for irrigation and private water supplies. Most rivers are also used directly or indirectly for stock drinking water.

By far the greatest abstractive demand placed on the rivers of Nelson is that of urban water supply and this demand is predicted to grow along with Nelson's population. Currently a storage reservoir exists on the North Branch of the Maitai River and is operated for both urban water supply and for river base flow enhancement purposes. During low flows water is released from the North Branch reservoir to ensure that specified flows in the river are maintained.

All water in the North Branch passes through the reservoir. It is currently full 70% of the time, and flows not required for urban water supply are spilled. Net flows in the South Branch are unaffected by abstraction and join spill or base flow supplementation water from the North Branch immediately below the reservoir.

During low flow periods, total urban demand from the Maitai River may exceed the total North Branch flows. Storage is drawn down in order to maintain both river flow below the confluence of the branches and to provide urban water supply.

Little storage exists on the Roding River and during low flow periods virtually all of the river's flow above the intake weir is abstracted for urban water supply. This leaves little base flow in the river immediately below the weir except that contributed by leakage around the weir and from side streams joining the river immediately downstream of the weir. There is little potential to take further water from the Roding during low flows without the creation of a storage reservoir.

The present authorisation under which Council abstracts water from the river is due to expire in the year 2001 and Council is required to apply for a resource consent under the Resource Management Act if it wishes to continue to abstract any water from this source.

The potential also exists to reduce the impact of Nelson City's water requirements through the use of water conservation and/or supplementation measures. These measures could include:

- metering and charging for water used so as to encourage more efficient use;
- promoting water conservation through advertising and education;
- encouraging the use of dual flush toilets, low flow shower heads and other water conservation appliances, and discouraging the use of other less efficient appliances;
- recycling/reusing waste water, particularly process water from industrial/commercial operations, but also in domestic situations (such as washing the car on the lawn);
- imposing restrictions on water use during low flow periods, particularly on the watering of lawns and gardens;
- undertaking leak detection investigations of pipe networks;
- encouraging home owners to plant gardens in drought resistant species which do not require watering;
- increasing the total volume of the water resource available through diverting water from other catchments;
- investigating and developing ground water resources for low quality water uses;
- encouraging on site water storage including both reticulated water and rainwater storage tanks to provide supplementary water during low flow periods; and/or
- managing existing water supply catchments to optimise water yields (vegetation type can affect the rate and volume of run-off).

Note: Definitions of terms such as conservation flows, minimum flows, water users' groups and water conservation plan are contained within the definitions section of the document and should be referred to.

WA2.2 objectives

- WA2.2.1 Maintenance and enhancement of the ability of rivers, the coast and other waterbodies to support aquatic life.
- WA2.2.2 Maintenance of other instream values, including recreation.
- WA2.2.3 Water that is allocated for abstractive uses being fairly distributed and used in an efficient and beneficial manner.
- WA2.2.4 To ensure there is enough supply of sufficient quality for abstractive uses, including urban water supply, commensurate with achievement of Objectives 1 and 2.

WA2.3 policies

- WA2.3.1 To establish minimum flow regimes for the Maitai, Roding, Wakapuaka and Whangamoā Rivers, and any other river or stream under stress from water abstraction. Minimum flows will be based on the following criteria:
 - i) the existing and potential productivity, diversity, importance, intrinsic values, habitat characteristics, water quality and variability of aquatic ecosystems;
 - ii) the significance of the native flora and fauna;
 - iii) the value of iwi or hapu for spiritual and cultural purposes and customary uses;
 - iv) natural character, scenic, amenity, intrinsic and recreational values including fishery values and the habitat of trout;
 - v) the significance of flows to the maintenance and enhancement of downstream habitats and water quality;
 - vi) the degree of existing protection; and
 - vii) the impact on sediment transport and the stability of the river bed.
- WA2.3.2 For rivers specified in Policy 1 above, to establish 'Conservation Flows' which protect the security of supply, and 'Minimum Flow regimes' which protect the natural character, functioning and integrity of the plant and animal communities, and recreation associated with those rivers.
- WA2.3.3 To allocate water for abstractive uses which provide for the social, economic and cultural well being of the people of Nelson City where adverse effects (including impacts on the needs of instream values necessary for the integrity of aquatic ecosystems) can be avoided, remedied or mitigated.
- WA2.3.4 To continue to encourage urban water supply conservation.

WA2.4

methods

- WA2.4.1 Council will maintain a hydrologic monitoring network on selected rivers to better understand the nature of the resource.
- WA2.4.2 Council will prepare a water allocation plan for those rivers specified in Policy 1, and will establish minimum flows subject to the criteria included in Policy 1.
- WA2.4.3 For those rivers specified in Policy 1, Council will encourage the formation of water users' groups to represent water users interests.
- WA2.4.4 Council will continue to educate the public on the need for water conservation and will continue to monitor water use and assess the future needs of the community and ways of meeting these needs in an environmentally sustainable way.
- WA2.4.5 Council will continue to implement and extend water metering.
- WA2.4.6 Council, in consultation with Tasman District Council, will investigate and, as appropriate, implement water resource enhancement measures (including storage and/or diversion) where necessary to provide adequate water for public water supplies.
- WA2.4.7 In consultation with other agencies and interest groups (such as water user groups) Council will investigate alternatives to the current 'first-in-first-served' method of water allocation (including the use of tradeable water permits) and will implement alternatives where they are appropriate and acceptable to interested parties.
- WA2.4.8 Subject to Policy 1, surface water shall be allocated to the most efficient and highly valued uses of water, on the basis of:
- i) the ability to achieve significant community benefit from that use;
 - ii) the need for the volumes of water sought;
 - iii) where appropriate, whether alternative water supplies are available including recycling/reuse;
 - iv) the likely effects of any abstraction on instream values;
 - v) achieve any established minimum flow regimes;
 - vi) where appropriate whether mechanisms are available to reduce or suspend abstractions during periods of low flow;
 - vii) existing or foreseeable water abstraction requirements for domestic and community supplies, agricultural, industrial and other consumptive needs; and
 - viii) the impact of the application on any established minimum flow regimes.
- WA2.4.9 Where flow in a river falls to the conservation flow level, to suspend further non-essential abstraction from that river except where an approved 'Water Conservation Plan' exists. Where an approved Water Conservation Plan exists, abstraction between conservation flows and minimum flows will be permitted.
- WA2.4.10 Council will cancel water permits which have not been exercised on a continuous basis for the purposes granted.

WA2.5

other relevant sections

TW1	Tangata Whenua Interests
DH1	Urban Expansion
NA1	Amenity Values

WA2.6

principal reasons for the adoption of these objectives, policies and methods of implementation

WA2.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for objectives, policies, and methods which establish minimum flows below which only essential abstraction is permitted, the implementation of water conservation measures, and a review of the Roding River water supply.

WA2.7

anticipated environmental results

- WA2.7.1 Plant and animal communities associated with waterbodies, natural character and other values (including recreation) being maintained and enhanced.
- WA2.7.2 Sustainable management of known water resources.
- WA2.7.3 Water abstracted from rivers being used in an efficient and beneficial manner which reflects the value of the available resource.
- WA2.7.4 A deferment of the need for further abstraction to supplement existing urban water supply.

WA2.8

performance indicators

- WA2.8.1 Monitoring of water abstractions, river flows, and the health of in-river plant and animal indicator species (undertaken by both Council and water abstracters), showing that river flows are not being artificially reduced to levels where significant adverse effects are occurring.
- WA2.8.2 Monitoring of water allocation plans showing that the provisions and environmental outcomes of the plan are being met.
- WA2.8.3 Monitoring of abstractive water usage showing that water is being used beneficially and efficiently.
- WA2.8.4 Frequency of water shortages.
- WA2.8.5 Reduction in domestic water usage per capita and reduction in usage per unit of production.

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(W/A) water



S01 sustainability of the soil resource

S01.1 issue

Sustainable management of the soil resource.

The soils of the Nelson City area represent an important regional resource. Protection of the present capability and integrity of that resource to enable its continued use by present and future users is considered to be a significant resource management issue.

Much of the Eastern Hills of Nelson has previously been farmed, but erosion problems experienced in combination with soil infertility and weed reversion problems indicated that this was not necessarily a sustainable use in the long term. Much of this country was acquired by the former NZ Forest Service and planted partly as an effort to overcome the problem. As a result, a substantial part of the Nelson City area is now planted in exotic production forest which forms a resource of significant value to the local economy.

An approximately equivalent area of the District is also in indigenous vegetation administered by the Department of Conservation.

Farming is still an important activity in the Nelson area. Dairy farming is locally important on the flats at the head of the Haven, and there are a number of larger sheep and cattle grazing units located mainly on the better classes of hill country. Many existing farms are experiencing serious weed reversion problems, and many former units have been subdivided into small allotments used by part-time and hobby farmers, for wood lot forestry and for lifestyle units.

Potential adverse effects on the soil resource may occur as a result of activities which are inappropriate. Such activities are likely to be those which disturb the surface of the soil or remove land area permanently from productive use, which may cause effects such as soil compaction, loss of water holding capacity, loss of soil depth available for plant roots, loss of soil structure, loss of micro-organisms and loss of fertility as well as more obvious forms of erosion.

Adverse effects from inappropriate land use and land disturbance affect not only the soils in the area of the activity but may have very serious implications for downstream areas and values removed from the site. These off-site effects include impacts on stream, river and coastal morphology, in-stream communities, water quality, ground water percolation, flooding potential on adjacent land and land-based communities, and structures.

Maintenance of the capability of the soil resource does not just include the productive matters relating to the management of soils, but also the permanent removal of parts of the resource by allocating space to activities which do not depend on the soil resource. Land of moderately high versatility within Nelson City occurs only in the Stoke and Wakapuaka areas.

S01.2 objectives

- SO1.2.1 To maintain the life supporting capacity of soils in Nelson.
- SO1.2.2 To avoid, remedy, or mitigate off-site adverse effects of land use activities on soils.
- SO1.2.3 To avoid significant adverse effects on adjoining properties from the application of agricultural chemicals.
- SO1.2.4 To avoid, remedy, or mitigate contamination of soil.

S01.3 policies

- SO1.3.1 To encourage the use of land management techniques that maintain the natural fertility and structure of high quality soils.
- SO1.3.2 To require the use and development of land to be carried out in such a way as to avoid, remedy or mitigate the effects of accelerated soil erosion.
- SO1.3.3 To encourage the development of methods for the application of agrichemicals and the disposal of industrial, agricultural, domestic and other contaminants onto, or into, soil is carried out in such a way as to where possible avoid and otherwise to minimise contamination of soil and adverse effects on adjoining properties.
- SO1.3.4 To promote the rehabilitation of degraded or contaminated soils and prevent further contamination.
- SO1.3.5 To require that the adverse off-site effects, including those on water quality, of earthworks and other forms of soil disturbance are avoided, remedied or mitigated.
- SO1.3.6 To recognise the role of soil as a contributor to bio-diversity and to take this into account when assessing the potential adverse effects of land management proposals.
- SO1.3.7 To recognise that some activities such as urban expansion or transport infrastructure remove soils from primary production and to provide for these activities where their adverse environmental effects can be remedied or mitigated, or it achieves the purpose of the Act to do so. Matters to be taken into account when considering establishment of uses likely to remove soils from primary production include:
 - i) the quality of the land being removed from primary production and its versatility for a range of uses
 - ii) the extent of land of that particular quality or type within the wider region (Tasman Bay lowlands and foothills)
 - iii) effect of removing the land in question from primary production on adjoining land use

- iv) the permanence of the activity proposed and the feasibility of returning the land to primary production following cessation of the activity.
- v) the alternatives available to the use of the proposed site.
- vi) the potential for adverse effects to be offset by environmental compensation or development contributions.
- vii) the costs and benefits to the community and the sustainable management of other natural and physical resources from the proposed development.
- viii) the costs and benefits to the community and the sustainable management of other natural and physical resources from not proceeding with the proposed development.

S01.4

methods

- SO1.4.1 Council has prepared a Soil Erosion and Sedimentation Plan to control the adverse effects of land disturbance.
- SO1.4.2 Council will encourage and support resource user and industry initiatives such as the preparation of codes of practice and industry environment management plans.
- SO1.4.3 Council will encourage the investigation of the sustainable capabilities of the major land types in Nelson City given appropriate land use techniques, and the distribution of this information to land managers.
- SO1.4.4 Council will encourage land managers to maintain effective vegetation cover for soil conservation purposes, including closed canopy forest.
- SO1.4.5 Council will include conditions on resource consents for land disturbance or earthworks in order to control soil erosion and sedimentation on or off site. Conditions may include those related to the timing of the earthworks, control of stormwater, control of sediment, and revegetation of the area following earthworks.
- SO1.4.6 Council will investigate and, where appropriate, implement ways of controlling the use of agricultural, horticultural and forestry chemicals (including fertilisers and pesticides) where there are potential adverse effects on the environment and in particular on the use and enjoyment of adjoining properties. Methods may include:
 - i) industry codes of practice;
 - ii) use of registered applicators;
 - iii) supporting establishment of national standards;
 - iv) public education; and/or
 - v) resource consents.

S01.5 other relevant sections

TW1	Tangata Whenua Interests
DH1	Urban Expansion
DH2	Natural Hazards
NA3	Protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
NA4	Management of Pests
NA5	Management of Riparian and Coastal Margins
WA1	Quality of Natural Water
EN2	Management of Hazardous Substances and Contaminated Sites

S01.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- SO1.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for a combination of options to manage soils including education, services, incentives, charges and regulations. In particular there was clear support for objectives, policies and methods, and for rules to be made within a Regional Plan to provide certainty and enforceability in respect of controlling the effects of land disturbance.
- SO1.6.2 The Nelson City Council recognises that the information base in respect of the long-term sustainability of rural land activities is not complete and that the effects of those activities are often poorly understood. For these reasons further information needs to be collected and evaluated, and following this exercise policies and methods can be further refined. Until these factors are better understood, it is expected by the community that the principle of caution will apply.
- SO1.6.3 Council also recognises that industry groupings and resource users have a long-term interest in the resource and some are showing a strong interest in designing their own set of environmental standards and codes of practice. These initiatives are consistent with Council's principle of encouraging users to take responsibility for the effects that their activities may create.

S01.7 anticipated environmental results

- SO1.7.1 The maintenance of the natural fertility and structure of the soil resource of the Nelson City Council jurisdictional area.
- SO1.7.2 The maintenance of the coastal environment and river and stream environment (including water quality).
- SO1.7.3 Avoidance of adverse effects on other natural or physical resources from land management practices.

S01.8

performance indicators

- SO1.8.1 Monitoring of land use activities using remote sensing techniques such as repeat aerial photography which indicate whether changes or activities are taking place which have the potential to result in degradation of the soil resource.
- SO1.8.2 Monitoring of water quality indicating that no significant reduction in visible clarity is occurring as a result of land disturbance activities.
- SO1.8.3 Analysis of soil samples showing no significant accumulation of chemical contaminants.
- SO1.8.4 Monitoring of sediment in the coast and in the rivers and streams showing no abnormal change in composition or rate of deposition.

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(S0) soils

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discharges to air



DA1 Air Quality

DA1.1 **issue**

Air pollution arising from the discharge of contaminants.

Air pollution may affect the community through damage to human health, to aesthetic values and through reduced comfort.

Air may be polluted from a number of sources, including industrial and commercial premises, domestic fires, vehicles, naturally occurring sources and from activities associated with agricultural, horticulture, and exotic forestry.

The principal types of air pollution are products of combustion (eg smoke), chemical processes (eg gas), odour, dust and naturally occurring sources.

The main sources of air pollution are from domestic sources and vehicles. Nelson does not currently have any major commercial or industrial sources, although there are particular problem industries such as sand blasting.

Nelson City Council has carried out particulate testing over the last ten years. However, no other parameters of air pollution have been tested. A comprehensive fuel survey of domestic sources was carried out in 1989, but has never been analysed. A full assessment of Nelson's air quality is required in order to provide sufficient information on which to base detailed management decisions.

DA1.1.1 Domestic Sources

Domestic sources of pollution are mainly from open fires, solid fuel space heaters and garden fires. They can be reduced through correct operation and use of dry fuel woods. There is a limited control over garden fires through the Bylaw on Open Burning.

DA1.1.2 Vehicle Emissions

The responsibility for control of vehicle emissions lies with the Ministry of Transport. Councils may influence the quality of vehicle emissions through voluntary emission testing programmes, and the quantity of emissions through service provisions such as the number and design of roads, control of activities which adjoin major roads and are likely to disrupt traffic flows, provision of parking spaces, access to public transport facilities and proximity of areas of residence to those of employment.

DA1.1.3 Odour

Odour is a particular problem in that it can not be measured in exact terms and that people vary in their tolerance to different odours. Nelson has a number of processing and industrial plants with the potential to emit objectionable odours capable of causing offence. Sewage treatment plants have also given problems, particularly during winter.

DA1.1.4 Topography and Weather

Topography and weather conditions have a significant impact on the effects of air pollution in Nelson. In combination they may result in temperature inversions. These occur mainly in winter when smoke production is at a maximum. Temperature inversions trap pollutants such as smoke and vehicle exhaust emissions in air layers close to ground level by creating a barrier to vertical mixing. Where the rate or concentration of emissions is high, this can result in severe air pollution problems.

DA1.2 objective

DA1.2.1 Improvement in Nelson's ambient air quality.

DA1.3 policies

DA1.3.1 To set minimum ambient air quality standards that are at levels which ensure that adverse effects on people or ecosystems at ground level are avoided or mitigated.

DA1.3.2 Where existing air quality is higher than the standards set under the above policy, no significant degradation to existing ambient air quality shall be permitted.

DA1.3.3 To control and/or reduce the volume or concentration of point source discharges so that the adverse effects on people or ecosystems at ground level are avoided or mitigated.

DA1.3.4 To ensure industrial, commercial, rural and domestic discharges avoid significant adverse effect on the environment, including people, plants or animals.

DA1.3.5 To minimise the adverse effects of odours on public amenity by requiring new or existing activities seeking new sites, which discharge contaminants into air, to locate away from residential dwellings, educational facilities, hospitals, shops or other similar public buildings, unless adverse effects can be avoided, remedied, or mitigated.

DA1.3.6 To promote energy conservation in buildings.

DA1.3.7 To seek to minimise vehicle emissions from motor vehicles while acknowledging the effects of primary transport corridors on air quality and the resultant incompatibility between some land use activities and those primary transport corridors.

DA1.4 methods

DA1.4.1 Council will, along with other involved agencies, prepare and implement an air quality monitoring programme.

- DA1.4.2 Council will prepare a regional air quality management plan, including standards and rules, relating to discharges to air from domestic, commercial and industrial sites.
- DA1.4.3 Council will require resource consents to be granted for industrial and commercial discharges to air and will place conditions in order to ensure that adverse effects are avoided, remedied, or mitigated.
- DA1.4.4 Council will investigate and, where appropriate, implement through its regional air quality management plan, restrictions on the location, time of year, materials burnt and operation of domestic rubbish fires and will consider total prohibition if necessary. Council will encourage and facilitate composting of vegetation refuse.
- DA1.4.5 Through its Regional Land Transport Strategy, plans and operations, Council will address ways of reducing vehicle emissions through mechanisms including greater use of public transport, more convenient parking, reduction in traffic delays, preserving the function of arterial roads, and public education.
- DA1.4.6 Council will investigate regulations in consultation with the Clean Air Council to limit solid fuel heaters to those which meet NZS 7402/3 or its equivalent.
- DA1.4.7 Council will undertake a public education programme regarding the correct operation of solid fuel heaters.
- DA1.4.8 Council will promote better building design or alterations to minimise heating requirements and maximise heating from the sun (see also Energy section).
- DA1.4.9 Council will request Central Government to adopt and enforce:
 - i) appropriate vehicle engine emission standards; and
 - ii) securing of fine-grained loads against wind blow.
- DA1.4.10 Council will support and encourage industry and resource users to prepare codes of practice and standards in order to avoid, remedy, or mitigate adverse effects of dust generation.
- DA1.4.11 Council will monitor odour emissions including those from its own facilities, such as sewage treatment ponds, solid waste disposal facilities and industrial sources. Where unacceptable odour levels are recorded, Council will investigate and seek appropriate management changes to rectify this situation.

(DA) discharges to air

DA1.5 other relevant sections

- NA1 Amenity Values
- DA2 Noise
- EN1 The Use of Energy and Emission of Greenhouse Gases
- WM1 Solid Waste Disposal
- IN2 Transport

DA1.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- DA1.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for objectives, policies, and methods which result in a lower level of air emissions and an overall improvement in air quality.
- DA1.6.2 Council recognises that most air emissions in Nelson come from domestic sources and that it will take considerable time to reduce emissions from these sources. Therefore, in general Council favours policies of education and encouragement, and attempts to keep regulation to a minimum.

DA1.7 anticipated environmental results

- DA1.7.1 A reduction in the level of emissions from domestic fires, including both heating and rubbish fires.
- DA1.7.2 Industrial and commercial emissions being controlled so that they do not result in a significant reduction in air quality or in adverse effects on amenity values.
- DA1.7.3 A general lowering in vehicle emission levels.
- DA1.7.4 A reduction in dust and odour complaints.

DA1.8 performance indicators

- DA1.8.1 The air quality monitoring programme showing a decline in mid winter particulate matter levels.
- DA1.8.2 Monitoring of industrial and commercial emissions showing compliance with standards and/or consent conditions being met.

DA2 noise

DA2.1 issue

Excessive noise resulting in adverse effects on public health and general amenity.

Noise or unwanted sound can affect the health and well being of the community. It has subjective aspects that result in diverse perceptions from different people and parts of the community.

Noise is created by a number of sources:

- industrial and commercial sources;
- community noise (domestic sources);
- vehicle traffic;
- aircraft; or
- natural sources.

The Resource Management Act shares the responsibility for the control of commercial, industrial and domestic noise between territorial and regional government. In the case of Nelson City which combines both territorial and regional functions, it is appropriate that the objectives and policies for noise control be established in the Regional Policy Statement to provide the overview statement for both the Regional Coastal Plan and the District Plan.

Council can not control noise from individual vehicles or from overflying aircraft, which is by law under the jurisdiction of the Secretary of Transport, but may remedy or mitigate the adverse effects of noise by separating noisy activities and sensitive uses.

Noise is a pervasive pollutant. It travels a long distance and one source can affect large areas of the community. The control of noise pollution is complicated especially where a number of sources exist in close proximity. Each source may comply with the Performance Standards by achieving a specified level, but when the sources are added together an increase in the overall noise level occurs. This is known as “noise creep”.

Noise creep is a difficult problem to overcome. It raises equity issues, especially where the establishment of a new noise source results in all existing noise sources exceeding the specified limit. It also creates noise measurement problems in separating out one source of noise from other sources.

DA2.2

objective

DA2.2.1 An environment in which unreasonable noise is avoided, remedied or mitigated.

DA2.3

policies

DA2.3.1 To the extent that it is within Council’s statutory power to do so, to protect existing and proposed residents and other noise sensitive land uses from the adverse effects of excessive and unreasonable noise from industrial, commercial, transportation (including land, sea and air), community or recreational activities.

DA2.3.2 Where it is within Council’s power to do so, to prevent adjacent activities within commercial and industrial areas from being adversely affected by excessive and unreasonable noise including that generated by transport.

DA2.3.3 To acknowledge that there are noise sensitive activities which may not be compatible with existing facilities which are sources of noise.

DA2.4

methods

DA2.4.1 Council will include performance standards related to noise discharges in its combined District Plan/Regional Coastal Plan.

DA2.4.2 Council will liaise with operators of ports and airports, civil aviation authorities and the wider community in order to establish appropriate noise standards having regard to the time of day, ways of meeting these standards having regard to operational requirements, and ways of mitigating noise arising from activities on areas administered by these authorities, particularly during the hours of darkness.

- DA2.4.3 Council will investigate complaints related to unreasonable noise and where necessary enforce the provisions of its District Plan/Regional Coastal Plan.
- DA2.4.4 Council will investigate methods including the use of buffer areas, the segregation of noise sensitive activities, road surfaces and speed limits to reduce the adverse effects of transportation noise and other noise emissions which are difficult to control.
- DA2.4.5 Council will advocate to Central Government the need to develop, implement and enforce appropriate standards related to road noise.
- DA2.4.6 Council will, through its combined District Plan/Regional Coastal Plan, restrict the establishment of new activities, and expansion or relocation of existing activities with the potential to emit excessive noise affecting sensitive areas, including existing and proposed residential areas.
- DA2.4.7 Through personal contact and literature, Council will encourage businesses, individuals and organisations to implement the best practical option to reduce noise emissions to a reasonable level.

DA2.5 other relevant sections

- NA1 Amenity Values
- CO1 Management of the Coastal Environment
- DA1 Air Quality
- IN2 Transport
- IN3 Maritime Transport

DA2.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- DA2.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for objectives, policies, and methods to include control of excessive or unreasonable noise, particularly during the hours of darkness.
- DA2.6.2 Council has in the past experienced considerable difficulty with the control of excessive noise and is of the view that appropriate regulation is necessary to achieve the desired results.

DA2.7 anticipated environmental result

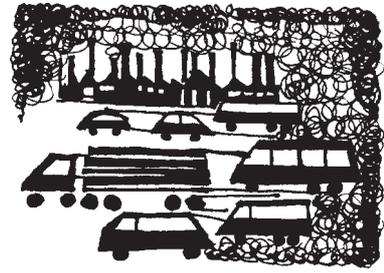
- DA2.7.1 A reduction in the incidence of excessive and unreasonable noise.

DA2.8 performance indicator

- DA2.8.1 A reduction in the frequency of noise levels exceeding specified levels at specified locations.

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energy



EN1 use of energy and emission of greenhouse gases

EN1.1 issue

- 1) Current uses of non-renewable resources are not sustainable.
- 2) The ways and rates at which we are burning fossil fuels is resulting in elevated levels of greenhouse gases which may contribute to significant changes in the world's climate.

Between 1975 and 1990 primary energy consumption in New Zealand increased by 45% while the total population increased by 9%.

In 1990 46% (229 petajoules) of New Zealand primary energy use was from New Zealand's oil and gas fields in Taranaki. These fields are of limited extent with the Maui field expected to cease production about the year 2010 and the Kapuni field around 2017.

In terms of energy use per unit of gross domestic product, New Zealand uses 53% more energy than the OECD average. New Zealand energy use is still increasing and between 1978 and 1992 rose by 18.5%, while the OECD average declined 11% during the same period. Two sectors in particular have contributed to New Zealand's relatively high and increasing energy intensity; the metal smelting and transport sectors.

The energy sector contributes over 80% of the carbon dioxide emissions resulting from human activity in New Zealand. Carbon dioxide and other greenhouse gases, such as methane, are thought to be associated with global warming and climate change.

The Government has announced a target of reducing total carbon dioxide emissions nationally to their 1990 levels by the year 2000 and to maintain them at this level beyond the turn of the century.

While a reduction in the rate of emission of carbon dioxide is likely to be the principal means of addressing the issue of greenhouse gases, there are other potential ways to avoid or mitigate the adverse effects. In the case of carbon dioxide, vegetation may be used to trap atmospheric carbon and thus reduce carbon dioxide levels. However, much of the CO₂ may be released into the atmosphere when the trees are harvested and processed. Therefore, to act as a sink, not only is it necessary that areas be replanted, but additional plantings are also necessary. The Ministry of Forestry forecast a new planting rate (under present policy settings) of an average of 100,000 hectares per annum between now and the year 2020. Commercial forestry may be effective in this regard as it is a long-term crop which is generally not burnt at the end of the cycle and therefore the carbon is not re-released to the atmosphere.

The major implications for resource management from these trends in energy consumption are:

- a) Energy usage per head of population in New Zealand is steadily increasing, while fossil fuels are finite and cannot last indefinitely.
- b) Increases in New Zealand's electricity generation could, in part, compensate for a reduction in fossil fuel use but are likely to be associated with new hydro-electric dams and stations which may in themselves have environmental impacts and be associated with serious resource use conflicts.
- c) Nationally and internationally, governments are seeking to reduce carbon dioxide emissions. This is likely to have implications on the quantity of, and ways in which we use, fossil fuels.
- d) The structure and form of our New Zealand cities depends on the continued use of motor vehicles and the continued availability of electricity imported from outside the area. Consumption and supply trends suggest that this situation is not sustainable and there needs to be consideration of ways in which our cities' reliance on imported energy can be reduced. This has implications in terms of the urban form and density of our cities, which in turn impact upon amenity values and other natural and physical resources.
- e) There is a need to consider renewable and environmentally friendly sources of energy including solar, wind, biogas, and small scale hydro generation (ie single or small number of households supply).
- f) There is a need to consider ways of reducing energy demand through increased energy conservation, for example, transportation and design of buildings through building orientation, maximising solar gain, heat storage through high thermal mass, and a higher rate of insulation.
- g) There is a need to consider ways in which the emission of greenhouse gases can be reduced or the effect of greenhouse gases can be avoided or mitigated (eg through collection of methane or trapping of carbon dioxide in vegetation).

Energy is a natural and physical resource which falls within the purpose and scope of the Act. However the rational management of energy requires a nationally co-ordinated response, particularly regarding energy pricing and the use of fossil fuels. Without adequate or consistent guidance on energy matters, local government has limited ability to adequately deal with energy related matters. Nelson City Council believes that Central Government should prepare a National Policy Statement on energy use which establishes clear and consistent objectives and policies at both national and regional levels.

EN1.2

objectives

- EN1.2.1 Sustainable use of energy through an orderly transition from non-renewable resources to renewable resources.
- EN1.2.2 Greenhouse gas emissions being stabilised at or below their 1990 levels by the year 2000 and their adverse effects being remedied or mitigated.

EN1.3

policies

- EN1.3.1 To promote the use of renewable sources of energy.
- EN1.3.2 To promote energy conservation and efficiency in city form and in the design of developments.
- EN1.3.3 To encourage energy conservation and efficiency in transportation.
- EN1.3.4 To promote actions or activities which remedy or mitigate the adverse effects of greenhouse gases.

EN1.4

methods

- EN1.4.1 Council, together with interest groups, other agencies, organisations and individuals, will facilitate energy efficient buildings by promoting:
 - i) the construction and display of an energy efficient show home and the provision of literature on the design and construction of buildings for maximum energy efficiency;
 - ii) the undertaking of an education programme informing owners of existing buildings of ways to reduce their energy use through appropriate insulation, ventilation and maximum use of solar energy, co-generation, and other methods; and
 - iii) subdivision design so that when land is developed for residential or commercial purposes the size, shape and orientation of the lots enable houses to be located to achieve maximum use of solar energy.
- EN1.4.2 Council will establish cycle routes through the urban area in order to provide for safe and convenient cycling.
- EN1.4.3 Council will ensure that subdivisions and developments take into account the need to provide safe and convenient pedestrian access, including footpaths, walkways and linkages.
- EN1.4.4 Council will work with public passenger transport operators and the general public to promote a greater use of public transport (including mini buses, vans and taxis) and more efficient use of private vehicles through trip minimisation and car pooling.
- EN1.4.5 Council will ensure that when making any decisions regarding the location of residential, industrial or commercial development, it gives due regard to minimising the likely demand for transport created by that development.
- EN1.4.6 Council will operate its buildings and machinery to ensure all reasonable steps are taken to keep energy use to a minimum and to use renewable sources of energy in preference to non-renewable sources.
- EN1.4.7 Council will advocate to Central Government the need to prepare a national policy statement on the use of energy and emission of greenhouse gases.
- EN1.4.8 Council will investigate the use of economic instruments and incentives to encourage energy conservation and efficiency and the use of renewable sources of energy.

- EN1.4.9 Council, together with interest groups, other agencies, organisations and individuals, will promote the establishment of plant and shellfish communities which absorb and fix atmospheric carbon dioxide, and in particular encourage landscape and amenity planting, further planting of both production and amenity forests and the use of timber as a building material, where these actions do not result in other significant adverse effects.
- EN1.4.10 Council will collate and distribute information regarding electric vehicles and will support in principle their use in Nelson City.
- EN1.4.11 Council will encourage collection of methane as an energy source (including gas from its own operations such as landfill and sewage treatment facilities) through such methods as co-siting and co-generation.
- EN1.4.12 Council will prepare an Air Quality Management Plan with provisions relating to the control of greenhouse gases.
- EN1.4.13 Council will support in principle development of local energy initiatives, particularly those using renewable resources, where these actions do not result in significant adverse effects.
- EN1.4.14 Council will take into account the need to minimise the use of non-renewable energy resources in any proposed urban expansion or redevelopment.
- EN1.4.15 Council will establish an energy audit and management plan for its own operation and promote the establishment of energy audits in management plans for all businesses, institutions and schools in Nelson City.

EN1.5 other relevant sections

- DH1 Urban Expansion
- DA1 Air Quality
- IN2 Transport

EN1.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- EN1.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for the adoption of objectives, policies, and methods which promote the efficient use of energy and make greater provision for public transport, cycling and walking.
- EN1.6.2 Council has adopted a precautionary approach to resource management. When translating this approach to energy use, Council needs to adopt objectives and policies which ensure that even where knowledge of a resource is limited, resource utilisation will not lead to adverse effects which can not be avoided or mitigated. In order to achieve this end, Council has adopted objectives and policies which focus on a reduction in the use of non-renewable sources of energy, a reduction in the volume of carbon dioxide emitted and enhancement of plants and animals which naturally fix carbon dioxide.

EN1.7

anticipated environmental results

- EN1.7.1 A reduction in the use of non-renewable energy.
- EN1.7.2 A decrease in the rate of carbon dioxide emissions.
- EN1.7.3 An increase in the amount of carbon dioxide fixation by plants and animals.
- EN1.7.4 Urban form resulting in reduced dependence on non-renewable sources of energy.

EN1.8

performance indicators

- EN1.8.1 Increased number of buildings being constructed or refitted to achieve energy conservation, as shown by a sample survey of owners.
- EN1.8.2 A greater number of people using public transport, cycling, and walking.
- EN1.8.3 An increase in the area of both production forest planting and amenity planting in Nelson City.

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(EN) energy

13 waste management



WM1 solid waste management

WM1.1 issue

- 1) Natural and physical resources being used in a manner or at a rate that is not sustainable.
- 2) The adverse effects of solid waste disposal on the environment.

Integrated waste management requires attention to five key components. In order of importance these 'five Rs' are: Reduce, Reuse, Recover, Recycle, and the treatment and disposal of Residue.

Reduction includes promoting or requiring processes and packaging that produce less waste (for example more efficient processes and use of packing materials that can be reused or recycled).

Reuse includes reuse of the waste products, in particular packaging (for example refilling of used containers such as bottles).

Recovery includes recovery of waste material or energy for further use (for example composting organic matter to produce a fertiliser or collecting landfill gas for use as a energy source).

Recycling includes recycling of waste material so that it can be used a number of times (for example recycled paper or oil).

Residue treatment and disposal.

Adoption of some or all of these methods will reduce the rate of resource utilisation and also the rate of waste generation. They are likely to result in a more sustainable use of resources than just disposing of greater volumes of waste but they are also associated with a number of practical difficulties. These include:

- Before a co-ordinated programme of waste management can be developed it is necessary to have a detailed knowledge of the volume and type of waste being generated. A good knowledge of the waste stream will allow Council to target the most productive groups or activities where waste reduction, reuse, recovery or recycling have the greatest potential to reduce the volume of waste requiring disposal. The Ministry for the Environment has developed a waste analysis protocol to provide a rationally consistent basis for quantifying waste streams which would provide the starting point for a detailed solid waste management strategy.

- Many councils are not charging waste generators the full cost of waste disposal based on the full replacement cost of the landfill space used. By not charging waste producers the full cost the councils are in effect providing a subsidy for their operation. This subsidy is being reflected by a reduction in the price of new goods in relation to recycled and reused goods. The end result is a market that does not favour waste reduction or the use of reused or recycled materials. Nelson City Council is recovering the full costs of the landfill.
- Central Government has as yet failed to establish appropriate standards or rules to ensure that waste reduction is taken seriously by the industrial and commercial sectors of the economy in their production of goods and services. There is no requirement to ensure that production is efficient in terms of its use of raw materials-, or that packaging is kept to a minimum and consists of materials that can be recycled or reused. Some potential exists at the regional level to influence waste generation behaviour through landfill charges but taxation instruments are not available to local government.
- Local authorities are still gaining experience with establishing and operating waste minimisation facilities and there is still much to be learnt.
- While there is increasing community understanding of the costs of resource use and the benefits of waste minimisation not all people are aware of these costs. Of those that are, many are not yet willing to adopt the waste minimisation practices if they require additional effort or cost.

Nelson City is fortunate in having a comparatively modern controlled landfill site in the York Valley. This facility receives domestic, commercial and industrial waste and also provides for some co-disposal of hazardous wastes.

While at present the Nelson City system has considerable capacity, it is not unlimited. The number of people living in Nelson is steadily increasing, as is the volume of waste per head being generated. At some time in the future, a new landfill site, or alternative method of solid waste disposal will need to be established.

Reducing the volume of waste requiring disposal will not only postpone the need to replace the York Valley landfill site. It will also reduce the rate at which we use natural resources, and hence will make these resources last longer.

Even with an active waste minimisation programme, Council will still need to ensure that facilities exist for the disposal of residual wastes. While modern controlled landfills are far less likely to result in adverse environmental effects than were the unplanned uncontrolled landfills of the past, there is still a need for careful monitoring and management to ensure that any adverse effects are avoided, remedied, or mitigated. Careful monitoring and management are not restricted to new landfill sites and are also required for existing disused landfill sites. These sites generally were not located, designed or operated in ways intended to minimise leachate and/or gas generation or to permit efficient collection. Old landfill sites often contain materials now considered hazardous and which can potentially lead to long term adverse effects on the environment.

Solid waste management is a developing field. There is a need to keep abreast of modern technology to ensure that any waste disposal system chosen results in the least net adverse effects and is the most appropriate for the needs of councils and communities. This places an obligation on councils to ensure that their waste disposal system is periodically reviewed to ensure they retain relevance to the needs of their communities.

WM1.2

objectives

- WM1.2.1 The highest practical level of clean production, waste reduction, reuse, recovery, and recycling, and to dispose of any residual wastes in the best practical manner taking into account all costs involved including the need to avoid, remedy, or mitigate any adverse effects on the environment.
- WM1.2.2 A 20% reduction by weight in solid waste requiring landfill disposal per head of population by the year 2000 compared to 1993.

WM1.3

policies

- WM1.3.1 To minimise solid waste generation and maximise the life of landfill sites through promotion of waste reduction, reuse, recovery and recycling.
- WM1.3.2 To ensure that all costs associated with the disposal of residual waste are borne by the waste generator.
- WM1.3.3 To ensure that adverse effects associated with operational landfill sites are avoided, remedied, or mitigated.
- WM1.3.4 To monitor disused landfill sites and take any appropriate action to remedy or mitigate adverse effects.
- WM1.3.5 To encourage the use of reusable, recyclable or recycled materials and to investigate the use of economic instruments to achieve this.
- WM1.3.6 To work closely with adjoining territorial authorities in order to achieve integrated waste management in the upper South Island.

WM1.4

methods

- WM1.4.1 Council will liaise with Tasman District Council, industry, the commercial sector and other relevant organisations to analyse waste streams and prepare and implement a solid waste management plan which will address clean production, waste reduction, reuse, recovery, recycling and disposal.
- WM1.4.2 Council will support the polluter-pays principle and will continue to ensure that landfill charges are based on the full replacement cost of the landfill facility and take full account of the costs of land purchase, facility design, resource consents, equipment, operation, restoration, and monitoring.
- WM1.4.3 Council will establish and operate recycling, composting and other waste management facilities and encourage those undertaken by private individuals and organisations.
- WM1.4.4 Council will control illegal dumping through its enforcement officers and through voluntary litter control officers, and will take enforcement action where infringements occur through the provisions of the Litter Act 1979 and/or the enforcement provisions of the Resource Management Act 1991 (Part XII).

- WM1.4.5 Council will work with Tasman District Council and the commercial sector to investigate and implement ways in which the volume of waste (including packaging) can be reduced. This may involve the use of economic instruments.
- WM1.4.6 Council will implement a waste reduction, reuse, recovery, and recycling programme within its own operations and will support recycling by using recovered, recycled and renewable products where practicable.
- WM1.4.7 Council will promote solid waste reduction by way of a public education programme which focuses on clean production, waste minimisation, reuse, recovery and recycling.
- WM1.4.8 Council will prepare a monitoring plan which will include monitoring of the waste stream, the York Valley landfill site and the old Atawhai landfill site to ensure that the highest practical environmental standards are maintained (see also Section 14: Resource Monitoring).
- WM1.4.9 Council will undertake measures to avoid, remedy or mitigate adverse effects where the monitoring of operational or disused landfill sites reveals:
- i) unacceptable surface or groundwater contamination;
 - ii) unacceptable soil contamination;
 - iii) excessive emissions of methane or other landfill gases;
 - iv) subsidence, erosion, or other instability, or
 - v) unacceptable landscape and/or other aesthetic impacts.
- WM1.4.10 Council will review resource consents for operational landfill sites on a regular basis and at least every 10 years. When issuing any new consent, Council will take into account any impacts on the environment of the previous operation, the results of any previous monitoring undertaken, changes in solid waste management technology, and the best practical option for solid waste disposal.
- WM1.4.11 Council will liaise with the tangata whenua, industry, other district and regional councils, Central Government and other relevant organisations to share information and encourage good practice related to clean production, waste reduction, reuse, recovery, recycling (including waste heat, waste water and waste materials) and solid waste disposal.
- WM1.4.12 Council will request Central Government to prepare a national policy statement and/or standards and/or regulations to address clean production and waste minimisation.

WM1.5

other relevant sections

TW1	Tangata Whenua Interests
WA1	Quality of Natural Water
DA1	Air Quality
WM2	Management of Hazardous Substances & Contaminated Sites

WM1.6

principal reasons for the adoption of these objectives, policies and methods of implementation

- WM1.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for the adoption of waste reduction, reuse, recovery and recycling as important parts of solid waste management.
- WM1.6.2 By adopting clean production, waste reduction, reuse, recovery and recycling as principles ahead of residual management, Council is promoting sustainable management, encouraging good resource management behaviour and the more efficient use of natural and physical resources.
- WM1.6.3 All waste disposal systems are associated with some adverse effect, therefore any reduction in the volume of waste disposed of reduces the potential for adverse effects.
- WM1.6.4 The establishment of a solid waste disposal facility is a very expensive and time consuming exercise. It is therefore in the interests of Council and its ratepayers, to ensure that the York Valley Landfill receives the lowest possible volume of refuse and lasts for the longest possible time before its capacity is exceeded, and a new site or disposal method must be found.
- WM1.6.5 There is ongoing research into the field of waste management technology, the effect of controlled landfill sites on the environment and into the field of waste disposal technology. Nelson City Council needs to monitor these developments and where necessary make appropriate adjustments to its waste reduction, reuse, recovery, recycling and disposal methods.

WM1.7

anticipated environmental results

- WM1.7.1 A substantial reduction in the volume of waste generated per head of population.
- WM1.7.2 More efficient use of natural and physical resources.
- WM1.7.3 Increased life expectancy for the York Valley landfill.
- WM1.7.4 A waste management system which positively responds to changes in technology and environmental values.

WM1.8

performance indicators

- WM1.8.1 A reduction in the volume of solid waste per head of population received at the York Valley landfill site.
- WM1.8.2 Monitoring showing targets being achieved and an increase in the percentage of reuse, recycle and recovery per head of population.
- WM1.8.3 Results from the landfill monitoring programme showing no adverse effects which can not be avoided or mitigated.

WM2.1

issue

Risks to human health and to the environment from hazardous substances and contaminated sites and their management.

The Second Schedule of the Act, which deals with matters that may be provided for in policy statements and plans, states *“The prevention and mitigation of any adverse effects of the storage, use, disposal, and transportation of hazardous substances”*, to be a matter related to regions, and *“The implementation of rules for the prevention or mitigation of any adverse effects”* to be a matter related to districts.

As a unitary authority Nelson City Council clearly has responsibility for both these functions which relate back to section 5 (Purpose), specifically subsections 2(b) (Safeguarding the life supporting capacity of air, water, soil, and ecosystems); and 2(c) (Avoiding, remedying, or mitigating any adverse effects of activities on the environment).

The precise definition of a hazardous substance has still to be determined. Section 344 of the Act contains the following definition:

“Hazardous substances’ means any substances which may impair human, plant, or animal health or may adversely affect the health or safety of any person or the environment, and whether or not contained in or forming part of any other substance or thing; and -

- a) Includes substances prescribed by regulations as hazardous substances for the purpose of this part; but
- b) Does not include substances prescribed by regulations as not being hazardous for the purpose of this part.”

However Part XIII of the Act related to hazardous substances has yet to come into force and is subject to review. As a result, the final definition of a hazardous substance may yet be different.

Hazardous substances include a wide range of toxic, corrosive, explosive, poisonous, and flammable substances which may occur or be used in a number of different situations. These include:

- as input to industrial or manufacturing processes (eg timber treatment);
- as waste products of an industrial or manufacturing process (eg chemicals manufacture); or
- as products for particular end uses (eg agricultural chemicals).

Various Acts give control over aspects of the use, storage, disposal and transportation of some substances but there is no co-ordinated approach to ensure appropriate handling of all hazardous substances at all stages of their production, distribution, use, and disposal.

The Resource Management Act requires Council to ensure the prevention or mitigation of any adverse effects of the storage, use, disposal and transportation of hazardous substances but regional initiatives can have only limited impact unless there is an integrated approach at the national level. Any co-ordinated national control would be reliant on a number of factors including:

- the development of a nationally integrated registration and tracking system for all hazardous substances from their creation to their end disposal point (cradle to grave tracking);
- national programmes aimed at clean production to reduce the volume of hazardous substances used by industry and commerce, and the volume of hazardous waste generated;
- national regulations controlling the distribution, use and disposal of agricultural chemicals; and
- national disposal facilities for intractable hazardous substances.

At present there is no overall national integration, though tracking and disposal of hazardous substances currently being produced in New Zealand is being addressed by the Minister for the Environment through the Hazardous Substances and New Organisms Law reform.

Without adequate controls, the storage, use and disposal of hazardous substances may be carried out inappropriately. This could result in contamination of sites, pollution of groundwater and surface water, and at times, pose a direct threat to human health as a result of direct contact or through long-term contact with contaminated sites.

Before Council can begin to effectively manage hazardous substances, it will need to have developed a detailed understanding of the range and volume of substances being transported, used, stored and disposed of in Nelson City.

Nelson City has a co-disposal landfill in which some hazardous substances are disposed of subject to strict controls. This system is only applicable for a limited number of substances and, even with these, existing knowledge is imperfect regarding long-term effects on water quality or the future use of the site. For many substances no approved disposal method exists, and they are either disposed of illegally or stockpiled by industry.

Throughout New Zealand there are a number of sites which have in the past been used for the manufacture, storage or use of hazardous substances. Many of these sites are contaminated from spilt or dumped chemicals and may be hazardous to plant and animal life, and may be contaminating adjoining land, water or air.

The extent of existing contaminated sites within Nelson City is also unknown. A register of potentially contaminated sites based on Australian and New Zealand Conservation Council guidelines has recently been compiled by Council. In general Nelson does not have a lot of 'heavy' industry, and setting up the register has revealed that the hydrocarbon sites (petrol and oil storage tanks), timber treatment sites and industries involving metal contamination predominate.

Full assessment of these sites will be required in order to establish the actual degree of contamination. Then decisions must be made on how best to remedy or mitigate any adverse effects (from do nothing through to clean up) and who should pay. In the meantime Council has resolved to record these potentially contaminated sites in its "Conditions Book" which is open to public inspection on request.

WM2.2

objectives

- WM2.2.1 A progressive reduction in the volume of hazardous substances used and produced in Nelson City and their use, management, transport and storage being undertaken in a way which prevents or mitigates any adverse effects on human health and the environment.
- WM2.2.2 No new contaminated sites being created and significant adverse effects of existing contaminated sites being remedied or mitigated by the year 2000.

WM2.3

policies

- WM2.3.1 To promote production processes which reduce or avoid the use and/or production of hazardous substances.
- WM2.3.2 To require producers and managers of hazardous substances, to arrange for the recovery, reuse or recycling of the wastes they produce or to provide for their safe disposal.
- WM2.3.3 Where Council provides for the disposal of residual wastes, to charge the full cost for this service.
- WM2.3.4 To pursue prosecutions under the enforcement provisions of the Act (section 338) where illegal disposal of hazardous substances occurs.
- WM2.3.5 To require that the storage, use and transportation of hazardous substances be carried out in such a way as to avoid and/or mitigate adverse environmental effects.
- WM2.3.6 To require that hazardous substances be disposed of in a manner that avoids adverse effects on the environment and in particular, co-disposal to landfill shall be recognised and promoted as an acceptable method for hazardous substance disposal, provided that such co-disposal is undertaken:
- i) in accordance with recognised guidelines;
 - ii) following pre-treatment to satisfactory standards;
 - iii) in accordance with specific landfill management plans; and
 - iv) recognising that those hazardous substances not suited to co-disposal to landfill shall be disposed of in a manner which avoids environmental effects.
- WM2.3.7 To promote national co-ordination and facilities for the collection, recycling and/or reuse of hazardous substances and disposal of those substances for which no other recovery, reuse, recycling or disposal options exist.
- WM2.3.8 In deciding resource consent applications which involve the transportation, use or disposal of hazardous substances, Council will require applicants to establish adequate justification for the volumes and types of hazardous substances proposed and will require applicants to consider alternatives.
- WM2.3.9 To support the introduction of mandatory national and regional tracking of hazardous substances from point of initial production to final disposal.

WM2.3.10 To liaise with the tangata whenua, other district councils, regional councils, Central Government and other interested organisations to share information related to hazardous substances and hazardous waste management.

WM2.3.11 To pursue identification and clean up of contaminated sites.

WM2.4

methods

WM2.4.1 Council will liaise with producers and users of hazardous substances to prepare a hazardous substances inventory and management plan (either singly or jointly with Tasman District Council) which details the type, volume, use, and movement of hazardous substances and of the environmental effect on sites where hazardous substances are produced, utilised or disposed of (see also Section 14: Resource Monitoring).

WM2.4.2 Council will together with the community and industry investigate ways in which to reduce the use of hazardous substances and the production of hazardous wastes in Nelson City through the development of clean production techniques.

WM2.4.3 Council will provide a secure facility for the collection of those hazardous substances which it has been shown can be safely co-disposed and which can not otherwise be dealt with through recovery, reuse or recycling. These substances will subsequently be co-disposed of at the York Valley landfill.

WM2.4.4 Council will undertake an investigation of potentially contaminated sites in its area in order to identify the nature and extent of contamination, the options for dealing with the site, the people responsible for any remedial work and how this work will be undertaken.

WM2.4.5 Council will undertake a publicity programme to inform the public of appropriate methods of handling and disposal of hazardous substances and wastes.

WM2.4.6 Council will advocate to Central Government the need to introduce a national system for the tracking of hazardous substances from their point of production to final disposal.

WM2.4.7 Council will advocate to Central Government the need to reduce the range and quantities of hazardous substances produced.

WM2.4.8 Council will advocate to Central Government and industry the need to provide disposal facilities for hazardous substances for which there is no other recovery, reuse, recycling or safe disposal options.

WM2.4.9 Council will maintain its data base of contaminated sites and, in association with landowners and occupiers, will ensure work is undertaken to remedy or mitigate any significant adverse effects of these sites.

WM2.5

other relevant sections

TW1	Tangata Whenua Interests
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
SO1	Sustainability of the Soil Resource
DA1	Air Quality
IN2	Transport

WM2.6

principal reasons for the adoption of these objectives, policies and methods of implementation

- WM2.6.1 Responses to the Proposed Regional Policy Statement and to the Issues and Options paper indicate a preference for a reduction in the volume of hazardous substances produced. This can be achieved through the adoption of clean production techniques and a change to the use of less or non-hazardous substances. The community also supports monitoring and tracking of hazardous substances along with controlled disposal. Concern was expressed regarding the need to identify and clean up contaminated sites, and to provide for the appropriate disposal of empty chemical containers.
- WM2.6.2 The problem of disposal of hazardous wastes is an ongoing one. The safest long-term solution is to minimise the total quantity of hazardous material in use and storage. This may also mean banning the use or production of particularly hard to deal with substances altogether.
- WM2.6.3 A reduction in the volume of hazardous substances produced will take some time to achieve and is unlikely to ever eliminate all hazardous substances. Council must therefore ensure that adequate safeguards and procedures are put in place to ensure that all hazardous substances are safely handled and any residual hazardous substances safely disposed of.
- WM2.6.4 By concentrating on reduction of the volume of hazardous substances produced, along with safe handling and safe disposal of residual hazardous substances, Council should largely prevent the creation of new contaminated sites. There are however a number of existing sites that may have been contaminated which require identification and appropriate treatment in order to avoid, mitigate or remedy long-term adverse effects on the environment. Council therefore has adopted policies to deal with these sites.
- WM2.6.5 Some matters related to hazardous substances can not be dealt with at a regional level and require action by Central Government. These include:
- i) the implementation of a nationally integrated tracking system of all hazardous substances from their point of origin to their point of final disposal;
 - ii) national regulations requiring the recycling of all unwanted chemicals and empty chemical containers by their original producers; and
 - iii) national disposal facilities for residual hazardous substances that can not be dealt with at a regional level.

Therefore Nelson City Council has adopted a policy of advocating to Central Government that it takes responsibility for these matters as soon as possible.

WM2.7 **anticipated environmental results**

- WM2.7.1 Reduced danger to the people and the environment of Nelson City resulting from the transport, storage, use and disposal of hazardous substances.
- WM2.7.2 A reduction in the hazard posed by contaminated sites in Nelson City.

WM2.8 **performance indicators**

- WM2.8.1 A reduction in the range and volume of hazardous substances being used and being disposed of in Nelson City.
- WM2.8.2 Better control of those hazardous substances still in use.
- WM2.8.3 Results from the landfill monitoring programme showing no adverse effects which can not be avoided or mitigated.
- WM2.8.4 A reduction in the number of contaminated sites in Nelson City.

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14

infrastructure



IN1 transport

Transport includes land, sea and air based facilities and services, both public and private in terms of infrastructure and use. The geographic isolation of Nelson and the lack of a railway service places a higher than normal reliance on sea and road transport of bulk goods.

The effect of transport on the sustainable management of natural and physical resources is significant. It also affects the economic, social and cultural well-being of communities and their health, safety and welfare. It has a major influence on the way and rate at which the future development of the region occurs but also has the potential to adversely affect the environment. Examples of such adverse effects include the generation of noise, vibration, vehicle emissions, landscape impacts, impacts on soil and water values and constraints on future options.

There are also environmental effects from the use, development or protection of land which impact on the efficient and effective use of the transport infrastructure.

IN2 land transport

IN2.1 issue

- 1) Adverse effects on natural and physical resources as a result of road construction and maintenance.
- 2) Adverse effects on amenity values from vehicular traffic .
- 3) Adverse effects from adjoining activities on the functioning of roads.
- 4) Providing for existing demand and future growth in demand for land transport whilst avoiding, remedying, or mitigating adverse effects on the environment.
- 5) Reduce the need for non-sustainable uses of transport.

The physical isolation of Nelson from the remainder of the South Island, coupled with the constraints of Nelson's location, nestled between hills and coastline, places pressure on the structure and development of the road transport network. Contributing to this isolation is the fragility of those land transport links and the fact that Nelson is easily cut off from other areas. There is only one major highway passing through Nelson. Transport routes traverse areas prone to slips and flooding, and traverse fault lines. Such problems make road linkages between Tasman Bay and the remainder of the South Island difficult to establish and maintain.

Other modes of land transport include walking and cycling. Research undertaken by the Nelson City Council into the recreation needs of its residents clearly shows walking to be a major recreational pursuit. Cycling is also popular, both in terms of recreation and as a mode of transport, particularly in the inner city area. Significant conflict can occur between walking/cycling and other road users (particularly trucks). There is a need to consider how provision for walking and cycling can be enhanced without unnecessarily constraining the needs of other road users. Development of pedestrian linkages, cycleways and walkways are options which will require consideration.

Under the Transit NZ Act 1989, Council (as a unitary council) is required to prepare and update a five year **land transport strategy**. Nelson City Council prepared its strategy jointly with the Tasman District Council in 1993.

Specific land transport issues include:

- i) reduction of carbon dioxide emissions (Refer Energy section: Part 11);
- ii) vehicle congestion in the Central Business District and the costs and benefits of methods to reduce this, including:
 - a) promoting car pooling,
 - b) parking disincentives to reduce private vehicle use,
 - c) promoting and providing for cycleways and pedestrian links,
 - d) use of public transport, the form that this takes (ie type of service), and
 - e) additional parking and road capacity;
- iii) the impact of the State Highway and in particular the impact of heavy traffic;
- iv) the impact of large traffic volumes on the residential amenity of areas such as Waimea Road;
- v) land transport links to major facilities such as the **Port and Airport**;
- vi) land transport links to strategic industries, eg ENZA store, fisheries and forestry;
- vii) means of reducing adverse effects of land transport on the environment;
- viii) transport of hazardous substances (Refer Part 12.2 - Hazardous Substances);
- ix) means of controlling the effects of activities including subdivision on land transport infrastructure and use; and
- x) impact on non-renewable resources for transport fuels and road construction.

IN2.2

objective

- IN2.2.1 A safe and efficient land transport system that promotes the use of sustainable resources, whilst avoiding, remedying or mitigating its adverse effects on human health and safety, and on natural and physical resources.

IN2.3

policies

- IN2.3.1 To promote the development of transportation systems which:
- i) meet community needs for accessibility;
 - ii) use energy efficiently;
 - iii) discourage dispersed development;
 - iv) avoid or reduce adverse effects on human health, water, soil, air and ecosystems; and
 - v) are consistent with the provisions of Part II of the Act and the New Zealand Coastal Policy Statement.
- IN2.3.2 Where the adverse effects of expansion of transport infrastructure can be avoided, remedied or mitigated, and expansion is considered to have greater net benefit than intensification of the use of existing transport infrastructure, to provide for the most appropriate form of expansion. In determining what is most appropriate, to assess the costs and benefits of the various options according to the criteria outlined in Section 5.1 Policy 3.
- IN2.3.3 To implement methods of controlling the effects of activities, including subdivision, on the land transport system.
- IN2.3.4 To provide for the continued safe and efficient operation, maintenance and upgrading of the land transport system and its linkages with maritime and air transport.
- IN2.3.5 To encourage walking and cycling as alternatives to the use of private motorcars.

IN2.4

methods

- IN2.4.1 Council will include provisions in its District and Regional Plans to encourage development of an urban form readily and efficiently serviced by the road network and where adequate separation or buffers are maintained between major roads, goods handling areas and noise sensitive uses.
- IN2.4.2 Where new roads are constructed or existing roads maintained and/or upgraded, Council will adopt road alignments, designs and techniques which avoid, remedy, or mitigate adverse effects on natural and physical resources and maximise road safety.
- IN2.4.3 Council will include policies and rules in its District Plan, and as appropriate in any regional plan, to control the adverse effects of activities which may affect the transport infrastructure.
- IN2.4.4 Council will implement the Regional Land Transport Strategy as appropriate to ensure that future land transport needs are being provided for.
- IN2.4.5 Council will make provision for pedestrian access, walkways, cycleways where appropriate, and where possible provide physical separation from other road users, sufficient lighting and an appropriate surface.

- IN2.4.6 Council will seek to reduce traffic congestion, better utilise the transport infrastructure, and avoid, remedy or mitigate adverse effects on amenity values. In order to achieve this, Council will work with other local authorities, transport operators, organisations and individuals to promote a wider range and improved patronage of public passenger and freight transport options, and more efficient use of private vehicles including trip minimisation and car pooling.
- IN2.4.7 Council will advocate to Central Government for continued improvement in routes linking Nelson and Richmond and the Nelson/Tasman area to other South Island centres.
- IN2.4.8 Council will liaise with Transit NZ concerning alternative alignment of State Highway 6 through Nelson City and its linkage to the port.
- IN2.4.9 Council will work with port and truck operators in order to minimise noise arising from vehicle movements and cargo handling, particularly during the night.

IN2.5 other relevant sections

DH1	Urban Expansion
NA1	Amenity Values
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
SO1	Sustainable Management of Soils
DA2	Noise
EN1	The Use of Energy and Emission of Greenhouses Gases
WM2	The Management of Hazardous Substances and Contaminated Sites
IN3	Maritime Transport
IN4	Air Transport

IN2.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- IN2.6.1 It is necessary to be consistent with other objectives and policies in the Regional Policy Statement (notably in the Energy section) which seek to minimise adverse effects on the environment.
- IN2.6.2 It is necessary for Council to acknowledge the importance of transportation infrastructure and accordingly to provide for it, where its adverse effects can be avoided, remedied, or mitigated, in its resource management plans.

IN2.7 anticipated environmental results

- IN2.7.1 Adverse effects of road construction, maintenance or upgrading being avoided, remedied, or mitigated.
- IN2.7.2 Adverse effects on amenity values caused by vehicular traffic and goods handling being avoided, remedied, or mitigated.
- IN2.7.3 The functioning and integrity of the road network being maintained.

IN2.8

performance indicators

- IN2.8.1 The number of injury accidents associated with the road transport system.
- IN2.8.2 The number of valid complaints related to loss of amenity values as a result of adverse effects associated with transportation.
- IN2.8.3 The impact of road construction, maintenance and upgrading on conservation areas.
- IN2.8.4 The number of people walking, cycling and using public transport.

IN3

maritime transport

IN3.1

issue

Potential adverse effects on the environment (including amenity values) from the existing and future provision of maritime transport and infrastructure.

Port Nelson is the major export port of the northern South Island. The difficult road access between Nelson and other parts of the South Island, the absence of a railway, combined with significant volumes of primary production principally destined for export markets, results in comparatively high volumes of cargo passing through the port.

The existing port is located centrally in the urban area and is limited in extent. Transport of goods between local producers and the port is exclusively by road. The limited area of the port results in off-site storage for some items and results in a comparatively high number of heavy vehicle movements over a short period of time when ships are loading. Vehicle movements and ship loading operations can lead to a loss of amenity in the surrounding residential areas and may pose a danger where hazardous substances are stored or transported.

The existing port area is becoming increasingly important for these related activities including ship fitting and maintenance, seafood processing, pleasure craft and tourism. The consequence of this growth is an increasing pressure on existing resources, primarily being the space on which to locate these activities.

It is likely that the port facilities will continue to develop. This is a consequence of projected rapid increase in volumes of forest produce being exported, steady increase in horticultural produce being exported, limitations on space already at the existing port, growth in the seafood processing sector, pressure for increasing small craft space and tourism based activities, and likely increases in vessel size.

There are a number of conflicts between the provision of port facilities and the natural and ecological values of the area. Port facilities are subject to the provisions of the New Zealand Coastal Policy Statement. The location of the existing port within a relatively sensitive estuary of national significance is of concern regarding adverse environmental impacts, including those related to: coastal circulation, handling and storage of hazardous substances, control of exotic organisms, provision of slipways and graving docks, and stability of fill areas.

There are also a number of conflicts already evident both within the existing port and between its activities and adjacent uses. These conflicts may well be exacerbated by the continued growth of port activities. Potential effects include impacts on the amenity of residential areas in terms of noise, odour, dust, traffic glare, vibration and light spill, impacts on the roading systems, and the potential for some activities to have effects on other port related activities which have very high quality control requirements.

In order to address growth in cargo, growth in vessel size, and community expectations regarding environmental standards, review of existing port facilities and operations or development of additional port facilities may be necessary. Each option will be associated with a number of costs and benefits and will be subject to the provisions of the Resource Management Act, the New Zealand Coastal Policy Statement and Section 7 of this Regional Policy Statement (Management of the Coastal Environment).

IN3.2 objective

IN3.2.1 The maritime transport needs of Nelson City and surrounding areas being met whilst avoiding, remedying or mitigating adverse effects on the environment and adjoining uses.

IN3.3 policies

IN3.3.1 To ensure that in the operation of port facilities and maritime transport, adverse effects on the coastal environment are avoided, remedied or mitigated.

IN3.3.2 To provide for the safe and efficient operation of water transport systems.

IN3.3.3 To recognise and provide for the interface between marine transport and land transport links at port facilities, in such a way as to minimise the conflict between heavy transport, road safety and residential amenity.

IN3.3.4 To recognise that port facilities in Nelson serve a community of interest wider than Nelson City ratepayers.

IN3.3.5 Where expansion of transport infrastructure is considered to have greater net benefit than intensification of the use of existing transport infrastructure, to provide for the most appropriate form of expansion.

IN3.4 methods

IN3.4.1 Council will include policies and rules in its combined District Plan/ Regional Coastal Plan as appropriate to ensure that the adverse effect on the environment from the provision of transport infrastructure and from the use of transport is minimised. This may include provision for sound and visual buffers between transport infrastructure and residential uses .

IN3.4.2 Council will give consideration to controlling the adverse effects of activities which may affect the maritime transport infrastructure, through its resource management plans and through the consents process.

- IN3.4.3 Council will consider any application for the continued operation and maintenance of existing port facilities and appropriate maintenance, intensification, expansion or development of new facilities in its resource management plans where this does not conflict with the provisions of the Resource Management Act or the New Zealand Coastal Policy Statement.
- IN3.4.4 Through rules in the combined District Plan/Regional Coastal Plan, and the issue of resource consents, Council will limit provision for coastal activities with difficult to avoid adverse effects to the areas which have already been compromised, except where it is not inconsistent with the New Zealand Coastal Policy Statement and a greater net gain can be achieved by locating the activity elsewhere.
- IN3.4.5 Council will continue to liaise with the port operators concerning monitoring and other matters of interest.
- IN3.4.6 Council will encourage the Port Company, port lessees and port users to investigate adverse impacts on the environment of activities at the port and support development of an environmental management plan.
- IN3.4.7 Council will investigate programmes to further study the implications of contamination and the stability of the reclamation in consultation with the Port company.
- IN3.4.8 In determining what is most appropriate, Council will assess any development option against the objective, policies and methods of the Management of the Coastal Environment section, the New Zealand Coastal Policy Statement and the Act.

IN3.5 other relevant sections

DH1	Urban Expansion
NA1	Amenity Values
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
WA1	Quality of Natural Water
SO1	Sustainability of Soil Resource
DA2	Noise
EN1	Use of Energy and Emission of Greenhouses Gases
WM2	Management of Hazardous Substances and Contaminated Sites

IN3.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- IN3.6.1 Submissions received on the Maritime Transport and Port sections of the Proposed Regional Policy Statement polarised views regarding consolidation of existing port facilities or expansion of new facilities. Council has endeavoured to provide a policy framework in which either can be considered on its relative merits.
- IN3.6.2 Sections of the Regional Policy Statement dealing with the coastal environment must not be inconsistent with the New Zealand Coastal Policy Statement.
- IN3.6.3 Council recognises the importance of port facilities to the Nelson regional economy.

IN3.7

anticipated environmental results

- IN3.7.1 Impacts of existing port facilities on the natural environment being reduced, remedied or mitigated as far as possible and/or compensated for through restoration or enhancement of other areas of the coastal environment.
- IN3.7.2 The impact of existing port facilities on residential amenity being kept to a minimum.
- IN3.7.3 Any expanded port facilities having minimal environmental impact and maximum community benefit.

IN3.8

performance indicators

- IN3.8.1 Monitoring of environmental indicators showing the natural character of the coastal environment being preserved or enhanced.
- IN3.8.2 A reduction in valid complaints regarding effects from the Port activities.

IN4

air transport

IN4.1

issue

The conflict between the need for airport facilities and its impacts on amenity values.

As noted in the introduction to the transport section, the location and topography of the Nelson area constrains the land transport linkages. Aircraft provide convenient and fast passenger and high value freight linkages with other parts of New Zealand. The main airport is located within the Nelson urban area.

The major conflict between the airport and the adjoining urban area relates to aircraft noise detracting from residential amenity. There is likely to be further growth in air traffic in both the size of aircraft and number of flights which may exacerbate adverse effects. Whilst Council has control of noise emitted from airports or aircraft landing and taking off from airports, section 9 of the Resource Management Act specifically excludes overflying aircraft.

Nelson Regional Airport Authority is a requiring authority under the provisions of the Act (section 167), and may require designations to be included in the District Plan in order to achieve the safe and efficient functioning or operation of network utility projects or works.

IN4.2

objective

- IN4.2.1 The air transport needs of Nelson City and surrounding areas being met whilst avoiding, remedying or mitigating adverse effects on amenity values and the environment in general.

IN4.3

policies

- IN4.3.1 To ensure that adverse environmental effects of air transport including airports are avoided, remedied or mitigated.
- IN4.3.2 To recognise the importance of air transport to the present and future well being of the wider Nelson/Tasman community.
- IN4.3.3 Where expansion of air transport infrastructure is considered to have greater net benefit than intensification of the use of existing air transport infrastructure, to provide for the most appropriate form of expansion. In determining what is most appropriate, to assess the costs and benefits of the various options according to the criteria outlined in Section 5.1 Policy 3.
- IN4.3.4 To minimise the adverse effects of airport-related noise on adjoining sensitive uses (including residential uses) by maintaining physical separation between the airport and such uses and through limiting the intensity, duration, level and frequency of airport generated noise.
- IN4.3.5 To recognise and provide for land transport links with Nelson Airport.

IN4.4

methods

- IN4.4.1 Council will include policies and rules in its combined District Plan/ Regional Coastal Plan as appropriate to ensure that the adverse effects on the environment from the provision and use of air transport is minimised.
- IN4.4.2 Council will ensure that the New Zealand Airport Noise Management and Land Use Planning Standard NZS 6805 (1992), or subsequent revisions or variations, are met through rules or designations in its District Plan.
- IN4.4.3 Council will work with airport operators in order to facilitate compliance with airport noise controls and will require that the best practical option is adopted to ensure that emission of noise does not exceed a reasonable level.
- IN4.4.4 Council will, through its resource management plans and through the consents process, give consideration to controlling the adverse effects of activities which may affect air transport infrastructure,.
- IN4.4.5 Council will liaise with airport operators, Tasman District Council and Airways Corporation of NZ Ltd regarding the most appropriate long term provision of airport facilities within the Nelson/Tasman region.
- IN4.4.6 Council will liaise with airport operators and the Airways Corporation of NZ Ltd to provide for the safe and efficient operation of the air transport system, with particular reference to Nelson Airport.

IN4.5 other relevant sections

DH1	Urban Expansion
NA1	Amenity Values
NA5	Management of Riparian and Coastal Margins
CO1	Management of the Coastal Environment
DA2	Noise
EN1	Use of Energy and Emission of Greenhouses Gases

IN4.6 principal reasons for the adoption of these objectives, policies and methods of implementation

- IN4.6.1 Submissions on the Proposed Regional Policy Statement generally supported the operation and future growth of air transport but expressed concern regarding adverse effects of aircraft noise on adjoining sensitive uses such as residences.
- IN4.6.2 Council recognises there is likely to be future growth in air transport with the potential to exacerbate existing noise problems.

IN4.7 anticipated environmental results

- IN4.7.1 Adverse environmental effects of the existing air transport system being remedied or mitigated.
- IN4.7.2 Future expansion of the air transport system avoiding as far as possible adverse environmental effects and remedying or mitigating those which do occur.

IN4.8 performance indicators

- IN4.8.1 No increase in the number of valid complaints related to loss of amenity values as a result of adverse effects associated with air transportation.

15

resource monitoring



RM1 resource monitoring

RM1.1 issue

The need to establish a base line of environmental data and to monitor the state of the environment in Nelson City and the effects of activities on it.

In order to achieve the purpose of the Act, that of sustainable management of natural and physical resources, Council requires a knowledge of the natural and physical resources of the City, the existing demands placed on the resources, likely future demands on the resources, and the effects of resource utilisation on the environment. Specifically, the Resource Management Act requires Council to monitor and report on the state of the environment (section 35).

While Council has considerable resource information, this is often incomplete in coverage, limited in its range and insufficient to assess natural and human changes.

There is a need for Council to identify what information gaps exist and how these gaps can be filled. In some cases the information may already exist and may just require locating and compiling in a useable form. In other cases it may be necessary to undertake further research in order to acquire adequate information (for example establishing noise emission levels).

Where adequate information does not already exist or where activities are being undertaken with the potential to result in significant adverse effects, there is a need for Council to establish a monitoring programme and to determine the following:

- base line information on the status and distribution of natural and physical resources;
- ongoing monitoring recording the changes in resources (such as river flows) over time;
- impact monitoring recording the likely effects of resource utilisation on the environment, including the utilised resource itself;
- compliance monitoring to ensure that where Council has placed conditions on resource consents that these conditions are adhered to by the consent holder; and
- outcomes monitoring to assess the effectiveness of plans and policy statements in achieving the purpose of the Act.

The need to undertake monitoring must be assessed in terms of the costs and benefits of this monitoring and the way in which these are distributed between the general public and resource users. Monitoring can be very expensive, as it usually requires specially trained personnel for considerable periods of time. It may also require specialised and expensive equipment for sampling and analysis.

It is necessary for Council to identify:

- Who is the most appropriate party to undertake a particular type of monitoring. Options include:
- resource users (as they capture the most direct benefits of resource utilisation);
- Council (which has responsibilities under the Resource Management Act); other statutory agencies (with responsibilities under a variety of Acts); and
- interest groups (who are concerned with the management of a particular resource).
- What funds can Council make available for monitoring and in what ways can costs incurred be offset.
- For those circumstances where Council is the agency identified as the most appropriate to undertake the monitoring, the order of priority needs to be determined.

Areas where further baseline or ongoing monitoring may be required, as identified elsewhere in this Regional Policy Statement, include the following:

- air quality;
- noise levels near the airport and port;
- water resources, including:
 - riparian management;
 - aggregate extraction;
 - agricultural wastes;
 - forestry establishment and harvesting;
 - inland water allocation;
 - inland water quality;
 - coastal water quality;
 - groundwater quality and quantity; and
 - river flows;
- land resources, including:
 - sustainable management of soils;
 - land stability;
 - soil erosion;
 - areas of significant vegetation and significant habitats of indigenous fauna;
 - landscape values and management; and
 - areas of historical and cultural significance;
- coastal management, including:
 - structures;
 - aquaculture;
 - coastal dynamics;
 - natural hazards;
 - waste management;
 - transport (including noise levels near the airport and port);
 - noxious plants and pests;
 - recreation;
 - public access to the coast and along rivers; and
 - in-river values such as fish habitat.

RM1.2

objective

RM1.2.1 Sufficient monitoring to provide information on the state of the environment, to identify trends in it, and to establish confidence in the outcome of resource management decisions.

RM1.3

policies

RM1.3.1 To undertake ongoing monitoring of the state of the environment in order to identify baseline conditions, and long term or cumulative changes not directly contributable to any single activity or point in time.

RM1.3.2 To monitor the exercise of resource consents and the performance of resource management plans, and to take remedial action where necessary.

RM1.3.3 To charge resource consent holders the cost of monitoring consents, including analysis and reporting of results, where appropriate.

RM1.3.4 Where appropriate and consistent with the powers and responsibilities under the Act, to recognise and/or support monitoring being undertaken by private organisations or individuals.

RM1.3.5 To maximise the benefit of monitoring by information sharing and exchange.

RM1.3.6 To recognise the cost and long term commitment inherent in monitoring.

RM1.4

methods

RM1.4.1 Council will undertake a review of both existing information and existing monitoring programmes (both public agency and private) in order to identify all relevant existing information and gaps in existing information.

RM1.4.2 Council will, in consultation with adjoining territorial authorities, government agencies, tangata whenua and relevant interest groups, identify key environmental indicators (including those identified in the Regional Policy Statement itself). Council will prepare and implement an environmental monitoring strategy which will identify priority monitoring needs, who is responsible for filling those needs and the means of implementation.

RM1.4.3 Council will prepare a state of the environment report on an annual basis. This report will include baseline information, compliance monitoring and monitoring the performance of the Regional Policy Statement.

RM1.4.4 Council will continue to review annual plan budgets for monitoring to ensure sufficient and timely information is available for resource management purposes.

RM1.4.5 When granting resource consents, Council will impose reasonable conditions requiring that adequate monitoring is carried out to accurately assess environmental effects while ensuring they place no greater burden than necessary to accurately assess the effects of the exercise of that particular resource consent.

- RM1.4.6 Council will liaise with other district and regional councils, government departments, crown research institutes, crown research funding foundations, tangata whenua, industry and other appropriate groups to share and exchange information.
- RM1.4.7 Where monitoring shows the presence of unauthorised discharges, conditions of a resource consent not being met, or unanticipated environmental effects, Council will enforce or review conditions of resource consents, as appropriate.
- RM1.4.8 Council will encourage and where possible provide technical assistance for interest groups in undertaking monitoring.

RM1.5 principal reasons for the adoption of these objectives, policies and methods of implementation

- RM1.5.1 The objectives, policies and methods contained in this section represent a summary of monitoring requirements for other sections of the Regional Policy Statement and are, therefore, consistent with these sections.
- RM1.5.2 Submissions on the Proposed Regional Policy Statement, the preceding Issues and Options Paper, and from targeted consultation, indicated a very strong need for comprehensive monitoring and regular reporting of results.

RM1.6 anticipated environmental results

- RM1.6.1 Compliance with conditions set in resource consent decisions.
- RM1.6.2 An improved understanding of the inter-relationships between the natural and physical resources of the region and a basis upon which more informed resource management decisions may be made.
- RM1.6.3 Understanding of the cumulative effects of resource use.

RM1.7 performance indicators

- RM1.7.1 Public information available for state of the environment reporting.
- RM1.7.2 Feedback into the Regional Policy Statement as a result of monitoring the effectiveness of policies and methods.
- RM1.7.3 Regular recording of key environmental indicators.

appendices



AP1 **appendix 1: purposes and principles (part ii) of the resource management act 1991**

“5. Purpose

1. The purpose of this Act is to promote the sustainable management of natural and physical resources.
2. In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:
 - a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6. Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

7. Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- a) Kaitiakitanga:
- b) The efficient use and development of natural and physical resources:
- c) The maintenance and enhancement of amenity values:
- d) Intrinsic values of ecosystems:
- e) Recognition and protection of the heritage values of sites, buildings, places, or areas:
- f) Maintenance and enhancement of the quality of the environment:
- g) Any finite characteristics of natural and physical resources:
- h) The protection of the habitat of trout and salmon.

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

Note: for the principles of the Treaty of Waitangi, see Appendix 3.

AP2 **appendix 2: resource management issues as stated by iwi**

Iwi were consulted prior to and during the preparation of the Regional Policy Statement, as well as through the submission process. Many of the views they expressed have been incorporated in Section 4.1 Tangata Whenua Interests.

They have asked that further reference to their views on a range of matters, some falling outside the scope of the Resource Management Act, also be included as an appendix to the Regional Policy Statement.

The matters contained in Appendix 2 contain these views and are not necessarily endorsed by Council. Appendix 2 does not comprise part of the Regional Policy Statement and should be considered as for information purposes only.

AP2.1 **introduction**

The majority of the 2,300 shareholders of Wakatu Incorporation are of Ngati Koata, Ngati Rarua, Ngati Tama and Te Atiawa descent from one or more of the resident chiefs from whom the New Zealand Company purchased lands for the Nelson Settlement in 1839 and 1841.

Three sets of values determine the interests of tangata whenua in the administration and management of resources - traditional, commercial and conservation. The potential conflict between these factors, in certain locations within the City boundaries, is reduced by the priorities accorded them by iwi. Traditional values take precedence at all times, but where these do not apply, iwi interests will be dominated by commercial or conservation values, as appropriate; in any event a philosophy of "sustainable yield" predominates.

AP2.2 **land management issues: traditional values**

AP2.2.1 **general statements and principles:**

Resource Management issues of high priority for tangata whenua include:

- i) The preservation of (by designation, regulation, practices and physical barriers eg. fencing) access to areas of pingao, flax, kiekie and other culturally important materials.
- ii) The identification and setting aside as waahi tapu reserves of any sites of significant traditional value currently given inappropriate zoning.
- iii) The avoidance of damage to waahi tapu sites as a result of earthworks or developments.

The Coastal Resource Inventory (DOC 1990) and the Historic Places Trust Register of Archaeological Sites provides some guidance to sites of cultural significance, although both documents are largely restricted to archaeological sites and do not adequately record sites that may have been associated with significant events in Maori history (Note: Nelson City Council has also commissioned an investigation of sites of cultural significance).

AP2.2.2 **specific sites**

- i) **Delaware sites:** Within the Delaware coastal lands are several important waahi tapu (including Haua, Hawaiiiki, Rotokura and "Tapu Island") which warrant investigation of title, and possible archaeological survey, to ensure the protection of their historic and cultural values.

- ii) **Matangi Awhea:** The leasehold interest in the ancient occupation area at Matangi Awhea (on the slope above Maori Road) has been purchased recently from Nelson City Council by Wakatu Incorporation. The reserve is to be available for public use for a period of 42 years and has been granted rates relief while it meets the objectives of a public reserve; the present members of the Committee of Management did not feel that they could bind their successors for longer, but they were optimistic that its public use would be perpetual.
- iii) The **Whangamoā River Mouth** is considered important to Ngāti Kūia. The Department of Conservation Coastal Resource Inventory for the Nelson/Marlborough conservancy, notes the Whangamoā sandspit to be one of the best examples of a river mouth occupation site dating back to over 1200 years ago. It was also considered important as a tool manufacturing site with raw materials coming from argillite sites further up the Whangamoā Valley.
- iv) The *Nelson mineral belt* provided a major source of argillite for tool making. Nelson City contains a number of quarry sites which show evidence of use over extended periods of time. There is evidence that tools made from mineral belt argillite were traded throughout New Zealand. The Rushpool in the upper Maitai Valley is considered to be a major argillite quarry, with high intensity flaking and great stone resources. A further significant site occurs at Hebberts Quarry in the lower Whangamoā Valley.

AP2.2.3 papakainga sites

Tangata whenua are the owners of a number of coastal blocks of land which they may some day wish to develop.

Iwi are concerned that, in one case at least, there be no impediment to the establishment of Papakainga Reserve status for the development of communally-owned housing schemes.

AP2.2.4 commentary

Iwi are reluctant to disclose details at this stage but one of the ancestral papakainga¹ sites within Ngāti Tama’s holdings at Delaware is currently being farmed. Some of the owners and Trustees are discussing the re-creation of that site as a communally-owned whanau² housing development, as holiday cottages or permanent homes for their beneficiaries. The zoning designation of “Papakainga Reserve” is not uncommon on Maori-owned land elsewhere and this may be the preferred option should current discussions proceed further.

AP2.3

cultural sites: management issues

Damage to waahi tapu and archaeological sites as a result of earthworks is of some concern where the site has not been identified in planning documents. Iwi face a dilemma in regard to this issue. Iwi recognise that the absence of information makes it difficult for planners or developers to complete proposals with confidence. On the other hand the planning documents which identify the known sites of importance can lull developers and planners into believing that these are the only sites of importance in that locality. Iwi wish to see implemented procedures which:

.....

- 1 (ancestral) home village or district.
- 2 extended family.

- i) ensure that proposals to subdivide or otherwise develop coastal localities or any sites with possible Maori history are preceded by thorough archaeological survey and/or inspection by kaumatua of the tangata whenua
- ii) make provision for minimising damage to sites revealed for the first time in the course of excavation by developers
- iii) impose severe penalties for non-compliance

Iwi have another dilemma with regard to providing more detailed information locating waahi tapu to be entered on planning documents. They recognise that such information may assist planners and developers and avoid unintentional damage to important sites. On the other hand within some waahi tapu and urupa sites are buried treasures of some significance to iwi, in addition to the remains of those interred. The publication of such sites can in fact diminish their security rather than enhance their protection, through the attraction of ghouls, souvenir hunters, fossickers and even official archaeologists. Therefore iwi have considerable reluctance about revealing such information. In many cases only one or two individuals in each generation may be the kaitiaki of such information, and therefore privy to their family's secrets in this regard. In any event, iwi are somewhat sceptical about the security of so-called "confidential" planning documents which have been mooted.

There is greater concern when sites have been identified in planning documents but developers or machine operators have not checked for the presence of significant sites before commencing work.

Given the problems and issues identified in the previous paragraphs, iwi support Council's purchase of a computerised geographic information system (ARC INFO), which among other things identifies known sites on printouts of maps for developers and planners.

AP2.4 coastal resource management issues: traditional

AP2.4.1 general statements and principles

Resource management issues of high priority for tangata whenua include:

- i) The protection (by designation, regulation and practices) of mahinga kai³ areas important for the collection of traditional food resources including shellfish, fin fish and estuarine species.
- ii) The prevention of waste discharges (both point and non-point discharges) into water bodies or through sands or gravels of coastal marine areas which result in a lowering of water quality and hence a loss of the locality and environs as a mahinga kai;

AP2.4.2 commentaries

- i) The protection of mahinga kai will have benefits for all users of the resource, including non-Maori recreational fishers; to the extent that mahinga kai are integral to the wider marine environment, their protection also has food-chain implications for all fisheries, including commercial.
- ii) Within the Delaware Inlet itself is a waahi tapu, an "island" which is awash on high tides. This must be accorded proper protection.

.....
 3 food gathering places.

AP2.4.3 taiapure and mahinga mataitai

Legislation offers three avenues for the formal protection of traditional resources within the coastal zone. Section 439 of the Maori Affairs Act 1953 provides for establishment of Section 439 Trusts which may be established to manage traditional resource areas, including mahinga kai. More recently the Maori Fisheries Act 1989 provides for the establishment of Taiapure, and the Treaty of Waitangi (Fisheries Settlement) Act 1992 provides for the creation of Mahinga Mataitai. Both are intended to allow for the rational management and protection of traditional coastal marine resources, not necessarily by the absolute ban on the activity of any other sector interest, but by balanced control to ensure the mutual compatibility and sustainability of permitted uses.

Iwi indicate their intention to seek formal protection of the mahinga kai of the Delaware Inlet and the outer coast from Cape Soucis to Cable Bay under Section 439, or by applying for Taiapure and/or Mahinga Mataitai status, under the relevant statute(s).

AP2.4.4 commentary

For Ngati Tama in particular, being the iwi with manawhenua⁴ over at least 1,500 ha at Delaware and environs, and Ngati Koata to a lesser extent, the whole locality requires urgent protection. The Inlet and outer coastal waters are possibly the most important mahinga kai closest to Nelson City and as such need protection from excessive extraction by commercial fishing operations.

Management Committees required to be formed under either statute are widely representative of all relevant interest groups; they are not exclusively Maori and they are not confined to dealing solely with Maori issues and concerns.

AP2.5 conservation of coastal resources

AP2.5.1 principles

Tangata whenua are committed to principles and practices of sustainable yield of those species extracted for traditional and commercial use.

Tangata whenua are conscious of the interdependence of their “target species” with other flora and fauna in the food chain.

AP2.5.2 practices

Tangata whenua do not necessarily concur with all objectives of the conservation movement. Tangata whenua are perhaps more inclined to practise sustainable harvesting, even of some rare species, such as pingao, in the Nelson district, rather than adopt a non-harvest approach.

Tangata whenua would encourage the re-introduction of such species by planting programmes, as is being undertaken on Conservation land at the Motueka River mouth by Te Awhina Marae.

Tangata whenua will impose rahui⁵, as appropriate, to conserve or enhance stocks. However, they will not be dictated to in this regard by criteria which are not based on their own traditional methods of evaluating the state of the resource.

.....
4 land ownership status.

5 a temporary ban.

Tangata whenua are aware that their preferred method of protecting and managing the Delaware Inlet and environs via a Section 439 Trust, Taiapure or Mahinga Mataitai is much less restrictive than the wishes of some to create a Marine Reserve in that area. In fact, tangata whenua will fight the Marine Reserve proposal, through the Courts and/or Waitangi Tribunal if necessary, for it would alienate Ngati Tama in particular, but all other iwi as well, from the only remaining unpolluted mahinga kai in Nelson City. If iwi were to lose that resource to a Marine Reserve status, it would seriously diminish the cultural value to them of the whole district.

Ngati Tama have not acted as Kaitiaki⁶ of that area for 170 years, and fought in the Courts to retain those lands at least three times, just to see it alienated in this way in the 1990's.

AP2.6

commercial matters

Iwi have a wide range of commercial interests in a number of areas. Iwi are landowners in their own right with a number of coastal blocks north of the city; they own shares in Sealords Ltd, Moana Pacific Ltd, own fishing quota, marine farms, as well as owning shares in a number of national companies. They also own Wakatu Incorporation which administers the Nelson Native Tenths Reserves and has other commercial land interests in Nelson City and adjoining districts.

The Resource Management Act does not give iwi any special status in commercial matters and they themselves must reconcile their commercial interests with their traditional and conservation values. Therefore this Regional Policy Statement restricts itself to dealing with traditional and Treaty of Waitangi matters and makes no provision for commercial matters.

Iwi have indicated a wish to expand their involvement in commercial fishing in Nelson City. The allocation of commercial fish species is a matter dealt with by the Quota Management System administered by the Ministry of Fisheries. Under this system an allocation of commercial species is made to iwi.

Iwi have indicated a wish to be involved in development of aquaculture in the Nelson City area. Exclusive occupation of the coastal marine area for aquaculture is a matter authorised under the provisions of the Resource Management Act. Iwi have indicated that should the allocation of aquaculture be brought under the quota management system they will seek an allocation of quota for iwi.

AP2.7

the treaty of waitangi

A detailed and definitive statement regarding the Treaty of Waitangi and the scope of the claims lodged with the Waitangi Tribunal by tangata whenua has been given in the "Regional Policy Statement: Issues of Significance to Iwi" prepared by Te Runanganui o Te Tau Ihu o Te Waka a Maui in June 1992. Extracts from that document follow:

"The Treaty of Waitangi is regarded by iwi of this region as the founding document of this nation. Tupuna⁷ from most of the tangata whenua tribes of Te Tau Ihu signed copies of the Treaty at D'Urville Island, Queen Charlotte Sound, Cloudy Bay, Wellington, Porirua, Kapiti, Waikanae or Manawatu, on behalf of iwi, hapu and whanau spread across the region."

6 stewards, guardians, caretakers.

7 ancestors.

Tupuna signed THE TREATY, not some document styled “The Principles of the Treaty of Waitangi” or some other pale imitation of the real thing. The Preamble and the Articles of the Treaty of Waitangi are guiding principles to the tangata whenua iwi of the Nelson and Marlborough region. Iwi say that they will not be satisfied by references to “Principles of the Treaty of Waitangi” or other attempts to dilute the actual words of the original document.

TE KUPU TE MANA ... “IN THE WORDS (AS WRITTEN) LIES THE MANA”.

Iwi are concerned by recent sales of Crown land and other Crown-owned assets which may otherwise have been available for settlement of Treaty claims and believe that subdivision and/or sale of such land should not occur until the claims themselves are settled.

AP3 **appendix 3: the principles of the treaty of waitangi**

AP3.1 **the principles of the treaty of waitangi**

Principles	The Court of Appeal	The Waitangi Tribunal
<p>1. The Principle of Government/The Kawanatanga Principle The Government has the right to govern and to make laws.</p>	<p>The cession by Maori of sovereignty to the Crown was in exchange by the Crown of Maori rangatiratanga.</p>	<p>The right of the Crown to make laws was exchanged for the obligation to protect Maori interests.</p>
<p>2. The Principle of Self Management/The Rangatiratanga Principle The iwi have the right to organise as iwi, and, under the law, to control their resources as their own.</p>	<p>Maori were to retain chieftainship rangatiratanga over their resources and taonga and to have all the rights and privileges of citizenship.</p>	<p>The Crown has an obligation to legally recognise tribal rangatiratanga.</p>
<p>3. The Principle of Equality All New Zealanders are equal before the law.</p>	<p>The Treaty requires a partnership and the duty to act reasonably and in good faith. The responsibilities of the parties are analogous to fiduciary duties. The Treaty does not authorise unreasonable restrictions on the Crown's right to govern.</p>	<p>The Treaty implies a partnership, exercised with utmost good faith. The Treaty is an agreement that can be adapted to meet new circumstances. The courtesy of early consultation is a partnership responsibility. The needs of both Maori and the wider community must be met, which will require compromises on both sides.</p>
<p>4. The Principle of Reasonable Co-operation Both the Government and the iwi are obliged to accord each other reasonable co-operation on major issues of common concern.</p>	<p>The duty is not merely passive, but extends to active protection of Maori people in the use of their resources and other guaranteed taonga to the fullest extent practicable. The obligation to grant at least some form of redress for grievances where these are established.</p>	<p>The Maori interest should be actively protected by the Crown. The Crown right of pre-emption imposed reciprocal duties to ensure that the tangata whenua retained sufficient for their needs. The Crown cannot evade its Treaty obligations by conferring an inconsistent jurisdiction on others.</p>

appendix 4: how the regional policy statement was prepared

Nelson City Council became a Unitary Authority in July 1991 following the abolition of the Nelson Marlborough Regional Council.

Later in 1992 Local Government elections were held and Council Committees for the following three years established.

In early 1993 a series of meetings was held at which representatives of major interest groups were invited to identify issues which they considered needed to be addressed in the Regional Policy Statement.

The Planning & Regulation Committee of Council considered the issues identified. An Issues and Options Discussion Paper was then drafted to canvass public opinion on how the agreed issues should be dealt with.

The Issues and Options Discussion Paper was released for public comment during May 1993. Three public meetings were held to assist the public with making submissions and in order to receive oral submissions. Approximately 100 written submissions were received.

Following the close of submissions, a summary was prepared which included all written and oral submissions.

Council's Planning & Regulation Committee considered these submissions and provided policy directions for the drafting of sections of the Proposed Regional Policy Statement.

During late 1993 and early 1994 draft sections of the Policy Statement were considered by the Regional Policy Statement Working Party. A substantially complete draft was considered by the full Council at a workshop in late April 1994.

An edited draft was released for targeted consultation in May 1994. It was discussed at meetings with Tangata Whenua, the Tasman District Council, the Department of Conservation, the Ministry for the Environment and environmental and industry groups. A revised draft incorporating suggestions for these meetings was considered by full Council in June 1994 and the proposed statement edited and printed during July.

The Proposed Regional Policy Statement was notified in early August 1994 and open for submissions during August and September following which a summary of submissions was prepared and further submissions in support or opposition called for.

Hearings were held at the end of March 1995 following which Council convened to consider submissions and make draft decisions. The Proposed Regional Policy Statement was then edited to include draft decisions between May and August 1995 including preparing documentation of Council decisions.

In preparing this Regional Policy Statement Nelson City Council has undertaken additional stages to those prescribed in the Act. This process was adopted to ensure that objectives, policies and methods of implementation for inclusion in the Regional Policy Statement were subjected to the widest and most thorough practicable scrutiny before adoption, and to ensure that the requirements of section 32 of the Act (duties to consider alternatives, assess benefits and costs etc) were met.

AP4.1

acknowledgements

This document has been prepared up to the first draft stage by the Planning and Regulation Committee of Council, and thereafter by the Committee incorporating Council as a whole, with the assistance of the staff of the Resource Management Directorate of Council.

The Planning and Regulation Committee comprises Mayor Philip Woollaston and Councillors Derek Shaw (Chair), Russell Egan (Deputy Chair), Seddon Marshall, Hilary Mitchell and Alan Turley.

The Committee incorporating Council as a whole comprises Mayor Philip Woollaston (Chair) and Councillors Len Ardell, Roy Connolly, Mike Cotton, Russell Egan, Tui France, Seddon Marshall, Hilary Mitchell, Jo Raine, Derek Shaw, Alan Turley, Mike Ward, Jason Wawatai.

Mike Ward provided internal illustrations for this document, and Ruth Glen's artwork adorns the cover. Desktop publishing from Dialog Publishing.

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