



# DRAFT REGIONAL POLICY STATEMENT

for discussion

Planning Nelson's Future – Small City, Big Plan



16 May 2016

Feedback open until Friday 24 June 2016

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 Nelson City Council  
te kaunihera o whakatū





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May 2016

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# DRAFT REGIONAL POLICY STATEMENT

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Introduction  
*Korero timatanga*

# Whakamahere Whakatu Logo Interpretation

Overarching the design is Uenuku whose manifestation is the rainbow. His major function is as kaitiaki or guardian of Papatuanuku the Earth Mother, and so he connects the important aspects of heaven and earth. His appearance is also linked with rain, perceived as the sky father's tears of love for Papatuanuku.

The sharply defined form of Tawhirimatea, the wind god, stresses the importance of maintaining the quality of the air.

The design's open central space is the focal point where our living, working and formal recreation spaces are considered in ways that complement the natural world depicted around it.



Large tsunami waves represent the natural hazards that we need to consider.

The mountain range, so typical of Nelson vistas, represents our heritage as these dominating peaks are also known as traditional honoured ancestors. They are also features of our natural recreational spaces.

The branches, leaves and fruit of trees curve up from the base of the design to remind us of the bush areas and agricultural/horticultural activities that sustain our land. The base of the trees create a curve which represents our precious coastal zone.

## 1.0 Rationale for the Regional Policy Statement

1.1 This draft Regional Policy Statement (RPS) has been prepared by the Nelson City Council, in accordance with the requirements of sections 59 to 62 and Schedule 1 of the Resource Management Act 1991 (RMA). The RPS seeks to achieve the purpose of that Act by providing an overview of the significant resource management issues of the region and the intended responses to those issues, to achieve integrated management of the region's natural and physical resources.

1.2 As such, the RPS forms the initial, integral part of the Whakamahere Whakatū Nelson Plan. The Nelson Plan will be a single, all-encompassing planning document for Whakatū Nelson, incorporating the RPS, the regional coastal plan and other regional and district plan components, themselves prepared in accordance with sections 63 to 77D and Schedule 1 of the RMA. In providing an overarching expression of Whakatū Nelson's significant resource management issues and intended responses, the RPS gives direction to the development of the remainder of the Nelson Plan.

*The Council has released a draft version of the RPS as a basis for **engaging with the community of Whakatū Nelson. The views and preferences of the community will be reflected in a revised version of the RPS.***

*That revised version of the RPS, together with a draft version of the remainder of the Nelson Plan, will be released for further public input **early in 2017. Following the Council's incorporation of feedback from that round of engagement, the entire Nelson Plan will then be publicly notified to enable further public input, via submissions and hearings.***

1.3 The process for developing a fully integrated single plan takes time, but this time allows for meaningful public engagement and will ensure the Nelson Plan represents the interests and aspirations of the wider community of Whakatū Nelson.

1.4 This Introduction includes the following subsections:

- 1) the rationale for the Regional Policy Statement and an overview of its structure
- 2) a vision for Whakatū Nelson
- 3) an introductory section on the Tāngata Whenua Iwi of Whakatū
- 4) links to Council's strategic outcomes
- 5) cross boundary issues
- 6) monitoring and review procedures

1.5 Following the Introduction, the remainder of this RPS is divided into 12 chapters, which cover the following topics:

- Chapter 1 ..... Tangata Whenua Iwi of Whakatū
- Chapter 2 ..... Infrastructure and Energy
- Chapter 3 ..... Character and Amenity
- Chapter 4 ..... Social and Economic Wellbeing
- Chapter 5 ..... Natural Hazards
- Chapter 6 ..... Historic Heritage
- Chapter 7 ..... Landscapes
- Chapter 8 ..... Biodiversity
- Chapter 9 ..... Land
- Chapter 10..... Coastal and Marine Environment
- Chapter 11..... Freshwater
- Chapter 12..... Air Quality

1.6 Each chapter is divided into two broad sections, Significant Resource Management Issues and Resource Management Responses.

#### Significant Resource Management Issues

This section sets out the significant resource management issues for the Tangata Whenua Iwi of Whakatū Nelson.

#### Resource Management Responses

This section sets out the Council's intended responses to those resource management issues. Each Resource Management Response includes the following components:

- objectives
- policies, together with explanations for those policies
- a broad description of methods
- the principal reasons for the adoption of those objectives, policies and methods, and
- the environmental results anticipated from their implementation.

## 2.0 Vision for Whakatū Nelson

2.1 The following statements set out the Council's vision or expectations for Whakatū Nelson at the end of the life of the Whakamahere Whakatū Nelson Plan. These statements find further expression in the anticipated environmental results set out in the individual topic chapters, which will allow for the effectiveness of the Nelson Plan to be evaluated over time.

2.2 The vision held by the Tangata Whenua Iwi of Whakatū is set out in Section 3.

## Vision

Whakatū Nelson is a beautiful place to live, where we have worked together and feel connected to the city, the people and the natural environment.

We can choose Whakatū Nelson as our home because the city offers ample opportunities to make a living. Businesses operate successfully now and into the future, and the city is well known as a welcoming place for knowledge-based businesses to thrive. Our city backdrop and coastal area provide world class recreation and tourism opportunities.

A diverse range of people enrich Whakatū Nelson's vibrant culture, attracted by the well-designed and affordable housing choices, the high quality education and employment options, and the stunning rivers, forests and beaches. Sustainable living is easy thanks to the city's compact area and form, walking and cycling tracks, and access to renewable energy. Most development is located in existing urban areas rather than on the city's outskirts.

Nelson's City Centre is the premier commercial centre in the top of the South Island and is a hub for tourism, entertainment and events. The city's unique heritage buildings, including its Edwardian and Victorian character are celebrated and complemented with modern architecture that houses a mix of commercial and residential activities.

Our other larger centres (Tahunanui and Stoke) are employment and development-friendly environments with well-used, high quality public spaces.

In our residential areas, people enjoy access to privacy, outlooks, warmth and sunshine. Nelson's housing stock is varied. Smaller houses and apartments located in or near the City Centre, Victory, Tahunanui and Stoke centres offer exciting new lifestyle choices alongside our traditional, larger family homes. This mix of contemporary and historic early timber buildings, as well as Nelson's natural setting between the hills and the sea, creates a unique look and feel.

We retain the current size of the industrial areas in Vanguard Street, the Port and Tahunanui but the activities in these areas continue to develop to provide local industry-based employment and economic development. A coordinated and regional approach with Tasman District ensures industry location and growth is well-matched to the characteristics and needs of the wider Nelson Tasman region.

Whakatū Nelson's core infrastructure services, including our transport network, water services, port, airport, polytechnic and hospital, are provided with opportunities for growth. A strategic approach to building new infrastructure supports urban growth and development in the right places, at the right time, to ensure maximum efficiency.

We have access to reliable and sustainable energy supplies, and identify cost effective ways to increase our use of renewable resources.

We understand large parts of Whakatū Nelson are susceptible to a range of hazards including flooding of the Maitai River, rising tides along our extensive

coastline, and the risk of earthquakes along the Waimea faultline. We are careful about how and where we build to manage these risks.

We value, protect and celebrate our distinctive and significant heritage, landscape, and biodiversity values, recognising how areas such as the city backdrop, Brook Waimarama Sanctuary, our coastal edge from Cape Soucis (Raetihi) to the Boulder Bank (Te Taero-A-Kereopa), Delaware Bay and the Bryant Range including the Mineral belt and Maungatapu contribute to our identity and sense of belonging.

The rural areas, mostly to the north of the city, play an important role in the integrated management of marine, land, and community resources. The rural, open space, and coastal environments will continue to be a large part of Whakatū Nelson's identity, valued for their cultural heritage, primary production capacity, recreation opportunities, indigenous biodiversity and stunning landscapes. These values continue to be maintained and enhanced through regulation and by working in partnership with our community.

Coastal waters wrap around our built and natural edges. Our large coastal environment continues to provide a range of recreation and economic opportunities for Nelson including fishing and aquaculture within a clean, healthy and resilient coastal ecosystem.

Our streams and rivers provide a key natural and physical link from the mountains to the sea. The water in our rivers and streams is healthy and sustainably managed and will be available for use by future generations. Our aquatic habitats are able to sustain in-stream native fauna, and our rivers and their margins are scenic, attractive and accessible for swimming, fishing and playing in.

Our air quality is protected in a way that recognises our community's human health needs and allows us to stay warm and healthy. Nelson residents will continue to be proud of the efforts we have made to clear the air.

### 3.0 Tāngata Whenua Iwi o Whakatū

#### Vision - Whakatū Iwi

*'To protect and nurture the mauri of our taiao, whilst utilising and maintaining our customary practices by implementing sustainable management consistent with kaitiakitanga and Iwi tikanga.'*

3.1 Council has worked in partnership with Iwi to identify five strategic outcomes for Iwi:

- i) Te Tiriti o Waitangi is acknowledged and a partnership approach is taken to resource management.
- ii) The principles of Te Tiriti o Waitangi and the Treaty Settlements for Te Tau Ihu are taken into account. This includes:
  - a) Enabling tangata whenua to access and use cultural redress resources for cultural activities; and
  - b) Providing for the development and use of Treaty Settlement land and resources, in accordance with the outcomes of the settlement.
- iii) A tikanga Maori approach to resource management is enabled.
- iv) Resource management issues are addressed by taking a Te Tau Ihu approach and identifying means of working with the adjoining local authorities.
- v) Resource management issues are understood and addressed in an integrated manner.

3.2 These strategic outcomes respond to five significant resource management issues for Iwi and have led to the development of four key objectives for the Regional Policy Statement.

3.3 To achieve the vision there is a need to recognise the Iwi of Te Tau Ihu, Te Tiriti o Waitangi and its principles. This includes, but is not limited to, acknowledging that Treaty Settlements form part of the general legal context for Council when exercising its powers as well as the requirements on Council in relation to statutory acknowledgment and the Freshwater and Rivers Advisory Committee coming out of those settlements. This is in addition to the general obligations Council has to Iwi through the Local Government Act 2002, under Treaty Settlement legislation, Memorandums of Understanding (MOUs), Iwi Management Plans, and other partnership and relationship agreements.

3.4 The Iwi of Te Tau Ihu have recorded their Māori Worldview for Whakatū. These principles should guide all resource management decisions in Whakatū.

## Iwi of Te Tau Ihu

- 3.5 Iwi of Te Tau Ihu are identified as all Iwi associated with the Statutory Acknowledgements and their deeds of Settlement. The Regional Policy Statement identifies the resource management issues of significance to Iwi authorities in the region.
- 3.6 Whakatū-Nelson region consists of eight Iwi who reside within the rohe of Te Tau Ihu. They are represented in the Whakatū-Nelson City Council boundaries by the following Iwi who have mana whenua and mana moana;
- i) Ngati Apa ki Te Ra To Trust;
  - ii) Ngati Koata Iwi Trust;
  - iii) Ngati Kuia Iwi Trust;
  - iv) Ngati Rarua Iwi Trust;
  - v) Ngati Tama ki Te Wai Pounamu Trust;
  - vi) Te Ātiawa o Te Waka a Māui Trust;
  - vii) Te Runanga a Rangitane o Wairau; and
  - viii) Te Runanga o Ngati Toa Rangatira.
- 3.7 These authorities are represented by Iwi members who have been key contributors to Whakamahere Whakatū. These Iwi are also Treaty partners to the Crown, and work with the Nelson City Council to meet Treaty settlement obligations under the Deeds of Settlement for each Iwi.

## Te Tiriti o Waitangi

- 3.8 The consideration of Te Tiriti o Waitangi and the recognition of the Treaty principles and partnership between Iwi and the Crown is a significant issue for the Iwi of Te Tau Ihu. Looking to the future post Treaty Settlements, the Regional Policy Statement provides an opportunity to acknowledge the Treaty and to work together for improved outcomes that will benefit Māori and the wider community.
- 3.9 As the entity responsible for managing natural and physical resources within Te Tau Ihu, the Nelson City Council seeks to enable an enduring Treaty relationship based on the principles outlined below.
- 3.10 To date, in exercising Council's functions under the RMA there has been a focus on the principles of the Treaty of Waitangi in managing the use, development and protection of natural resources. The Regional Policy Statement aims to transcend from obligations to relationships with the Iwi of Te Tau Ihu.

## Principles Of Te Tiriti

- 3.11 The Treaty principles include the following:
- a) partnership
  - b) active protection
  - c) kawanatanga
  - d) rangatiratanga
  - e) the right to development
  - f) redress
  - g) informed decision making.

- 3.12 The meaning and intent of the principles have been expanded in the Court of Appeal and the Waitangi Tribunal. The first principle, 'partnership', obliges both parties 'to act reasonably, honourably and in good faith'. To achieve both the first principle and informed decision-making, consultation is vital. The second principle, 'active protection', requires the Crown to protect Māori in the use of their lands and waters to the fullest extent practicable.
- 3.13 While Nelson City Council is not the Crown, under Treaty settlement legislation, Statutory Acknowledgement provisions (refer below), and RMA section 8, the Council has an obligation and a duty to ensure the principles of Te Tiriti are taken into account. Although Treaty Settlements reflect an agreement between the Crown and Iwi, they form part of the general legal context for local authorities when exercising their powers.
- 3.14 The Whakamahere Whakatū actively promotes a relationship that will encourage a shared management approach to Te Taiao. This will enable Iwi and the Council to meet their obligations and promote sustainable management of natural and physical resources amongst the wider community.
- 3.15 Iwi together with Council have provided significant Rangatiratanga support in the development of Whakamahere. This demonstrates good will, trust and ensures that Māori traditions and customs are being actively protected within the plan.

#### Treaty Settlements

- 3.16 The Te Tau Ihu Settlements are separated into the following three Acts:

*Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.*

*Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014.*

*Ngāti Toa Rangatira Claims Settlement Act 2014.*

- 3.17 Treaty Settlements for Te Tau Ihu are made up of the following:
- 1) Historical Account, Acknowledgements and Crown Apology.
  - 2) Cultural Redress
  - 3) Financial and Commercial Redress.
- 3.18 Treaty Settlements are just the start of the journey for Iwi and Council, and will require ongoing work on relationships and obligations in order to implement cultural redress.

#### Statutory Acknowledgements

- 3.19 A Statutory Acknowledgement recognises the particular cultural, spiritual, historical and traditional association of an Iwi with the identified site/area. This type of redress enhances the ability of the Iwi to participate in specified Resource Management Act 1991 processes. When a claimant group and the

Crown reach agreement on a settlement offer they enter into a Deed of Settlement setting out the terms of that settlement. Legislation is required to give effect to some elements of a Treaty Settlement including Statutory Acknowledgements.

3.20 A Statutory Acknowledgement involves:

- The settling Iwi provide a statement of their association with the site/area of significance.
- This statement is recorded in the Deed of Settlement.
- The identification and description of the area over which the redress will apply. This is referred to in the legislation as the 'statutory area'.
- The Crown then acknowledges the statement from the Iwi in statute (the settlement legislation).
- Obligations on Council and other entities such as Heritage NZ and the Environment Court.

3.21 A statutory area can have more than one statutory acknowledgment from more than one Iwi associated with it, and the statutory acknowledgements of each of the eight Iwi of Te Tau Ihu should be checked in relation to any statutory area.

3.22 The Statutory Acknowledgements for Te Tau Ihu are included in Appendix # of Whakamahere Whakatū.

A Maori Worldview: A Te Tau Ihu Perspective

3.23 A Māori world view addresses the evolution of the universe and the creation of the world and all living things contained in the world. Along with the primordial parents, Ranginui and Papatūānuku who gave birth to ngā Atua there are many Atua<sup>1</sup> associated with the establishment of the natural world and the number may vary from tribe to tribe. The Atua named inside table 1 below are associated with key natural resources and environments within Te Tau Ihu. This is not a definitive list.

3.24 There are several reports from Te Tau Ihu iwi, namely the report of 'Nga Taonga tuku iho'<sup>2</sup> and 'A Tangata whenua world view statement'<sup>3</sup>, which identify key Atua and the environments, taonga and management practices that are important and recognised as ngā Atua kaitiaki. Ngā Atua kaitiaki are identified below as:

- Tawhirimatea - guardian of winds, air and clouds;
- Tangaroa - guardian of all fish, seas, oceans and rivers and waterways
- Tūmataurangi - guardian of war, conflict, negotiation and guardian of people;

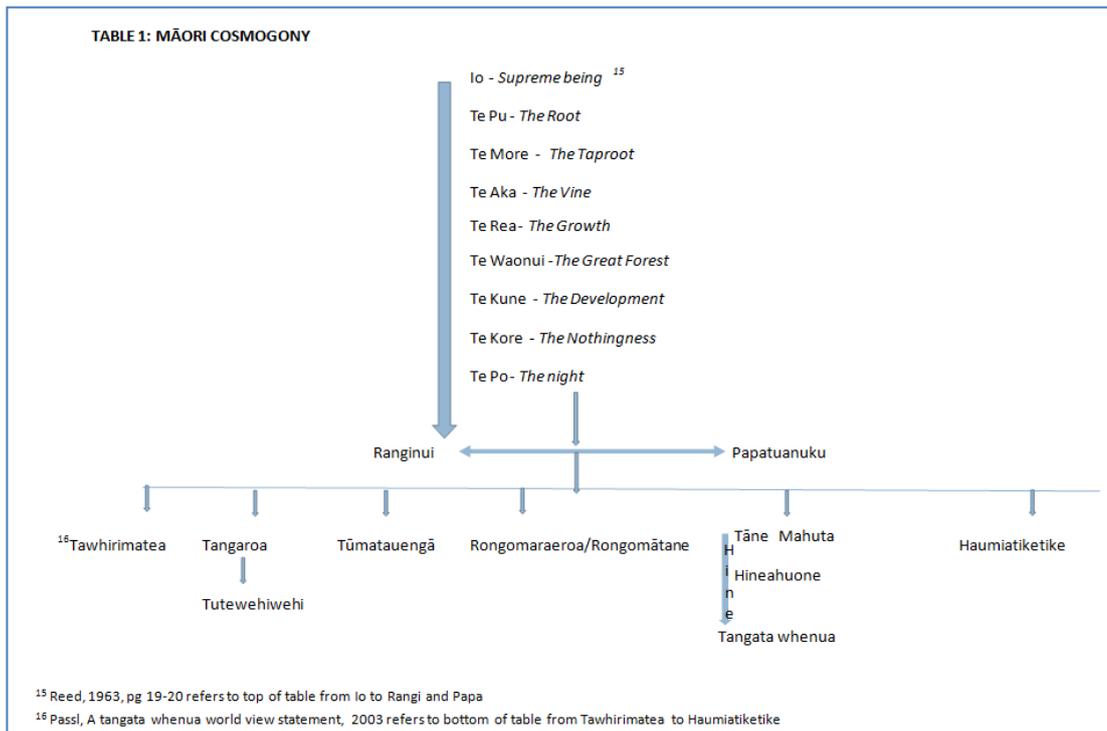
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<sup>1</sup> A W Reed, 'Treasury of Maori Folklore' pp18-21.

<sup>2</sup> U Passl, *Nga Taonga tuku iho ki Whakatu Management Plan.2004*

<sup>3</sup> Upassl, *A Tangata whenua world view statement. 2003*

- Rongomaraeroa or Rongomātane<sup>4</sup>- guardian of peace and cultivated foods, such as kumara;
- Tāne Mahuta - guardian of Ngahere (forests), birds, and creator of light and people;
- Tutewehiwehi - guardian of reptiles, and amphibians; and
- Haumiatiketike - guardian of uncultivated foods and fern roots.



- 3.25 The history of ngā Atua kaitiaki is complex and in-depth, and requires an understanding of the Māori world view. This section touches briefly on the understanding of Māori cosmogony but is not a full interpretation. This section acknowledges the whakapapa connection to iwi of Te Tau Ihu and ngā Atua kaitiaki through the progenitor Tāne Mahuta. Ngā Atua Kaitiaki can be explained as nurturers and creators of the environments – Te Taiao of which they are guardians.
- 3.26 Tangata whenua are responsible for the care of Te Taiao, of the physical representation of ngā Atua kaitiaki. Iwi as tangata whenua therefore, become the kaitiaki, and apply the principles of kaitiakitanga to Te Taiao.
- 3.27 Whakapapa connections between ngā Atua kaitiaki stem from Ranginui and Papatuanuku and they are therefore, siblings. They form a hierarchical relationship to each other, and among the Māori cosmogony they fought and warred against each other before and after the separation of Ranginui and Papatuanuku.

<sup>4</sup> Rongomaraeroa is listed as the guardian for these (Reed and Buck) as there is available discourse on where Rongomātane sits in the whakapapa of ngā Atua. See page 77 of A H Reed.

3.28 In Te Aotūroa the physical elements of ngā Atua kaitiaki require the elements of each other to exist. They cannot exist in the present without each element co-existing and supporting each environment. Plants require water, water is replenished by rain and snow, and wind requires heat from the earth and thermal vapours and moistures from the oceans. The oceans require water and plankton and flora. All animals and humans require all environments to exist. Te Taiao is critical to the sustenance of life. The care, protection, utilisation and management of Te Taiao is dependent on how the resources are managed and utilised.

### Te Taiao Values

3.29 Te Taiao values are applied to resource management decisions, particularly in the assessment of environmental impacts to provide for kaitiakitanga and iwi values. They are set out in Table 2 below.

Rangatiratanga- the chiefly right to determine use and management of the natural environment and resources, by imposing rāhui – prohibition, provision and protection of customary rights and traditions of iwi.	Kaitiakitanga - provision of active conservation, protection, preservation, maintenance, utilisation and management, and cultivation of the natural environment.	Mauri- protection of the life force and sustaining the natural environment.	Mana- authority, control, influence, prestige, and power to make decisions. Effective and binding authoritative
Whakapapa- intergenerational connections to ngā Atua kaitiaki, te Taiao, and whānau, hapū and iwi. The value of whakapapa is important to tribal knowledge and understanding, connecting to the whenua, atua and wairua.	Maramatanga- understanding, clarity and insight. The ability to make a decision based on understanding of the topic, with clarity of the subject and insight.	Karakia- recital of rites for taking and harvesting of natural environments and acknowledgement of ngā Atua kaitiaki.	Manaakitanga- harvesting of the natural environment to provide for whanau, hapu, iwi and manuwhiri. The act of reciprocity of the natural resources to be shared with others.
Whanaungatanga- kinship ties and relationships. The importance of acknowledging shared resources and areas of interest. Iwi relationships to shared areas, access to mahinga kai and Kaimoana.	Mōhiotanga- known, intelligent, recognise, wise. The foresight to make an informed decision, with intelligence and wisdom.	Wairuatanga- protection of the spiritual force of the natural environment;	Tapu- under religion or superstitious restriction, sacred, ceremonial restriction, quality or condition of being subject to restriction
Kōtahitanga- Collective iwi, unity and strength of whanau, hapū and iwi.	Pono- true, truth, genuinely true to the principles of Māoritanga -culture	Tika- to be right, correct, direct straight, just, fair.	Noa- free from tapu and any other restrictions. Denoting absence of limitations or conditions. Without restrictions.

3.30 Below are Te Taiao – the natural environment to be considered in environmental management decisions that relate to ngā taonga tuku iho - sacred treasures/resources of iwi and are described below but are not limited to;

- Whenua- land
- Wai Maori -Freshwater
- Awa- rivers
- Moana- oceans and seas
- Ngahere- forests and bush
- Kaimoana- all seafood
- Rongoā- all medicinal plants
- Hau- air
- Hauora- health and wellbeing
- Te Reo – the Māori language

#### Te Aotūroa Framework

3.31 Te Aotūroa framework is developed to manage Te Taiao - the physical environmental attributes of ngā Atua kaitiaki from the Māori cosmogony. It pertains to the physical representation of ngā Atua kaitiaki that iwi as kaitiaki are responsible to manage in accordance with tikanga and kawa.

3.32 This framework addresses how best to engage and implement a framework that considers and applies iwi principles and how Iwi view Te Taiao. It outlines the principal role of kaitiaki and application of kaitiakitanga in providing a pathway forward for the care, protection, utilisation and management of Te Taiao.

3.33 The framework seeks to address the implementation of Māori traditional understanding of Te Taiao within a resource management process.

3.34 Key methods that are applied across Te Taiao are:

- a) Increase opportunities for tangata whenua to practice customs and traditions associated with their natural environments;
- b) A holistic approach to management needs to be considered when assessing planning decisions. This means the mauri principle is the pinnacle achievement, and needs to be protected or maintained when considering any utilisation and impact on that environment.
- c) Tangata whenua have access to culturally important mahinga kai and areas of historical and special significance.
- d) Policy is consistent with other regional authorities regarding environmental management and standards for Te Taiao.
- e) Council apply a fair and equitable approach to engaging with all Iwi.
- f) Engagement between Nelson City Council and Rangatira of Te Tau Ihu meet once a year to set strategic outcomes against settlement obligations and statutory acknowledgements.
- g) Cultural monitoring and assessments are carried out for significant sites, traditional customary areas, mahinga kai, maunga and wāhi tapu that maybe affected by any form of development, action or pollutant.

## Key Principles of Te Aotūroa framework

- 3.35 There are key overarching principles that need to be considered when making decisions using the Aotūroa framework. These key principles are:
- 1) Mauri - the life force principle is protected, including tapu and wairua.
  - 2) Kaitiakitanga - provide active protection, management and utilisation of Te Taiao. Local iwi representatives are participating in the decision process.
  - 3) Rangatiratanga - iwi are engaged as Treaty partners, and statutory acknowledgements and Treaty obligations are being met.
  - 4) Manaakitanga - the harvesting and cultivation of Te Taiao is provided for, and utilisation of Te Taiao for customary purposes is provided for within the Whakamahere Whakatū.
- 3.36 These principles are pivotal to how successfully the framework will be implemented and enabled to inform the Whakamahere Whakatū. These key principles must be the starting point in considering planning decisions regarding how iwi are engaged and are considered in the decision process.
- 3.37 The Aotūroa Framework has been developed to guide resource management decision making and is referenced in assessment criteria throughout Whakamahere Whakatū.

## 4.0 Links to Council's Strategic Outcomes

- 4.1 In 2014, the Council endorsed a set of Strategic Outcomes to guide the development of the Nelson Plan and ensure that it addresses the interests and aspirations of the community of Whakatū Nelson. The Strategic Outcomes in part evolved from the Council's expression of a long term vision, as set out in Nelson 2060. The following table illustrates how the Strategic Outcomes find further expression within the structure of the draft RPS.

Strategic outcomes			Draft RPS Chapters											
			Issues of significance to Iwi	Infrastructure & energy	Character & amenity	Social & economic well being	Natural hazards	Historic heritage	Landscapes	Biodiversity	Land & soils	Coastal & marine environment	Freshwater	Air quality
CITY DEVELOPMENT	Creates a vibrant and attractive city	Recognise and confirm Nelson City as the premier urban centre for the top of the South												
		Support business, including the marine sector												
		Explore land based aquaculture options												
		Promote efficient land use through enabling a wide range of housing choice: encouraging residential intensification, encouraging higher density clusters around key commercial centres such as the Central City, Victory, Tahunanui, and Stoke; encouraging good quality urban design; considering the needs of rural communities												
	Coordinates growth and infrastructure	Considers demand for improvement in infrastructure assets and prioritises supply of infrastructure based on the achievement of strategic outcomes												
		Recognises and provides for key regional infrastructure (Port, Airport, water infrastructure, quarries, and landfills)												
	Connects communities	Strategically links transport networks to provide for ease of access across the city and to the central city												
	Adapts to our hazards	Respond to an acceptable level of natural hazard risk for the community												
Looks after our heritage	Appropriately manages the heritage resources of our city													
NATURAL RESOURCES	Clean and accessible water	Managing activities that may impact on both water quality and quantity												
	Healthy coastal and marine areas	In coastal and riparian areas natural character and outstanding natural features will be preserved: ecological, heritage, amenity values and public access will be maintained and enhanced: natural hazards will be minimised, and reclamation will be avoided												
	Enhanced natural areas and landscapes	Protecting the city's indigenous biodiversity and connecting these areas												
		Protecting outstanding natural features and landscapes and mitigating adverse effects on wider landscape values including natural character												
	Clean air	Our air quality is protected in a way that recognises our community's human health needs												
IWI STRATEGIC OUTCOMES		Te Tiriti o Waitangi is acknowledged and a partnership approach is taken to resource management												
		The principles of Te Tiriti o Waitangi and the treaty settlements for Te Tau Ihu are taken into account. This includes: (i) Enabling tangata whenua to access and use cultural redress resources for cultural activities; and (ii) Providing for the development and use of Treaty settlement land and resources, in accordance with the outcomes of the settlement												
		A tikanga Maori approach to resource management is enabled												
		Resource management issues are addressed by taking a Te Tau Ihu approach and identifying means of working with the adjoining local authorities												
		Resource management issues are understood and addressed in an integrated manner												

## 5.0 Cross-boundary issues

5.1 In order to achieve integrated management of the natural and physical resources of the whole Te Tau Ihu region, the RPS must explain how resource management issues will be addressed. Section 62 of the RMA requires this. Some of these issues cross Local authority boundaries. The Council's Strategic Outcomes look to take a broader approach:

- *Resource management issues are addressed by taking a Te Tau Ihu approach and identifying means of working with the adjoining local authorities.*
- *Resource management issues are understood and addressed in an integrated manner.*

5.2 Nelson City neighbours Marlborough and Tasman districts. Nelson City Council has identified the following cross-boundary issues for which processes to deal with them have been, or remain to be, developed:

Cross-boundary issue	Process developed or remaining to be developed
Nelson, Marlborough and Tasman councils develop integrated, coordinated and efficient means for the Tangata Whenua Iwi of Te Tau Ihu to exercise kaitiakitanga and decision-making roles throughout the rohe.	Statutory acknowledgements recognised in all resource management plans prepared by Nelson, Tasman, and Marlborough Councils.  Te Tau Ihu representation on the top of the south Freshwater Advisory Committee.
A coordinated approach between Tasman and Nelson Councils to modelling and catering for urban growth in Nelson and Richmond.	Joint approach to modelling and accommodating urban growth.  Liaison on land use planning for the purposes of developing the relevant provisions of the Nelson Plan.
A coordinated approach to the provision of shared infrastructure and common standards for connections with that infrastructure.	Shared infrastructure planning and service agreements between Nelson City and Tasman District Councils.  Joint Nelson-Tasman land development manual.
A coordinated approach to providing for the continued development and operation of strategic infrastructure such as Port Nelson, Nelson Airport, national grid transmission lines, and the state highway network, among local authorities in the top of the South Island and relevant controlling agencies.	Joint demand, planning and feasibility studies.  Co-ownership and management representation, where appropriate.

Cross-boundary issue	Process developed or remaining to be developed
Consistent approaches between the three councils to sustainably managing valued landscapes, land and soils, biodiversity and other valued resources, to the extent feasible, taking into account the different plan review timetables of the three councils.	Liaison on the development of relevant Nelson Plan provisions.  Multi-party representation on the Nelson Biodiversity Forum.
A consistent approach to managing the coastal and marine environment, where jurisdictional boundaries with Marlborough and Tasman District Councils are shared.	Liaison on the development of the coastal provisions of the Nelson Plan.
A consistent approach to managing the Roding River and Saxton Creek, the catchments of which extend across the jurisdictional boundaries of Nelson and Tasman councils.	Liaison on the development of the freshwater and land management provisions of the Nelson Plan.
A consistent approach among local authorities to managing biosecurity risks, to the extent that they impinge on resource management matters.	Joint Nelson-Tasman Regional Pest Management Strategy.  Top of the South Marine Biosecurity Partnership.
A coordinated approach to monitoring and managing air quality within airsheds shared between Nelson and Tasman councils.	Liaison on the development of the air quality provisions of the Nelson Plan.  Coordinated planning and sharing of air quality monitoring data.
A coordinated approach with neighbouring councils (particularly Tasman District Council) to managing natural hazards that manifest across jurisdictional boundaries, namely flooding, earthquakes, coastal erosion, coastal inundation and the impacts of climate change and related sea level rise.	Liaison on the development of the natural hazard provisions of the Nelson Plan.  Joint Nelson-Tasman land development manual.  Joint civil defence and emergency management approach among top of the South Island councils.

## 6.0 Monitoring and review procedures

- 6.1 Under section 35(2)(b) of the RMA, the Council is obliged to monitor the efficiency and effectiveness of policies, rules and methods in this Regional Policy Statement. The relevant monitoring approach must be set out in this Regional Policy Statement (section 62(1)(j)).
- 6.2 The Council's monitoring of the efficiency and effectiveness of this Statement will be integrated with its review of the entire Nelson Plan, as well as its other obligation under the RMA to monitor the state of the environment.
- 6.3 A similar approach to reviewing the legacy Nelson Resource Management Plan (as outlined in the Efficiency and Effectiveness

Review Report 2012/13) will be used in reviewing this Regional Policy Statement.

- 6.4 'Efficiency' means whether the policy and methods framework enables the efficient administration of resource management in Whakatu Nelson. This can be evaluated by determining whether the policies and methods have directed effort to the right place and, in this context, whether the correct mix of regulatory and non-regulatory approaches has been selected.
- 6.5 'Effectiveness' means whether the policy and methods framework achieves the objectives and performance measures set out in the Regional Policy Statement. Effective policies, rules or other methods are those that work i.e. that produce the anticipated environmental outcomes.
- 6.6 Sources for the purposes of monitoring will include:
- Census data
  - Building and resource consent data (including the conditions attached to resource consents)
  - State of the environment reporting
  - Resident and Regional Policy Statement and Plan user surveys
  - Complaints data
  - Plan changes
  - Technical assessments
  - Cultural indicators.
- 6.7 More detail on the particular nature of source data is provided in the relevant sections of the Regional Policy Statement.
- 6.8 The efficiency and effectiveness of the Regional Policy Statement (together with the entire Nelson Plan) will be formally reviewed and publicly reported on a five yearly basis, with the first review occurring five years after the date on which it is made operative. However, targeted reviews of discrete sets of provisions may be carried out on an as required basis, if issues arise during the implementation of the Regional Policy Statement and Nelson Plan. This may result in changes to the Statement or Plan as the need arises.



## DRAFT REGIONAL POLICY STATEMENT

May 2016

### Chapter 1

**Tāngata Whenua Iwi o Whakatū**  
*Take o te hiranga ki ngā Iwi o Whakatū*

## I.1 Significant Resource Management Issues: Issues of Significance to Iwi of Whakatū

Land, water, and air are taonga to Māori. Their use and management require special care and attention. Council has a leadership role in working together with Iwi to protect and improve both our natural environment and the things we build, as well as the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Nelson City Council acknowledges the Crown's apology to the Iwi of Te Tau Ihu in the Treaty Settlement legislation, and the role that Tikanga (what we do) and Kawa (the way we do it) and the value base associated with these concepts have in delivering the sustainable management of natural and physical resources of the region. Nelson City Council also acknowledges its role in supporting the Iwi of Te Tau Ihu post Treaty Settlements.

The resource management issues of significance to Iwi authorities in Whakatū are:

Issue Tahī Te Tiriti o Waitangi and its principles need greater acknowledgement in resource management in Whakatū.

Putting a level of understanding of Te Tiriti o Waitangi into practice is still challenging for Council. Council owns, administers and/or maintains a significant area of the district including the coastal environment, rivers, forestry, and reserves. As such Council activities themselves can have a significant impact on both resource management and providing for the implementation of Te Tiriti o Waitangi across activities.

Many groups and organisations have attempted to develop principles based on the Treaty. The principles have been almost as contentious and as widely varied in interpretation as that of the Treaty. The RMA requires that in exercising its functions and powers, the Council takes into account the principles of the Treaty of Waitangi.

Active participation by Māori in the planning process supports the achievement of Treaty principles. There has been some resourcing for Iwi participation in Council resource management functions and this relationship continues to strengthen.

Treaty Settlement legislation includes statutory acknowledgements, which Council must have regard to when deciding if Iwi are affected persons. In addition the Settlements provide for the eight Iwi of Te Tau

Ihu to participate in a Freshwater and Rivers Advisory Committee. The Committee provides input into Council policy and decision making in relation to the management of rivers and fresh water under the Resource Management Act 1991, and applies across the top of the south within the jurisdictions of Marlborough District Council, Nelson City Council and Tasman District Council.

The ability of Council to undertake a partnership approach to resource management and provide for active protection is provided by sections 6, 7 and 8 of the RMA. Generally Iwi consider Council to be an agent of the Crown, however Council does not see itself as such, but acknowledges the need to establish and maintain strong relationships with Iwi in order to give effect to its duties, functions and obligations. Council is empowered to perform its duties and functions through the legislation. There is a need to move beyond legislative obligations and to continue to work on strengthening relationships.

Taking into account the principles of the Treaty as part of Council functions and duties under the RMA requires a willingness and desire for both parties to develop a relationship and to define what is expected. This relationship is a work in progress for both Council and the Iwi of Te Tau Ihu.

#### Issue Rua

Enabling environmental, commercial, social and cultural development of Iwi, hapu and whanau natural and physical resources.

In 2014 the eight Iwi of Te Tau Ihu settled claims with the Crown for breaches of the Treaty. Treaty Settlement legislation addresses historic breaches of the Treaty through an apology, a range of acknowledgments, and a range of redress including the transfer of Crown-owned land parcels to claimants. Some land is acquired as 'cultural redress' (generally reserves) and other land is acquired as 'commercial redress'. Commercial redress is intended to form an economic base for the Iwi.

Whakatū tangata whenua Iwi consider that resource management provisions should seek to address the implications of the Settlements for resource management and the development and use of Treaty Settlement land, in accordance with the outcomes sought under the Settlements. Iwi also consider that enabling development of, and access to, all Iwi, hapu and whanau natural and physical resources should be acknowledged in resource management provisions as an expression of Council giving effect to sections 6, 7 and 8.

This issue in Whakamahere Whakatū – Nelson Plan is a significant shift from previous resource management plans where recognition of Treaty

Settlements was limited to appending statutory acknowledgments to the plan, as required by the Settlement Acts and the only provisions in relation to Iwi, whanau and hapu land were for papakāinga. This issue takes a broader view of the effect of the settlement of Treaty claims on how natural and physical resources are accessed and managed in Whakatū, including the need to recognise and provide for the relationship of mana whenua with all Iwi, hapu and whanau natural and physical resources. This issue therefore applies to all land and resources owned and traditionally used by tangata whenua Iwi members living in the rohe, and to both the access to those resources and their development and management.

Land acquired through Treaty Settlements is land with which Maori have a relationship as a matter of national importance (Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga).

Issue Toru Erosion of cultural and natural resource values.

The Whakatū landscape and coastline is rich in Iwi heritage. This history is reflected in the many sites and features of particular significance to Iwi (either individually or collectively). These sites are connected to Iwi histories, traditions and tikanga, some of which are broadly described in the Statutory Acknowledgements coming out of the Treaty Settlements for Te Tau Ihu. Examples include mahinga mataitai (places for gathering seafood), Waahi Tapu (ancestral sites), landscape features that define Iwi boundaries, arawhito (significant trails), access points to rivers, wetlands and the coast, places of Iwi occupation such as pā and marae, urupā (burial sites), battle grounds, and mineral fossicking areas. These sites, features and landscapes are collectively part of the cultural heritage of each of Whakatū's tangata whenua Iwi.

Māori place names are also part of Whakatū's cultural heritage. These provide an important link to the significance of traditional sites, historical events and spiritual associations. Many local Māori place names have been lost from general community use.

The destruction and degradation, or reduction in access, to cultural heritage sites, features, resources and landscapes of significance to Iwi has occurred in the past as a result of the use and development of Whakatū's resources, particularly for land development. Whakatū's tangata whenua Iwi believe this makes those areas that do remain even more significant.

Collectively habitat loss and resource degradation has a cumulative effect on the mauri of natural resources, and on the wellbeing of

tangata whenua of Whakatū. Protection of the mauri of natural resources should be the overarching goal for all resource management practices in Whakatū. Therefore there is a strong need for Māori environmental practices, such as kaitiakitanga, to be recognised and implemented across the freshwater, air, coastal and land resources. These practices are documented in the Māori Worldview for Te Tau Ihu in the introduction section of the Regional Policy Statement.

The change in land tenure that has occurred with European settlement has also created difficulties for Whakatū's tangata whenua Iwi in physically accessing mahinga kai as well as areas that contain other cultural resources. Some areas are now privately owned or can only be accessed through private land, creating barriers to the ability of Whakatū's tangata whenua Iwi to continue their cultural harvest or activities, as they were historically able to. Legal barriers can also prevent the harvest of traditional kai (foods) and other cultural resources, such as the protection afforded to endangered species.

The difficulties in accessing mahinga kai and using traditional foods have an impact upon the mana of Whakatū's tangata whenua Iwi as it adversely affects the ability of each Iwi, and whanau within the Iwi, to provide for their family members and to care for guests. It also compromises their mana by impairing their ability to fulfil their role and responsibilities as kaitiaki and, further, it presents barriers to the maintenance and enhancement of traditional cultural practices.

Issue Whā Council and government agencies need to work in partnership with Iwi in a way that recognises the status of Iwi as Kaitiaki and enables expression of kaitiakitanga in decision making processes at all levels.

The Iwi of Te Tau Ihu have developed an Aoturoa Framework for the sustainable management of natural resources, which is embodied in kaitiakitanga. The responsibility of kaitiaki includes the aim of protecting the mauri as well as the duty to pass the environment onto future generations in a state which is as good as, or better than, the current state. While there has been recognition, there has been very little understanding as to how to enable kaitiakitanga in resource management decision and policy making in Whakatū.

Council also acts as guardians of Whakatū's future and as such needs to make decisions that enable kaitiakitanga to be expressed and to improve the social and physical world around us. A significant step in enabling Iwi to express kaitiakitanga is to provide greater involvement by Iwi in decision making. Whakatū's tangata whenua Iwi seek the opportunity to explore ways of improving their participation in resource

management decision making processes as a practical expression of kaitiakitanga.

Whakatū's tangata whenua Iwi consider it is important for a resource consent/plan change applicant to work with the relevant Iwi authority where the interests of an Iwi are potentially affected by a proposal. Indicators of the matters that may affect an Iwi are the matters set out in Iwi Management Plans and Section 6(e), Section 7(a), and section 8 of the RMA. The provisions of this chapter and other chapters in the Whakamahere Whakatū Nelson Plan and Iwi Management Plans also assist to identify these matters.

Working with the Iwi authority allows an assessment of cultural effects to be carried out and, where necessary, the preparation of a cultural impact assessment, as part of the process of assessing environmental effects.

Whakatū's tangata whenua Iwi have identified that a significant barrier to participation in resource management decision making is the capacity to participate. Iwi have to spread resources across the full range of topics that Council seeks to consult Iwi on, and across the three local authorities of Te Tau Ihu. It is therefore the view of most Iwi that they do not currently have the capacity to effectively take part in the two processes that they have the greatest interest in, resource consent processing and policy development. As part of addressing capacity issues, Whakatū's tangata whenua Iwi seek to develop mechanisms for effectively managing cross boundary issues across rohe and local authority boundaries.

## R.1 Resource Management Responses: Issues of Significance to Iwi of Whakatū

### Objectives

Objective Tahī	Te Tiriti o Waitangi and its principles are acknowledged in resource management policies and practice.
Objective Rua	Natural and physical resources are managed in a manner that provides for tikanga Māori and the spiritual and cultural values of Whakatū's tangata whenua Iwi.
Objective Toru	The cultural and traditional relationship of Whakatū's tangata whenua Iwi with their ancestral lands, water, air, coastal environment, waahi tapu and other sites and taonga are recognised and provided for.

Objective Wha Opportunities are provided for development of tangata whenua Iwi natural and physical resources in a way that respects the relationship of Whakatū's tangata whenua Iwi with land, water (fresh and marine), air, significant sites and waahi tapu.

Objective Rima Resource management decision making processes will give particular consideration to the cultural and spiritual values of Whakatū's tangata whenua Iwi.

## Policies

Policy Tahī The development and use of Treaty Settlement land and resources and other Iwi, hapu and whanau land and resources is provided for, recognising that:

- a) Cultural redress is intended to address the cultural needs of the tangata whenua Iwi
- b) Commercial redress is intended to acknowledge the grievance for tangata whenua and contribute to the social and economic development of tangata whenua Iwi.

## Explanation

This policy addresses Issue Rua by identifying that Council has a role in supporting Iwi post Treaty Settlements by enabling the use and development of Treaty Settlement land and resources. The policy recognises the historical significance of the Treaty Settlement process in restoring Tangata Whenua Iwi well-being through strengthening connections with cultural resources and through enabling economic and social development. Māori land has unique constraints compared to other land in the District. This is due to the tenure of Māori land and the multiple ownership of this land, which has historically made it difficult for Iwi to develop their land efficiently. In addition and partially as a result of limited development, most Iwi, hapu and whanau land contains areas of ecological, cultural and landscape values that contribute to the amenity and character of Whakatū. It is important that Whakamahere Whakatū recognises these unique constraints and characteristics to ensure that Iwi, hapu and whanau land can still be developed efficiently in accordance with the needs and aspirations of the Iwi, and the intention of cultural and commercial redress under the Treaty Settlements.

Policy Rua           Where a proposal affects Māori land or resources, the following matters must be recognised and provided for in resource management processes:

- a) The historical association of the tangata whenua Iwi of the area, and any historical, cultural or spiritual values associated with the site or area
- b) Any relevant memorandum of understanding between Council and the Iwi
- c) Any joint management and co-governance arrangements established.

Explanation

Council and Iwi of Te Tau Ihu will seek to create and maintain a partnership approach to resource management in Whakatū in order to acknowledge Te Tiriti and its principles. It is important that Council, in exercising its resource management functions, has respect for traditional Māori knowledge (mātauranga Māori), and demonstrates this through incorporation of 'other' knowledge into plans, policy, management, decision-making and the development of new projects, and in the way outcomes are measured.

Policy Toru           Management of natural and physical resources in Whakatū will be carried out in a manner that:

- a) Takes into account the principles of Te Tiriti, including kawanatanga, rangatiratanga, partnership, active protection of natural resources, the right to development, redress, and informed decision making.
- b) Recognises that how the principles of Te Tiriti will be applied will continue to evolve
- c) Promotes awareness and understanding of the Council's obligations under the RMA regarding the principles of Te Tiriti among Council decision makers, staff and the community
- d) Recognises that tangata whenua have rights protected by Te Tiriti and that consequently the RMA accords Iwi a particular status distinct from that of interest groups and members of the public
- e) Recognises the right of each Iwi to define their own preferences for the sustainable management of natural and

physical resources, where this is not inconsistent with the RMA.

Explanation

The policy identifies Te Tiriti o Waitangi principles that Whakatū's tangata whenua Iwi agree are important in terms of sustainably managing Whakatū's natural and physical resources and that how these principles are taken into account will continue to evolve over time.

**Policy Whā** The Council expects that applicants will consult early in the development of a proposal (for resource consent or a plan change) so that the necessary cultural values of Whakatū's tangata whenua Iwi can be taken into account.

Explanation

Only Whakatū's tangata whenua Iwi can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. This means only Iwi are in a position to determine whether a proposal will affect areas of significance for Iwi. Because of this, it is important that consultation with Iwi occurs early in the planning of a development (either by resource consent or a plan change) to ensure impacts are appropriately identified and addressed.

**Policy Rima** Where an application for resource consent or plan change is likely to affect the relationship of Whakatū's tangata whenua Iwi and their culture and traditions, decision makers shall ensure:

- a) The ability for tangata whenua to exercise kaitiakitanga is maintained
- b) Mauri is maintained or improved where degraded, particularly in relation to fresh and coastal waters, land and air
- c) Mahinga kai and natural resources used for customary purposes are maintained or enhanced and these resources are healthy and accessible to tangata whenua
- d) Tangata whenua values and interests are identified and reflected in the management of the region's freshwater resources

- e) Assessment of the activity is undertaken against the Aoturoa Framework.

Explanation

These are the matters that must be assessed by decision makers when considering an application for resource consent or a plan change in which there is a likelihood that particular values of significance to iwi may be adversely affected. The matters to be assessed in relation to the mauri of waterbodies are detailed further in the Freshwater section of Whakamahere Whakatū. Dependent on the circumstances of the consent application or plan change, these matters may need to be assessed. An example of this would be the use of a hearings commissioner with expertise in tikanga Māori in notified applications.

Policy Ono Support and encourage Iwi to develop Iwi management plans that contain:

- a) Specific requirements to address the management of coastal waters, land and air resources, including mauri and taonga
- b) Protocols to give effect to their role of kaitiaki of water and land resources
- c) Sites of cultural significance
- d) Descriptions of how the document is to be used, monitored and reviewed
- e) The outcomes expected from implementing the management plan
- f) The use and development of natural and physical resources by Iwi.

Explanation

Encouraging Whakatū's tangata whenua Iwi to develop and implement iwi management plans will help to achieve two significant outcomes. Ultimately it will help the Council to meet its requirements relating to Māori in the resource management planning process, especially when preparing new resource management policy and plans. Secondly, because the plans belong to the Iwi who prepared them, they will help Iwi express and identify the values and relationships iwi have with their resources and how they ought to be protected, maintained or enhanced. Iwi management plans can provide a framework for consultation on both plan reviews and resource consenting processes.

Including the matters identified within a) to f) of the policy and implementing an Iwi management plan will build and strengthen partnerships between Iwi and the Council as well building trust and good relationships.

Policy Whitu Ensure Iwi management plans are taken into account in resource management decision making processes.

Explanation

Having supported and encouraged Whakatū's tangata whenua iwi to prepare iwi management plans, it is important that they are then taken into account by the Council when making decisions on resource management matters. Amongst other things, iwi management plans give local expression to the matters outlined in RMA sections 6(e) and 7(a). The Council is required by the RMA to take into account iwi management plans when preparing a regional policy statement. In terms of its decision making on resource consent applications the Council must have regard to, subject to Part 2, other matters the Council considers relevant and reasonably necessary to determine an application – Section 104(1)(c). This includes having regard to iwi management plans and maintaining a partnership approach as required in Policy Iwa. As more iwi management plans are prepared and lodged with the Council, it will be important they receive the appropriate recognition in decision making by the Council.

Policy Waru Enable opportunities for marae and papakāinga development on Iwi, whanau and hapu tangata whenua land that provides for a range of functions including living, working, cultural activities and recreation where it is of a scale, extent and intensity that is determined by the physical characteristics of the site, surrounding environment and tikanga Maori.

Explanation:

The policy recognises that papakāinga and marae settlements are an essential means for Iwi to pursue the traditional relationship with their land. The policy encourages and strengthens this relationship by enabling development of Iwi, whanau and hapu land provided it is consistent with the matters set out in the policy. Iwi, whanau and hapu land includes land that is regarded as Māori land in terms of Te Ture Whenua Māori Act 1993, including multiple owned Māori land and customary land, other land returned to Iwi through Settlement processes, and land held individually by tangata whenua Iwi within the rohe.

Policy Iwa Maintain and enhance the essential partnership between Whakatū's tangata whenua Iwi, the Council and statutory management agencies on an ongoing basis.

Explanation:

This policy highlights that in order to give effect to the other policies in this chapter, that a partnership between Whakatū's tangata whenua iwi, the Council and statutory agencies, such as the Department of Conservation and adjoining local authorities, will be necessary. The partnership principle is reflective in the holistic approach of iwi to resource management in being all encompassing. Fostering partnerships with Whakatū's tangata whenua iwi will assist in increasing capacity for iwi to add value to resource management decision making processes and to the Iwi economy and the economy of Whakatū Nelson at large. Additionally, there will be times when non-statutory groups will combine with the Council and iwi in the context of community involvement in the management of natural and physical resources.

## Methods

Regulatory methods	Who	Links to policy
Nelson Plan		
Recognition of Statutory Acknowledgements and other Settlement instruments	Applicants, Council and Government Agencies, Consent Holders	Tahi, Rua, Toru, Rima
Consideration of Iwi Management Plans in development of Plan changes and resource consent processing and monitoring	Council, Applicants, Iwi	Toru, Wha, Rima, Ono, Whitu
Cultural Impact Assessments	Council, Applicants, Iwi	Toru, Wha, Rima
Provision for papakāinga	Council	Tahi, Waru
Maori Land Zone/Overlay	Council	Tahi, Rua, Toru, Waru
Property Plans (include definition in Appendix 1 Interpretation)	Council/Iwi	Tahi, Rua, Toru, Waru
Assessment against the Aoturoa Framework	Council, Applicants, Iwi	Tahi, Rua, Toru, Iwa
Use the Freshwater and Rivers Advisory Committee early in the development of policy and plans	Council, Applicants	Tahi, Rua, Toru, Wha, Rima, Iwa
Other Statutory Plans		
Have regard to Iwi Management Plans and Cultural Impact assessments in development of Council Policy and projects	Council	Toru, Wha, Rima, Ono, Whitu

Non-regulatory methods	Who	Links to policy
Advocacy and education		
Increase use of Maori places names and interpretation panels at significant sites.	Council/Iwi	Rua, Toru, Iwa
Council officer, Councillor and commissioner training on Te Tiriti o Waitangi	Council/Iwi	Iwa
Council officer training in basic Te Reo and Tikanga	Council/Iwi	Iwa
Monitoring and information		
Identify Treaty Settlement land on GIS database	Council	Tahi, Rua
Create formal consultation guidelines for applicants, including Council staff undertaking projects and asset management.	Council/Iwi, Applicants	Wha
Funding and Assistance		
Training and support to increase local Maori Commissioners, use of Maori Commissioners for appropriate resource management decision making.	Council Iwi	Iwa
Provide resources (funds, staff time, office space, training, equipment) and capacity building to assist Iwi to prepare, implement and monitor Iwi management plans	Council	Iwa
Partnerships		
Use of Maori Commissioners, expert witness, peer review during the resource consent and plan change process	Council Applicants	Toru, Rima, Iwa
Support Maori representation on Council Committees	Council	Toru, Rima, Iwa
Documenting and formalising partnerships between Council and the Iwi of Te Tau Ihu (i.e. MOUs, agreements, contracts for projects, co-management of resources and/or assets).	Council/Iwi	Rima, Iwa
Capacity building of staff in Council and Iwi	Council Iwi	Iwa
Non-Statutory Agreements Plans and Strategies		
Consideration of Iwi Management Plans and Cultural Impact Assessments in development of Council policy and projects	Council	Rima, Ono
Use the Freshwater and Rivers Advisory Committee early in the development of policy and plans	Council Iwi	Tahi, Rua, Wha
Help develop mutually beneficial projects that include stakeholders and community groups i.e. Project Maitai.	Council, Community Iwi	Toru, Rima, Iwa
Work with Iwi to identify future papakāinga aspirations	Council Iwi	Tahi, Rua, Waru, Iwa

## Anticipated Environmental Results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Iwi resource management issues are understood and addressed in an integrated manner across disciplines, Iwi and local authority and agency boundaries.	Whitu, Iwa, Wha	Iwi Management Plans, MOUs between agencies, integrated plan change and resource consent decision making. Maori world view representation on Council Committees. Environmental Indicators set by Iwi	Feedback from Hui. Evidence considered in plan change, section 32 reports and resource consent application decisions. Iwi authorities are satisfied with their involvement in resource management decision making.
Increased management and development by Iwi of Iwi, hapu and whanau land and resources.	Tahi, Rua, Toru, Ono	Development of iwi, whanau, hapu and tangata whenua land and resources, including papakāinga developments and marine farming. Use of cultural resource management methods such as rahui, taiapure. There is better access for tangata whenua to sites with mahinga kai and areas of natural resources used for customary purposes. The Mauri of the environment is in good health, particularly the rivers, streams and coastal environment.	Resource and building consents, MOUs, Iwi Development Plans Esplanade Reserves/ Strips Maori Environmental Indicator Monitoring Results State of the environment Reporting and Cultural Health Index Reports
Council meets its obligations in terms of Sections 6, 7 and 8 of the Resource Management Act 1991 in relation to Tangata Whenua, and in particular: Te Tiriti o Waitangi is acknowledged and a partnership approach is taken to resource management;	Toru, Wha, Rima	Number of heritage, waahi tapu, archaeological sites of cultural and spiritual significance items protected. Number of heritage items destroyed Number of iwi management plans formally lodged with Council. Use of Tikanga Maori tools in environmental management	Consents records Heritage NZ Pouhere Taonga records Number of assessments using the Auroa Framework Involvement in projects i.e. Nelson Nature

Anticipated Environmental Result	Link to policy	Indicator	Data Source
The development and use of Treaty settlement land and resources, in accordance with the outcomes of the settlement is provided for.	Toru, Rima, Iwa, Ono	Treaty Settlement land is developed Economic wellbeing of Iwi from Treaty Settlement Land is increased.	Number of resource /building consents approved for development on Treaty Settlement land. Cultural Impact Assessment results

## Principal Reasons

The objectives and policies seek to give effect to Council's responsibilities under the RMA to Tangata Whenua and address the resource management issues of significance to Iwi of Te Tau Ihu. Council recognises the special status of Tangata Whenua as separate and distinct from interest groups and further recognises the need for active protection of Tangata Whenua interests in dealing with other parties and in administering this plan/policy statement.

The objectives and policies also seek to give certainty to, and enhance, the involvement of Iwi in resource management processes. The policies give guidance on how iwi values should be considered in the management of, and decision-making around, Whakatū's natural and physical environments, including freshwater and coastal ecosystems. This seeks to meet Council's obligations under national policy statements such as the New Zealand Coastal Policy Statement (NZCPS) and the NPS on Freshwater Management, including:

- a) objectives and policies in the NZCPS to take into account the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment (e.g. Objective 3 and Policy 2); and
- b) objectives in the NPS on Freshwater that are intended to provide for tangata whenua values and Te Mana o te Wai (eg objective D1 - tangata whenua roles and interests).

Although Treaty settlements reflect an agreement between the Crown and Iwi, they form part of the general legal context for Council when exercising its powers. Council also has an obligation to take the Treaty principles into account when making resource management decisions in accordance with RMA section 8. Council needs to consider the specific Treaty Settlement context in the region. One of the main purposes of Treaty Settlements, aside from acknowledging historical grievances, is to provide an economic platform for Iwi moving forward.

This aspect of Treaty Settlements recognises that one of the most significant breaches of the Treaty was economic suppression. In doing so Council needs to strike a reasonable balance between allowing Iwi to build their economic base and promoting the other aspects of sustainable management. Iwi in developing their land and resources, will also be seeking a balance between development and sustainable management duties in the Resource Management Act through their expression of kaitiakitanga. The objectives, policies and methods in this chapter, along with those in the district wide chapters, seek to provide for and support that balance.



## Appendix 1 Interpretation

Iwi	For the purposes of this document refers to the eight Iwi of Te Tau Ihu. The word Iwi refers to an extended tribal group, large natural tribal grouping of people who descend from a common ancestor and associated with a distinct geographical location and environment.
Iwi Property Plan	A property plan identifies the development (use and protection) aspirations of a property spatially. The implementation of the property plan can be staged over time. The plan needs to demonstrate spatially the relationship between development of an appropriate scale, character, intensity and range of activities relative to the physical constraints of a site, sustainable servicing and potential adverse effects on adjoining properties.
Kawa	Ceremonial rites, enactment of specific rites for protection and or removal of tapu. Rites required and acted upon according to the situation and custom.
Kaitiakitanga	To care for the physical environs to nurture, protect and manage for sustainable utilisation. An active role to provide for the guardianship, stewardship, trusteeship, of a specific taonga, environment, building, people and location.
Kawanatanga	Government, dominion, rule, authority, governorship, province.
Mahinga kai	A specific area where Iwi grew and harvested kai (food). Garden, cultivation, food-gathering place.
Mana whenua	Territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory - power associated with possession and occupation of tribal land. The tribe's history and legends are based in the lands they have occupied over generations and the land provides the sustenance for the people and to provide hospitality for guests.
Manaakitanga	Hospitality, kindness, generosity, support - the process of showing respect, generosity and care for others. The act of providing for and caring and reciprocity.
Mauri	Life principle, vital essence, special nature, a material symbol of a life principle, source of emotions - the essential quality and vitality of a being or entity. Also used for a physical object, individual, ecosystem or social group in which this essence is located.
Rangatiratanga	Chieftainship, right to exercise authority, chiefly autonomy, chiefly authority, ownership, leadership of a social group, domain of the <i>rangatira</i> , noble birth, attributes of a chief.
Taiao	Natural environment, pertaining to all environs, flora, fauna, aquatic- marine, estuarine, freshwater, air, lands, mountains, glacial, snow, foreshore, seabed, riverbeds, lakes streams, rivers.
Tangata whenua	Local people, hosts, indigenous people - people born of the whenua, i.e. of the placenta and of the land where the people's ancestors have lived and where their placenta are buried.
Te Tiriti o Waitangi	The Treaty of Waitangi.
Tikanga	Rule, plan, method, custom, habit, according to Māori custom, to be applied correctly and with truth.
Whakatū	Nelson.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

## Chapter 2

### Infrastructure and Energy

*Te tuhituhi o te tipuranga me te tūāpapa*

## I.2 Significant Resource Management Issues: Infrastructure and Energy

Issue 2.1 Recognition of the regional benefits of infrastructure and other physical resources of regional importance whilst managing their effects.

Infrastructure can have adverse effects on the environment and this has the potential to conflict with the regional and national benefits of establishing infrastructure and other physical resources of regional or national importance.

Without effective regionally significant infrastructure the benefits of development will decline, or development will result in unacceptable adverse effects on the environment. While there is a need to provide for the development, expansion and maintenance of this infrastructure, it is also important to manage how this occurs, in order to ensure the way in which it changes is sympathetic to the environment and community.

Other activities can have reverse sensitivity effects on infrastructure. This has the potential to constrain the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance.

Infrastructure can be located in areas across or close to fault lines, the coastal marine area and rivers which affects the functioning of infrastructure. Infrastructure needs to be resilient to hazards.

Issue 2.2 A lack of infrastructure prioritisation and strategic integration with land use across Whakatū Nelson results in inefficient use of resources and adverse effects on growth, development and economic wellbeing.

The strategic integration of land use with regionally significant infrastructure is important for the functioning of communities and economic wellbeing at the national, regional and local scale.

Infrastructure has the potential to impede the supply of land if its delivery is poorly timed and poorly located. It is unaffordable to provide infrastructure to all growth areas at once, so there is a need to prioritise growth and development outcomes to improve efficiency.

Planned development recognises the actual or potential effects urban development can have on people and communities, and the important role that efficient infrastructure plays in supporting centres, urban growth

and vitality. Managed development also supports efficient and effective servicing in a way that does not compromise the establishment, operation, maintenance and upgrading of infrastructure.

Issue 2.3 There is an ongoing need to provide energy to households and businesses in Whakatū Nelson.

The supply of energy is critical for people's health and well-being, and as the City continues to grow, the demand for energy is expected to increase from a variety of sectors.

The efficient use of energy is a core aim of sustainable resource management. Energy conservation and efficiency measures are important; however they are not sufficient on their own to meet the City's anticipated energy demands.

Appropriate opportunities to harness Nelson's renewable energy generation potential need to be taken to minimise demand on energy provided by non-renewable sources. In particular, opportunities exist for commercial scale solar, and micro hydro generation facilities.

Domestic and community scale renewable generation facilities also need to play a role, particularly as improved technology enhances the accessibility to, and affordability of, smaller-scale devices.

## R.2 Resource Management Responses: Infrastructure and Energy

### Objectives

Objective 2.1 To minimise the adverse effects of infrastructure whilst enabling the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading.

Objective 2.2 Manage potential reverse sensitivity effects on infrastructure including the need for resilient infrastructure and the management of infrastructure in areas susceptible to natural hazards.

Objective 2.3 Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land prioritised for infrastructure provision.

Objective 2.4 An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy resources.

## Policies

### Policy 2.1

Provide for the following regionally significant infrastructure:

- a) Reticulated community wastewater systems (including the pipe network, treatment plants and associated infrastructure)
- b) Public drainage systems and reticulated community stormwater networks
- c) Reticulated community water supply intakes, networks and water treatment plants
- d) The regional landfill, transfer stations and the resource recovery centre
- e) The national electricity grid and electricity distributions and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders (66kV and above) and all associated substations and other works to convey electricity
- f) The local electricity supply network
- g) Facilities for the generation of large scale electricity where the electricity generated is supplied to the national electricity grid or the local electricity supply network (including infrastructure for the transmission of the electricity into the national electricity grid or local electricity supply network)
- h) Strategic telecommunications and radiocommunication facilities
- i) Nelson Airport
- j) York Valley Landfill
- k) The district roading network including state highways
- l) The Port of Nelson
- m) Nelson Marina
- n) York and Marsden Quarries
- o) Nelson Hospital
- p) Education facilities
- q) Emergency services facilities

#### Explanation

The policy identifies infrastructure considered to be regionally significant due to its contribution to the social and economic wellbeing, or the health

and safety, of a large proportion of Whakatū Nelson's population, or because of its strategic importance nationally. These benefits will be taken into account when developing Council's 30 Year Infrastructure Strategy, Asset Management Plans, Nelson Plan rules, and when considering resource consent applications, notices of requirement and plan change requests. Regionally significant infrastructure may also be of national importance and benefit.

While it is important for new infrastructure to manage effects on the environment, it is also necessary to acknowledge that there are particular constraints associated with the establishment, upgrade, operation and maintenance of regionally significant infrastructure.

For example, new renewable energy generation facilities need to be located where the renewable energy resource can be harnessed. In some cases, those locations are also naturally sensitive, so careful consideration needs to be given to the positive and adverse effects arising from new proposals.

Many significant assets, such as the National Grid, State Highway network and reticulated water services have a linear characteristic. It is important to recognise that fundamental character when considering the location, scale and nature of new infrastructure or upgrades to existing facilities. The benefits of constructing (including extensions to existing infrastructure) and operating any new regionally significant infrastructure will have to be weighed against any adverse effects that the infrastructure has on the surrounding environment. The provisions of Whakamahere Whakatū Nelson Plan identify how these environmental effects should be avoided, remedied or mitigated, taking into account technical and operational practicalities.

- Policy 2.2 Manage the development, maintenance and use of infrastructure and its networks in a way that protects natural and physical resources and the health, safety, and wellbeing of the community through avoiding, remedying or mitigating:
- a) The adverse effects on air and water quality, including from contaminated run-off from roads discharging into water or onto or into land, and discharges to air from treatment plants and pump stations
  - b) Effects on cultural matters (including places and resources) of significance to Nelson's tangata whenua Iwi
  - c) A loss of visual amenity in significantly modifying the landscape
  - d) A loss of natural character and public access in the coastal environment, wetlands, lakes and rivers and their margins

- e) The destruction of areas of heritage value and significant indigenous vegetation and significant habitats of indigenous fauna
- f) The effects of severing communities and/or inadequate links between parts of settlements
- g) The adverse effects on local amenities including from noise, odour and vibration
- h) Poor investment decisions in relation to infrastructure subject to high risk from hazards

Explanation

It is important that where new infrastructure, including roads, is proposed, or an extension to or upgrading of existing infrastructure is proposed, that the effects identified in this policy are avoided, remedied or mitigated.

Policy 2.3 Protect regionally significant infrastructure from the adverse effects of incompatible subdivision, use and development in close proximity to the infrastructure.

Explanation

The effective and efficient operation of regionally significant infrastructure can be achieved by managing the effects of incompatible activities in close proximity to the infrastructure. This policy recognises that there has already been significant investment in the infrastructure and that there are usually considerable difficulties relocating the infrastructure in the event of conflict with other land uses. In respect of the National Grid, it is a requirement of the NZ Policy Statement on Electricity Transmission (2008) for decision makers to manage activities to avoid reverse sensitivity effects on the network of assets owned by Transpower. Similarly, the NZ Policy Statement for Renewable Electricity Generation (2011) requires management of reverse sensitivity effects on renewable generation facilities.

Policy 2.4 Avoid infrastructure provision, capacity and upgrade investment in areas subject to high risks from hazards unless it is part of a comprehensive plan that addresses the long term resilience of the asset.

Explanation

The majority of the infrastructure that supports the City is located in low lying coastal areas which will be affected by sea level rise and flooding. This policy requires that ad hoc infrastructure investment is avoided

where it is not part of an overall strategy to address the threat of hazard risk on essential infrastructure. The 30 Year Infrastructure Strategy and Asset Management Plans should be used to develop comprehensive plans for infrastructure provision, capacity and upgrade investment within high risk hazard areas to ensure their long term resilience and good investment practice.

Policy 2.5 Subdivision, use and development is located and staged in a way that is integrated with the long term planning and funding mechanisms of local authorities, central government agencies and network utility providers and operators, and with growth planning by Council and the development industry.

Explanation

Council seeks to ensure that development occurs only in specified locations where infrastructure provision is planned and prioritised for. Any extension of infrastructure beyond these areas needs to be financially feasible in Council's or other infrastructure suppliers' funding strategies, or otherwise funded by the developer. A tightly controlled approach to infrastructure provision is desired with good long term planning in Infrastructure Strategies and Long Term Plans that consider developers' needs in relation to timing to match demand and the City's strategic growth outcomes.

Policy 2.6 Coordinate new urban expansion with infrastructure planning so that urban consolidation and infrastructure efficiency lead to a sustainable urban form.

Explanation

Re-zoning of land should only occur where infrastructure and funding mechanisms are in place to support it. Urban development within the current urban area is able to make the most efficient use of existing infrastructure capacity and supports Council's goals of revitalising centres. This policy supports the objectives of a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth and infrastructure network. This requires an efficient, sustainable, safe and affordable infrastructure network, integrated with the region's land use patterns.

Policy 2.7 Avoid the spread of residential, industrial or commercial development fronting national routes and arterial roads extending outwards from urban settlements or townships.

#### Explanation

In terms of the impacts on the road network, avoiding the outward spread of urban areas (for residential, commercial or industrial development) along national or arterial routes and limited access roads, will help protect the safety and efficiency of these routes. In addition, this policy, together with those set out in the Social and Economic Wellbeing chapter, seeks to provide for the efficient use of energy, services and infrastructure by containing the outward spread of urban areas. This is an important aspect of the development of the centres as it consolidates development around the areas that generally have the employment, community and infrastructural services available to sustain a growing population.

#### Policy 2.8

Recognise and provide for the benefits of the use and development of renewable energy and energy efficiency by:

- a) Maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions
- b) Maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation
- c) Using renewable natural resources rather than finite resources
- d) Recognising the reversibility of the adverse effects on the environment of some renewable electricity generation technologies
- e) Reducing reliance on imported fuels for the purposes of generating electricity

#### Explanation

Local sources of renewable energy should be developed to maintain and enhance a secure supply of electricity for Nelson. This policy expresses a clear preference for the use and development of renewable sources of energy, as opposed to non-renewable sources. Renewable sources of energy ensure that electricity can be sourced on an ongoing basis, improving the security of supply and reducing stress on the National Electricity Grid. The preference for renewable sources of energy also assists in avoiding reliance on imported fuels for electricity generation.

Renewable energy resources can be variable as a result of climatic and other conditions. However, utilising the wide range of renewable energy resources available should spread that risk and improve the resilience of energy supply.

Renewable energy opportunities that have been identified as well-suited to the Whakatū Nelson context include:

- Commercial-scale and residential scale rooftop photovoltaics and possibly small-scale commercial solar PV arrays (<100kW)
- Niche micro hydro and biogas, including at Maitai Dam and Bell Island Treatment Plant (respectively)
- Small-scale wind turbines and run of river micro-hydro in niche rural off-grid scenarios
- Niche biodiesel and wood pellet manufacture

Policy 2.9 Integrate and align good asset management and growth planning practices and approaches across the Nelson City Council and Tasman District Council boundary, and with other agencies and Iwi, particularly in relation to the urban areas of Nelson and Richmond that rely on shared services.

Explanation

Infrastructure that is constructed and maintained by Nelson City Council sits alongside and integrates with infrastructure constructed and maintained by Tasman District Council, and other agencies such as the Ministry of Education and Ministry of Health which operate regional facilities. Part of Nelson City is served by Bells Island wastewater treatment plant which is located within Tasman District. Part of the Nelson South urban area is provided with water supply by Tasman District Council. Nelson and Richmond are essentially one urban area and asset management and growth planning for the total urban area is most efficiently achieved when it is integrated and complementary.

Policy 2.10 Mitigate the adverse effects of vehicle and fossil fuel usage where practicable by reducing potential travel times to and from home, work, community and business places, through consolidated development of Whakatū Nelson's centres.

Explanation

World-wide there is a concern over the increasing use of non-renewable fossil fuels by all forms of transport. However, it appears that the demand for transportation fuel will continue to increase into the medium-term, as independent mobility remains a major part of transportation. In Whakatū Nelson, this mobility is often necessary simply to ensure a basic level of accessibility, especially in areas without a regular public transport system.

Therefore, the way in which the Council can help reduce the effects of vehicle and fossil fuel usage, is to consider the pattern and density of urban development and how these can influence transport demands. A compact urban area with increased densities can reduce the need for and length of trips in private motor vehicles. The location of employment in relation to where people live can also have an effect on trip generation and the type of transport used.

Policy 2.11 Encourage and promote changes in movement patterns and travel habits that lessen the pressures on the land transport network, reduce the extent of pollutants from motor vehicles and foster improved community health.

Explanation

The Council can also assist in helping to reduce the use of fossil fuels for private vehicle transport by promoting walking and cycling as alternatives and to encourage the use of public transport where it is available. It is important to encourage walking and cycling as a healthy and environmentally friendly alternative form of transport. Cycling is a particularly important form of transport in Whakatū Nelson with a high level of uptake by both commuters and recreationalists.

Policy 2.12 Enable and manage the development, operation, maintenance and upgrading of small and community-scale renewable electricity generation facilities, provided that significant adverse effects of those facilities are avoided, remedied or mitigated.

Explanation

Small-scale generation opportunities should be enabled to the greatest extent practicable. However, those facilities should not give rise to significant adverse effects on the environment, and particularly on features and areas with high natural or cultural significance.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Identify on planning maps, including providing for a regular update mechanism:	Council	Policy 2.1 Policy 2.2 Policy 2.3 Policy 2.4 Policy 2.5 Policy 2.6 Policy 2.7 Policy 2.9
a) regionally significant infrastructure and its networks		
b) growth and redevelopment areas		
c) hazard areas/other areas affecting growth		
Use designations to support regionally significant infrastructure.	Council	Policy 2.1 Policy 2.3 Policy 2.7
Adopt objectives, policies, rules and other methods to manage the effects on regionally significant infrastructure of incompatible subdivision, use and development.	Council	Policy 2.3
Develop land use zones, planning maps, objectives, policies, rules and assessment matters in the Nelson Plan to manage and identify existing and proposed infrastructure and the networks required to support growth areas, including Tangata Whenua Iwi development, and prioritise infrastructure roll out.	Council	Policy 2.5 Policy 2.6 Policy 2.7
Adopt objectives, policies and rules at a District level to ensure infrastructure roll out is prioritised in relation to growth areas and aligns within financial planning and other Council strategic documents such as asset management plans.	Council	Policy 2.4 Policy 2.5 Policy 2.6
NelTas Land Development Manual sets minimum infrastructure standards for assets to vest in Council or work on Council assets and transportation hierarchy.	Council	Policy 2.2 Policy 2.9
Use rules to ensure infrastructure is connected and of sufficient capacity, both to and within growth areas, as subdivision and development occurs.	Council	Policy 2.6 Policy 2.10
Rules to ensure development and buildings are not placed in the way of strategic infrastructure links.	Council	Policy 2.1 Policy 2.2 Policy 2.6 Policy 2.7
Infrastructure construction activities will be subject to the regional rules controlling discharges to land, water, and air, for activities in the beds of rivers and coastal marine area and for water takes.	Council	Policy 2.2
Adopt methods in the Plan covering layout of sites and development to maximise energy efficiency and solar gain.	Council	Policy 2.8
Use rules to achieve consolidation and well connected urban form, especially around centres.	Council	Policy 2.10
Use objectives, policies, rules and other methods to enable and manage commercial, community and small-scale renewable energy generation activities.	Council	Policy 2.2 Policy 2.3 Policy 2.4 Policy 2.9 Policy 2.12

Regulatory methods	Who	Policy link
Other Legislation		
Adopt a 30 Year Infrastructure Strategy that identifies the following on maps, including provision for a regular update mechanism:	Council	Policy 2.1 Policy 2.2 Policy 2.5 Policy 2.6 Policy 2.9
a) Growth and redevelopment areas that have sufficient existing infrastructure capacity		
b) Growth and redevelopment areas that do not have sufficient infrastructure strategy to support growth		
c) Growth and redevelopment areas that are provided with infrastructure by Tasman District Council solely or jointly with Nelson City Council		
d) Infrastructure and networks that are subject to hazards risk (high, medium and low)		
Long Term Plan	Council	Policy 2.5

Non-regulatory methods	Who	Policy link
Advocacy and Education		
Provide information about, and advocacy for encouraging, energy efficient house design and domestic scale renewable energy generation.	Council	Policy 2.8 Policy 2.12
Encourage consultation to identify potential issues and opportunities for infrastructure efficiencies to align with growth areas.	Council Applicants Iwi	Policy 2.2 Policy 2.4 Policy 2.5 Policy 2.6
Monitoring and Information		
Undertake a project to investigate existing infrastructure capacity across the city, starting with centres and other identified intensification areas.	Council	Policy 2.6 Policy 2.9
Undertake a prioritisation exercise for the roll out of infrastructure to growth areas and make this publicly available.	Council Developers	Policy 2.4 Policy 2.5 Policy 2.6 Policy 2.9
Other Plans and Strategies		
Clearly differentiate between the private and public infrastructure costs associated with development throughout Council's planning and funding documents.	Council	Policy 2.5 Policy 2.6 Policy 2.9
Develop a hazard assessment and climate change strategy for regionally significant infrastructure as part of the Infrastructure Strategy and Asset Management planning.	Council Infrastructure owners	Policy 2.4 Policy 2.9
The Regional Land Transport Plan identifies the region's land transport needs, including roads, public transport, cycling, walking and the movement of freight.	Council (NCC and TDC)	Policy 2.1 Policy 2.2 Policy 2.3 Policy 2.9
Develop joint strategies and asset management with Tasman District Council.	Council (NCC and TDC)	Policy 2.9

Non-regulatory methods	Who	Policy link
Funding and Assistance		
Enter into Developer Agreements to enable the earlier construction of a project. Any such agreement needs to align with Councils strategic outcomes for growth areas.	Council Developers	Policy 2.5
Consider incentives for small or community-scale renewable generation initiatives or exemplary energy conservation or efficiency initiatives that result in increased community resilience and security of energy supply.	Council	Policy 2.12

## Anticipated Environmental Results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Regional development and growth is supported by robust infrastructure networks.		Number of years taken to roll out infrastructure to new growth areas.	Asset Management Plans
		At least 10 years supply of undeveloped but serviced land is available at all times.	Infrastructure Prioritisation Process
		Number of subdivision and development applications unable to proceed due to lack of infrastructure.	Resource consents
Information on the existing capacity of infrastructure networks is publicly available and used by developers to inform the timing and location of development/growth.		Capacity analysis of transport, water, stormwater and wastewater networks is completed.	30 Year Infrastructure Strategy
		Intensification around centres - number of redeveloped sites of greater density.	Asset Management Plans Resource consents
Infrastructure in high hazard risk areas uses a combination of planned retreat and mitigation strategies to ensure resilience.		Number and type of investment/ infrastructure projects in high hazard risk areas.	30 Year Infrastructure Strategy
			Asset Management Plans
			Resource consents

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Relationships and collaboration with the development community (including Iwi) are maintained and enhanced.		Developer Advisory Group.  Use of Major Projects Team.	Resource consent objections Submissions to LTP, Annual Plan and Development Contributions Policy
A regional/cross boundary and strategic approach is taken to infrastructure levels of service, maintenance and delivery.		Infrastructure is planned and delivered comprehensively across and adjoining local authority boundaries.	Shared service agreements Regional Growth Modelling Asset Management Plans Long Term Plan
There is a strong link between plans and funding providing certainty to investors and developers that plans are not only aspirations but can be funded and delivered.		Improved satisfaction of development sector regarding infrastructure planning.  Submissions	Long Term Plan  Development Contributions Policy and Schedule of projects
The District's energy supply is more secure, diverse and resilient and has a greater ability to rely upon local, renewable energy resources.		Building consents and resource consent applications made for renewable energy generation facilities.  Proposals to develop or upgrade existing regionally significant networks and facilities.	Council consent data management system
Adverse effects of regionally significant infrastructure on other activities will be well managed.		Analysis of and Submissions on resource consent applications or notices of requirement.  Public complaints.	Council consent data management system  Complaints record
Regionally significant infrastructure will be protected from the adverse effects of incompatible subdivision, use and development.		Consent applications where network utility operators are identified as affected parties.  Public complaints	Council consent data management system  Complaints record

## Principal Reasons

The issues, objectives and policies seek to protect regionally significant infrastructure, provide for strategic and integrated infrastructure in growth areas, ensure infrastructure is resilient to hazards and improve energy efficiency and use of renewable energy.

Section 30(1)(gb) of the RMA requires that Council provide for the strategic integration of land use with infrastructure. The overall continued function of the region and its growth and development is reliant on Council achieving this alignment, as well as the protection of natural and physical resources.

Council is required to develop an infrastructure strategy that identifies issues and options for managing infrastructure over the next 30 years, and to provide for the strategic integration of infrastructure with land use. This is an essential tool through which many of the infrastructure objectives and policies can be achieved.

The issue of how to protect regionally significant infrastructure as well as infrastructure to support growth and in what locations is of critical importance to Nelson in enabling economic growth and development. These issues need to be considered in conjunction with the demand, supply and projections for Tasman District Council and the shared services infrastructure that we currently have, and may have in the future.

Significant tension results from a lack of understanding about who is responsible for providing what infrastructure to and within growth areas, as well as how different Council funding mechanisms work. The methods in this section seek to make infrastructure planning to growth areas transparent and consistent, and to fully engage with the development community to achieve a greater understanding of infrastructure planning is gained.

Much of our local infrastructure is built across or close to fault lines and the coastal marine area, and we regularly experience flooding and coastal inundation in parts of the City which affects the function of our infrastructure.

Regionally significant infrastructure such as the port, airport, water supply, wastewater and stormwater networks and transport routes need to be resilient to hazards, and infrastructure planning and asset management need to develop long term strategies to address this.

We need to adequately address the impact of hazards (flooding, sea level rise, liquefaction) on growth and infrastructure, particularly as Council receives updated information in relation to these hazards. Asset management, infrastructure strategies, and Council as owner of regionally significant infrastructure such as the port and airport, need to adequately plan for sea level rise in all aspects of management and operation. If infrastructure isn't responsive to hazards it can lead to poor infrastructure investment decisions which will have significant financial and environmental implications on the community in the future.

The National Policy Statement on Electricity Transmission (NPSET) seeks to recognise the National Grid by facilitating its operation, maintenance and upgrade while managing both the adverse effects of the network, and of other activities on the network. The NPSET also seeks to facilitate the establishment of new transmission resources. Transpower has indicated there are no plans to develop new infrastructure in the Nelson region in the foreseeable future.

The National Policy Statement on Renewable Electricity Generation (NPSREG) is also relevant. It identifies the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand, and to recognise the benefits of renewable electricity generation, as matters of national significance. The NPSREG seeks to ensure local decision-making has regard to the benefits of renewable energy generation, and the practical implications and constraints of generation activities. It also seeks to manage the effects of other activities on renewable generation facilities and to enable specific types of generation activities to the extent relevant to Whakatū Nelson, including small and community-scale facilities.

The operation and provision of regionally significant infrastructure and energy, as well as the efficient use of infrastructure to support growth, is of critical importance to Whakatū Nelson in enabling economic growth and development.

The Richmond area (in Tasman District) forms part of the functional Nelson urban area, both in terms of urban form and through shared services and infrastructure provision. A close working relationship and alignment of infrastructure and asset management policies with Tasman District Council is essential to ensure integrated and effective urban growth management over time, as well as resilience to hazards.

Improving the supply of infrastructure and integrating it with land use and growth planning is not just about rolling out new infrastructure. Effective use of existing assets is also an important part of the equation. Effective asset management systems are important for maintaining existing assets and planning and delivering new infrastructure. Council needs to identify, prioritise and update asset management information systems to ensure they are integrated into decision making processes, and that this information is publicly available to assist developers to make informed investment decisions about utilising existing capacity, as well as extending networks.



# DRAFT REGIONAL POLICY STATEMENT

May 2016

## Chapter 3

### Character and Amenity *Pūāhua me te aahurutanga*

## I.3 Significant Resource Management Issues: Character and Amenity

Issue 3.1 Maintain and enhance essential amenity and character values.

### *Importance of amenity values*

Amenity values are important to the City's social and economic vitality. They contribute to making Whakatū Nelson an attractive and appealing place to live, work, play and visit. The way that development is configured and enabled has a significant relationship with the quality of amenity values created and the extent to which they can be readily maintained or even enhanced over time.

### *Built environment of particular importance*

The built environment is where most Nelson residents spend a lot of their time. Whakatū Nelson's location between the coast and the backdrop hills provides the setting of the built environment and this is the basis of the most iconic urban amenity and character values important to the community.

Nelson's urban amenity values are very different from its natural environment amenity values. In the urban environment there is a much greater expectation for change and modification over time to accommodate growth and how people use their property in general. The transitory nature of the built environment is itself one characteristic of urban amenity values. Historic heritage contributes considerably to the District's character, particularly in the City Centre which includes some well-maintained examples of Edwardian and Victorian architecture, and in residential areas where a significant number of early timber buildings create a range of high quality character environments.

Nelson's built environment contains many physical qualities and characteristics that contribute to people's appreciation of its pleasantness, aesthetic coherence, and recreational attributes. In terms of pleasantness, built amenity values include comfort and appeal, and how people enjoy living in their street or neighbourhood. Aesthetic coherence can include the visual attractiveness of a streetscape or the patterns of subdivisions and streets criss-crossing the landform. Cultural and recreational attributes can include the way in which residential environments are spacious and private gardens allow people to enjoy their personal time, or even the enjoyment of tending to a vegetable garden.

### *Essential character and amenity values*

Amenity values can mean different things to different people. In some cases, “maintaining” amenity values can be interpreted to mean something very close to “leave things the way they are”. Especially where there is a dual consideration of historic heritage, this may be the most appropriate approach.

But in many instances, the maintenance or enhancement of amenity values does not preclude potentially substantial changes to the built environment or its visual appearance. New development, a loss of some views, or the acceptance of visually plain and unappealing buildings can and will be appropriate to maintain essential amenity values such as visual privacy, access to sunlight, or a feeling of safety and pleasantness as one walks along a street.

The same applies in respect of character values which, other than for historic heritage or natural character reasons, are a sub-set of amenity values.

There are numerous types of land use activity that characteristically co-locate in clusters. These include residential, industrial, and rural activities as examples. They have different amenity and character values and those values are susceptible to different risks. To make the interpretation of the RPS and development of District Plan provisions transparent, the key amenity values that are expected to be maintained, enhanced, or maintained and enhanced should be identified and provided for. This will help to provide certainty for the community.

It is expected that in Whakatū Nelson’s industrial areas a more functional level of amenity, especially visual amenity, will be appropriate reflecting an overall balance of the issues which sometimes include lower value activities, low overall occupant densities and a general lack of busy through traffic or tourist movement. Conversely, in centres the multitude of activities and people attracted to them require a very high standard of amenity and character to be established and maintained.

Issue 3.2      New development must enhance Whakatū Nelson’s character and amenity values

Amenity and character values are not limited to existing or historic development. New developments in the district will change the environment they occur in. Change is itself not inherently positive or adverse but the way that new development blends or juxtaposes with its surrounds can lead to significant environmental effects. Inappropriate development in close proximity to areas of significant heritage or natural

environmental value can substantially degrade amenity and character values.

Low quality outcomes can occur when a new development does not reflect existing patterns or amenity values, and at the same time does not provide any contribution to establishing new amenity or character values. Cumulatively, low quality new developments can undermine the community's social and economic wellbeing and this must be avoided given how reliant wellbeing in Whakatū Nelson is on attracting external visitors and activity.

Development can bring benefits to the community not just in terms of economic development activity or employment. New streets, spaces, buildings and views will be established and these will enable a wide variety of activities to occur. Social and economic wellbeing will be maximised in these spaces when they offer high character and amenity values to users. New development, where it does not rely on a set of existing character or amenity values to shape its design, should identify and provide for new character and amenity values to establish that respond and contribute to the qualities of the local environment. These new amenity values, in conjunction with existing amenity values, should collectively and overall enhance the character and amenity of Whakatū Nelson.

### Issue 3.3

Retain and enhance the green, leafy suburbs, vistas through and from the city centre, the rural backdrop and notable trees that contribute to Nelson's character and amenity.

One of Whakatū Nelson's defining amenity values is the contrast that is often visually evident between clustered urban development and the natural environment, including the coast, rural backdrop, and mature healthy vegetation. As Nelson develops, this urban / natural relationship must be retained and where appropriate expanded or enhanced.

Provision must be made in the setting of management methods for urban development to:

- Require contained and compact settlement patterns that efficiently use land and retain open space values including by way of maintaining a clear and defined urban edge
- Require rural subdivision to follow landscape and natural patterns to create irregular rather than rectilinear and uniform sized 'checkerboard' lots

- Retain and enhance the amenity values of drainage corridors, ecological linkages, esplanade reserves, and wetlands, rivers, lakes and their margins
- Restore or rehabilitate degraded areas where this is practical, including the stabilisation of erosion-prone or unstable land
- Allow sufficient space for the accommodation of mature vegetation on sites in the residential and industrial areas including in areas identified for intensification
- Promote the retention of mature vegetation on sites subject to redevelopment
- Provide and retain street trees

Individual indigenous or exotic trees or stands of trees make a significant contribution to Whakatū Nelson's character and amenity. Activities such as felling, pruning, and activities undertaken in proximity of a tree (e.g. the construction of buildings or laying of pipes) all have the potential to adversely impact on trees with historic heritage and/or significant amenity values.

Notable trees are also very important to the community for historical, botanical and social reasons. Often they provide a link to Nelson's past and the emotional ties that can be formed with Nelson's most remarkable trees are very strong.

### R.3 Resource Management Responses: Character and Amenity

#### Objectives

- Objective 3.1 Recognise and provide for different categories of land use activity that each support different types and levels of character and amenity values.
- Objective 3.2 Ensure that the character and amenity values, and in particular the essential amenity values, of each identified category will be maintained or enhanced. Recognise that in identified parts of Nelson, notably commercial centres, specified intensification areas, and new greenfield development areas, potentially substantial change to the existing environment will occur and be appropriate.

- Objective 3.3 New development, particularly in commercial centres, is of a high quality and positively contributes to public space amenity, visual interest and activity. High standards of urban design are achieved throughout the urban environment.
- Objective 3.4 Natural character and landscape values that contribute to the sense of enjoyment and appreciation of rural and coastal areas are protected.
- Objective 3.5 New rural subdivision and development is provided for in a way that will protect amenity values and avoid further fragmentation of rural land. Development should also be accompanied by environmental enhancement or restoration.
- Objective 3.6 Retain and enhance the open space, rural, and natural environment values that frame, cross and encircle Whakatū Nelson's urban areas, and also trees (including groups of trees), that make a notable contribution to Whakatū Nelson's character or amenity.

## Policies

- Policy 3.1 Use different zones to manage different land uses and activities.

### Explanation

Land use zones are a very efficient way of grouping land and activities with like characteristics together, and then subjecting them to more specific and focussed management methods including rules. This allows users of each zone to have more certainty and confidence about what they can do and what their neighbours are likely to do. Identifying them on Planning Maps makes it clear what package of methods apply to each site.

The Council has identified that at least industrial, commercial centre, rural, residential conservation, coastal and open space zones are required however there may be a number of sub-zones within each of these categories, or other categories altogether, that are demonstrated as being the most appropriate for Whakatū Nelson.

Policy 3.2 Development in commercial centres should result in high quality building design and enhanced pedestrian and public space amenity.

Explanation

Commercial centres are busy environments where there is, as a result of the density and diversity of activity occurring in them, potential for many adverse effects to occur.

The Council also expects that commercial centres will change as a result of new development and redevelopment within them. The extent of this visual or other change is likely to mean that over time many existing character and amenity values will change.

This change is not of itself necessarily adverse, especially if new character and amenity values that reinforce the identity, qualities and context of each commercial centre are provided. This will be achieved by development outcomes that emphasise visual and pedestrian amenity. Prioritising building orientation and design detail towards streets and public open spaces, particularly at the ground level, is the most appropriate means of achieving this. Part of new development reinforcing the identity, quality and context of a commercial centre includes ensuring it reflects any nearby historic heritage character. Doing so promotes visual interest, public safety, social and economic exchange, and a contribution to the cumulative impressions that visitors find memorable.

But if development and redevelopment in commercial centres leads to a net loss of the character and amenity values that make those centres enjoyable places to visit, work and live in, then this would give rise to unacceptable adverse effects and these must be avoided.

Policy 3.3 I identify and monitor the essential amenity values of commercial centres and residential areas. I identify in the District Plan those geographic areas or land use zones where moderate or substantial change is anticipated over time.

Explanation

Resource management plans are much more helpful to users when instead of expressing generalised statements like “maintain or enhance amenity values” they give them real local meaning and relevance by explaining what specific amenity values should be maintained and/or enhanced.

Regular engagement with local communities will be the most effective means of the Council ensuring that it understands the priorities and

values of the community. Arising from this will be the ability for the Council to be as clear as possible when discussing character and amenity values in Whakatū Nelson. Amenity statements for commercial centres will be developed in the District Plan.

Related to this, the District Plan should give users a clear understanding of those parts of Whakatū Nelson where moderate or substantial change over the next 25 years could be appropriate, and where character and amenity values may change accordingly.

Policy 3.4 For the purposes of Objective 3.2 and Policy 3.3, recognise that the essential amenity values of existing residential areas include:

- a) High levels of on-site privacy, accepting that those choosing to live on sloping hills may enjoy lower levels of privacy from sites up-slope
- b) Infrequent exposure to sustained loud noises (including the noise of large groups of people or traffic), especially at night time, accepting that along major roads residents will endure a higher noise environment and potentially lower air quality
- c) Direct sunlight for at least four hours of the day between the hours of 0800 and 1700 on all days of the year
- d) A generally open aspect where occupants can see over and around buildings, and where there is ample on-site outdoor space to accommodate mature trees and recreation space
- e) Streets that are overlooked, feel safe, and are interesting for residents to walk along, and are also open and sunny
- f) Freedom to design a colour, shape and style of house that meets the preference of each landowner, subject to bulk and location controls to guide the achievement of (a) to (e)
- g) Non-residential activities where these are compatible with identified essential amenity values, including by being contained in residential dwellings or buildings
- h) In some areas, significant heritage buildings or groups of buildings that together have particular significance
- i) Any other qualities identified through Council processes in accordance with Policy 3.3

The maintenance and enhancement of amenity values in existing residential areas is of critical importance to residents who have often

invested their life savings into their home. The community's social wellbeing will be most appropriately served by specifying the key amenity values that should be maintained or enhanced in a general sense across the entire residential area. This will provide certainty, comfort and confidence around the benchmarks that new development or redevelopment will need to satisfy.

The Council has already obtained feedback from previous consultation exercises and it would be counter-productive and inefficient to not recognise this. The Council has identified that across the residential area a number of essential amenity values are common and these have been identified in the policy.

Future consultation and engagement processes in commercial centres and other potential intensification areas will allow the identified matters to be modified or expanded in a place-based and locally relevant manner.

Policy 3.5 Manage development in the industrial zones through performance standards which are essential to maintain amenity values at the boundary of the industry area based on the adjoining uses and to achieve an appropriate functional level of internal amenity within the industrial area.

#### Explanation

Industrial zones have lower levels of amenity values and character than some other areas for many reasons. These include the lower land value of the activities, their emphasis on employment and economic development, large and functional buildings, and lower employee densities. In light of these matters it is appropriate that these operational aspects of industrial areas are recognised in Plans so as to not discourage their location in Nelson.

However, it is appropriate that industrial zones also maintain the amenity values of adjacent activities and for this reason the acknowledgement that industrial activity may be restricted in a way that achieves this is also necessary.

Policy 3.6 Manage activities within the rural zone and coastal environment in a way that preserves open space characteristics, a predominance of unbuilt over built outcomes, and otherwise enables ongoing productive economic activities to occur.

Explanation

Whakatū Nelson's rural areas are working environments that are very susceptible to ad-hoc residential (and other) intensification. The encroachment of sensitive activities close to productive uses can lead to unacceptable adverse effects that must be avoided.

The amenity and character values of the rural environment are equally susceptible to degradation by way of the proliferation of dwellings, driveways, and subdivision patterns (fences, vegetation and landscaping, and so on).

Development should be enabled in the rural area in a way that maintains existing qualities of openness, uninterrupted undulating landscapes, economic productivity, and the predominance of open, unbuilt land free from excessive modifications including long and straight fence lines demarcating small properties.

Policy 3.7 Support management practices on rural land that internalise the adverse effects of development within the site, or limit them to the immediate locality in a way that mitigates any adverse effects on the ability of adjacent landowners to enjoy their land.

Explanation

Many of the productive activities appropriate and expected in the rural area generate adverse effects that can affect adjacent properties. Examples include agricultural chemicals, pollen, seeding and wilding, and the emission of noise and odour.

While in many instances these effects will be appropriate, the Council shall encourage land users to proactively minimise their adverse effects on adjacent land. This is already a requirement of the RMA (section 17). However, given the size of the rural environment and the day-to-day nature of activities that may generate adverse effects, Council management is appropriate.

Policy 3.8 Identify and provide appropriate protection for existing and potential new areas of high amenity open space, rural, and natural environments that frame, cross and encircle Whakatū Nelson's urban areas, and encourage their enhancement over time.

Explanation

The amenity and character values of Whakatū Nelson's urban areas are influenced by the relationship between the built and natural environment including the coast, hills, and waterways that connect the two.

Subdivision patterns that integrate with these, including the creation of views and view shafts, form an important part of the attributes and overall aesthetic coherence that the community values.

It is appropriate for the Council to manage these spaces so as to ensure that the contribution they make to amenity and character values is retained and, where possible, enhanced over time. This may lead to a combination of statutory and non-statutory methods being used over time, including investment in new reserves in new development areas. A key statutory method will be the spatial distribution and extent of land use zones so as to maintain a clear and easily discernible urban edge around Nelson's settlement areas.

Policy 3.9 Identify and provide appropriate protection of Whakatū Nelson's notable trees and encourage new trees to be planted across the urban area.

Explanation

It is important to recognise that trees in the urban area can provide a number of social and cultural wellbeing benefits to the community. Such trees should be protected by way of methods that require a resource consent before any works that could adversely affect each tree (which could include full removal) can be undertaken. Protection in this context should be considered in a broad way and relates to the avoidance of adverse effects which may result from:

- The partial or total destruction of features that contribute to the significance of the tree
- A lack of appropriate maintenance
- The destruction of, or substantial reduction in, the spiritual associations held by tangata whenua and/or the community in relation to the tree

The use of "appropriate" in the policy reflects the diversity of protection methods and signals the practicalities that need consideration when

setting policy around trees (e.g. enabling efficient management following storms).

Policy 3.10 Notable trees shall be evaluated using the Standard Tree Evaluation Method (STEM). Following evaluation, trees shall be classified by the following categories:

Heritage (STEM score >128) Protection and retention essential (except in exceptional circumstances)

Landscape (STEM score 100-128) Protection and retention important

Explanation

The Standard Tree Evaluation Method (STEM) was developed by the Royal New Zealand Institute of Horticulture and establishes a range of criteria to assess the value of a tree. Criteria are grouped under Arboricultural, Amenity and Outstanding headings, the latter of which includes scoring towards historic importance such as association or commemoration.

“Heritage” Trees are the best and most significant in the City. Their protection is considered high priority. The policy recognises that there may be special circumstances when removal of such trees may be acceptable. These circumstances will be extremely limited, reflecting the high status of these trees, but may include trees that:

- Are dead or have fallen
- Have been so significantly damaged by a climatic event that death is inevitable and unavoidable
- Pose a serious risk to human life as advised by an arboricultural expert, and all other options have been evaluated as unsuitable (e.g. end-weight reductions to alleviate forces at the base of branches)

Note that as the STEM system is used, the name “Heritage Tree” does not necessarily indicate historic heritage qualities as defined in the RMA.

The protection of “Landscape” Trees is important to the City, but of a lesser priority than Heritage Trees due to the lower level of significance.

The Standard Tree Evaluation Method is provided in Appendix XX.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Identify and map land use zones	Council	Policy 3.1
Identify and map locations appropriate for intensification or other potentially significant change over time	Council	Policy 3.1
Implement development controls and resource consent assessment methods to apply in each land use zone and intensification areas that will maintain or enhance amenity values, especially any identified essential amenity values	Council	Policy 3.2 Policy 3.3 Policy 3.4 Policy 3.5 Policy 3.6
Implement development controls on high amenity land that contributes to the amenity and character values of urban areas	Council	Policy 3.6 Policy 3.8
Enable the enhancement and restoration of natural systems, including provision for landscaping, planting of large trees, and street trees including their reasonable maintenance and care	Council	Policy 3.2 Policy 3.4 Policy 3.5 Policy 3.6 Policy 3.7 Policy 3.8
Provide for the ongoing productive use of rural land subject to management of subdivision and development and internalising effects.	Council	Policy 3.6 Policy 3.7
Identify notable trees and tree groups and control activities in order to appropriately protect them	Council	Policy 3.9 Policy 3.10
Other Statutory Policies, Standards and Plans		
Review Reserve Management Plans to ensure they are maintaining or enhancing adjacent residential amenity values.	Council	Policy 3.4
Bylaws		
Review noise and dog control bylaws to ensure residential amenity values are being maintained or enhanced.	Council	Policy 3.4
Non-regulatory methods	Who	Policy link
Monitoring and information		
Undertake centre and potential intensification area-based consultation to identify and monitor essential amenity values	Council	Policy 3.1 Policy 3.2 Policy 3.3
Advocacy and education		
Promote greater housing choice to developers and the community	Council	Policy 3.3
Enable the Council's Urban Design Panel to offer suggestions to applicants on how to better maintain and enhance character and amenity values	Council	Policy 3.2 Policy 3.3 Policy 3.5 Policy 3.6

## Anticipated Environmental Results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Amenity values in centres are enhanced		Resident and visitor surveys	Council
Residential amenity values are maintained or enhanced		Resident surveys	Council
High amenity areas of open space, rural zone, and natural environment are enhanced		Resident surveys	Council
Amenity values in the rural environment are maintained.		Resident surveys and review of approved resource consents	Council
Amenity values in the coastal environment are maintained or enhanced		Resident surveys	Council
Notable trees that make a significant contribution toward Whakatū Nelson's historic heritage or amenity are identified and retained		The number of protected notable trees in the Nelson Plan remains stable or increases.	Nelson Plan customer satisfaction survey
Greater public awareness of the contribution that notable trees make to our amenity.		Property specific heritage and notable tree information is made available to the public. A reduction in the number of complaints of unlawful activity involving notable trees.	LIMs, GIS, Ozone.

## Principal Reasons

The maintenance and enhancement of amenity values is a matter that is highly relevant to Whakatū Nelson. Wherever practicable and reasonable, development should maintain or enhance amenity values unless there are very strong reasons not to.

The Council has identified through numerous surveys and public consultation processes that the maintenance and enhancement of amenity values is a key concern to residents, especially in terms of the City Centre, existing residential areas, the rural backdrop and in relation to public open space. Amenity and character considerations are also vital to Whakatū Nelson's social and economic wellbeing, most notably in the City Centre. The appeal of the City Centre to tourists, visitors and shoppers plays a key role in its ongoing success. The high amenity, high character setting attracts people, encourage them to stay longer, and engage in more activity.

The needs of population and economic growth can also concern residents and businesses when they lack certainty about where and how things might change. To that end, providing a more explicit planning framework to provide that certainty will provide greater community confidence and trust.

Amenity value considerations related to the natural environment, outstanding natural landscapes, and the coastal environment, are addressed elsewhere in the RPS in sections [insert].

The principal reasons for the character and amenity provisions are:

- High amenity values are an important characteristic of desirable and quality living environments. Promoting them in a way that will accommodate change and growth is a key part of enabling wellbeing in Whakatū Nelson
- Commercial centres are intended to be an integral part of Whakatū Nelson and how the community meets its needs. For these to be successful it is essential that they offer high amenity values that interest and attract people
- A regulatory approach that focuses on essential amenity values will offer certainty and transparency, allowing the many members of the community to effectively plan for their future
- Enabling land use zones allows the specific amenity values of different locations and activity clusters to be identified and provided for. This is much more effective than simply relying on the community to identify on a case-by-case basis what relevant amenity value issues should be focussed on, and more efficient than alternatives in that it can enable permitted activity outcomes within each zone that people can develop
- Regulation in the rural environment and an emphasis on protecting those parts of the environment that exhibit the highest amenity values is effects based and effective in balancing the competing interests of development and conservation
- The identification of intensification areas is efficient and effective as it provides certainty for all interested parties and a plan framework that will consistent ensure relevant effects are addressed

The objective and policies regarding retention of significant notable trees aims to:

- Establish a coordinated and systematic process for evaluating trees
- Retain significant notable trees
- Control activities that may compromise significant trees' values

These are matters Council shall recognise and provide for and are important to Whakatū Nelson due to the weight the community places on maintaining the amenity of the City.

The need for development poses a significant risk to significant trees and the community has indicated strong support for the retention of notable trees through resident surveys and feedback. In addition, a number of Iwi authority planning documents have been lodged with the Council that emphasise the importance of appropriately managing items of significance, including significant trees.

For all notable trees, a practical approach is required so as to efficiently allow reasonable works without the need for a resource consent where the situation merits it. This policy aims to enable works such as reasonable pruning and removal of dead or diseased trees without undue formality.



## DRAFT REGIONAL POLICY STATEMENT

May 2016

### Chapter 4

### Social and Economic Wellbeing *Pāpori me te ōhanga hauora*

## I.4 Significant Resource Management Issues: Social and Economic Wellbeing

Issue 4.1 Maximise social and economic wellbeing in Whakatū Nelson's commercial centres.

Commercial centres have existed for thousands of years internationally and they are the most efficient possible way of enabling the exchange of goods, services and ideas. Whakatū Nelson has historically developed around the city centre and, as it grew, secondary commercial centres developed such as Stoke and Tahunanui.

A commercial centres-based approach and compact urban form is necessary to reinforce historical patterns of amenity and character, ensure the best use of existing infrastructure (especially transport), promote energy efficiency, but most importantly to make people's daily lives as easy as possible. Studies, including those by the Council, have identified that key qualities of high density, quality design, a wide mix of uses, and a sense of vibrancy and activity are essential in successful commercial centres.

A compact urban form is primarily to be achieved by way of encouraging intensification of the city centre and other commercial centres, some key passenger transport corridors, and other locations where there are sufficient local amenities that can be accessed by way of a convenient walk. Complementing this will be the retention of a clear urban edge to Whakatū Nelson that will help to maintain the visual and functional contrast between the built environment and our rural and natural environments. As growth pressures demand it, carefully planned urban expansion will occur. This approach will also promote a wide range and diversity of housing to meet the needs of the community.

Issue 4.2 Enabling as much economic development and job creation as possible in Whakatū Nelson.

Creation of employment opportunities is one of the most important issues facing Whakatū Nelson's community. Employment is a driver of social wellbeing and personal satisfaction as well as just being a means to earn income. For a variety of reasons, local, national and international market conditions fluctuate. Industries rise and fall, new ones emerge, and the increasing integration of the digital economy into everyday life brings opportunities for creative enterprises to establish.

It is very difficult to predict what forms of employment will prove more successful than others. For this reason, it is essential that some priority

be given to not only maintaining existing employment activities but encouraging or otherwise enabling new ones to establish. This will include ensuring that existing industrial-type employment areas are not undermined by the proliferation of inappropriate activities including residential and specialty retailing (including supermarkets). Those areas should otherwise remain available for the widest variety of employment activities. Commercial centres are to be promoted as the appropriate location for speciality retail, office and professional service activities, and other commercial activities. In some limited instances large-format retail activities including supermarkets cannot locate readily in either a centre or an industry area. For these activities placement along transport corridors close to commercial centres may be appropriate if there is no centres-based alternative.

Where new employment activities are proposed to locate outside of an identified industry or commercial zone, such as in the rural area, the Council will require applicants to demonstrate that the location is essential for the activity and that there will be substantial social and economic benefits.

#### Issue 4.3

Housing in Whakatū Nelson should maximise choice and meet the different needs of the community.

Housing is a key concern for those residing in Nelson. Access to housing that meets people's needs as their circumstances change (including as they age) allows them to remain active members in their community and feel safe. For many, the location they live in is more than a random choice. Access to friends and family, preferred schools or a church can be essential to some households. Ensuring that the housing stock across Nelson offers a variety of options within and between suburbs will enable people to meet their needs.

Related to housing choice is housing affordability. This term is generally accepted now as referring to the relationship between household income, house prices and living costs. The determinants of housing prices are varied and many of the forces involved are beyond the ability of the Council to influence. The Council is able to contribute to affordability primarily through managing the supply of zoned land for housing. In this respect the Council will ensure that there is always more land zoned for residential purposes than there is demand.

Promoting safety and comfort will encourage more social and economic activity. Many forms of social or economic exchange are planned or otherwise necessary. An example is having to visit a store to purchase

milk and eggs. But many other forms of exchange are random or spontaneous. An example is travelling past a clothing store and making an on-the-spot impulse decision to purchase an item. This relates to the economic term agglomeration, and describes how activities locate close together to maximise benefits to all. This is ultimately the reason why communities build dense and mixed use city centres. Making the public spaces that connect those activities inviting and pleasant will promote the greatest possible interaction between them.

Wellbeing in Nelson will be maximised when all forms of exchange are made as easy and convenient as reasonably possible. To achieve this, studies including those undertaken by the Council have consistently identified that there is a relationship between comfort (including perceptions of safety) and people's willingness to linger. Having high quality, interesting and safe streets increases the probability that people will spend more time walking along them engaging in more spontaneous social or economic exchange. This could be by way of talking with strangers, meeting friends, or purchasing goods or services. It is most important in commercial centres and also in the residential areas of Whakatū Nelson.

Comfort and safety in this context relates to the way in which activities orientate and interact with public spaces, provide legible and easily discernible entrance points, overlook spaces from windows, and offer shelter from the elements. It also relates to how servicing, loading and vehicle access matters are managed so as to keep unsafe or objectionable waste away from the public.

## R.4 Resource Management Responses: Social and Economic Wellbeing

### Objectives

Objective 4.1 Whakatū Nelson's commercial centres maintain a hierarchy of scale and function whereby they form the social and economic focal points of the community.

Objective 4.2 Urban growth and intensification in Whakatū Nelson promotes public health and active lifestyles, and is focused in and around commercial centres with an emphasis on enabling:

- a) Mixed use developments that support a variety of compatible land uses and reflect local needs

- b) Flexibility to adapt buildings and spaces to accommodate a range of uses both now and in the future
- c) A range of building types to provide accommodation and offer opportunities for all groups within the community
- d) The staged and structured release of additional land for residential as required over time, coordinated with investments in infrastructure networks

Objective 4.3 Residential subdivision and development provides for a wide range of housing choices, neighbourhood types, compatible employment opportunities and leisure and cultural activities.

Objective 4.4 Maintain and enable the intensification of industrial areas to support industry-based employment and economic development opportunities. Ensure that industrial areas are not compromised by the encroachment of incompatible activities including residential or speciality retail activities (including supermarkets) within them.

Objective 4.5 Rural areas contribute to Whakatū Nelson's economic productivity. Rural production and other activities that support rural communities are enabled while protecting open spaces and rural amenity values. Reverse sensitivity effects with lifestyle living and urban development are avoided.

## Policies

Policy 4.1 Adopt a commercial centres hierarchy and allocate land use zones to reflect it as shown on the planning maps. The hierarchy shall be:

- 1) City centre
- 2) Village centres: Tahunanui and Stoke
- 3) Neighbourhood centres: Milton, Ngawhatu Valley, Waimea Road/Van Diemen, Marsden Valley, Raewards/Couplands, Robinsons/McCashins, Victory
- 4) Convenience centres: Atawhai, Bishopdale, Black Cat, Hales Corner, Monaco, Nayland

## Explanation

A commercial centres hierarchy enables the integrated planning and management of commercial centres. It gives certainty to the community, and can align the provision of intensification opportunity to infrastructure capacity and those locations where there are more activities that can be accessed on foot. The City Centre is Whakatū Nelson's premier centre. It is expected that the tallest buildings, highest densities, and highest value activities will locate there. It is also the main visitor hub and should overall exhibit the highest standards of design quality and urban amenity values, including heritage values.

Village centres (Tahunanui and Stoke) serve large local catchments and are typified by a range of commercial activities, good passenger transport services, and a range of community facilities. In these locations a wide variety of activities are appropriate including high density housing. However, they have less ability to accommodate tall buildings than the City Centre and in most cases three to four storeys will be the most that is appropriate.

Neighbourhood centres (Milton, Ngawhatu Valley, Waimea road/Van Diemen, Raewards / Couplands, Robinsons / McCashins, Victory) are smaller and local suburb-focused nodes that are often characterised by only one small cluster of convenience shops. These centres exhibit small scale buildings and are mostly already well established. For these centres limited further vertical growth is likely to be appropriate, however medium density housing around them would usually be appropriate.

The lowest tier on the hierarchy are convenience centres (Atawhai, Bishopdale, Black Cat, Hales Corner, Monaco and Nayland). These are essentially single corner stores or other very small convenience outlets that are not expected to grow or change substantially over time. For these centres the purpose of the centres zone is to enable ongoing operation and protection from reverse sensitivity effects on adjoining residential sites. Limited residential intensification around these centres may be appropriate if there are other amenities such as public open spaces also within a convenient walking distance.

Policy 4.2 Protect and enhance the economic and employment role of commercial centres and in particular the agglomeration benefits that commercial centres uniquely offer the City.

## Explanation

Commercial centres are hubs of substantial investment in terms of public amenities and facilities, infrastructure, and community identity. Under the RMA it is not allowable to protect commercial centres from reasonable

trade competition, but it is appropriate that the qualities and values that centres provide to the community be protected in light of the wellbeing and amenity advantages those commercial centres provide.

Protecting the role of commercial centres includes a number of strategies, including ensuring that centres are protected by way of clear planning rules from sensitive land uses adjacent to or within them, and requiring applications for activities that could locate within a commercial centre to demonstrate why it cannot locate in a commercial centre.

Policy 4.3 Encourage growth in commercial centres, with a particular emphasis on economic development and employment creation, including by:

- i) Adopting an urban design-based process and encouraging applicants to follow this when preparing applications
- ii) Applying an assessment and merit-based, rather than controls and standards-based, approach to development in commercial centres
- iii) Requiring applications for very large buildings (including either or both of height or overall bulk) to be of a very high quality and demonstrate that a net improvement in local amenity values will result
- iv) Enabling residential growth in and around commercial centres in a manner that will not undermine the employment and economic functions of commercial centres

#### Explanation

Commercial centres are busy environments. Promoting additional growth within them can bring about a number of efficiencies and benefits but it can also exacerbate adverse effects including privacy, shadowing, noise and other nuisances (like truck deliveries disturbing residents in apartments above a shop). The Council has identified that a rules or compliance-based approach is not an appropriate means of balancing the efficient optimisation of sites with the reasonable protection of adjacent amenities. For this reason, and while rules governing key effects of concern will also remain appropriate, the Council has identified that a merit and assessment-based approach shall be used. This will involve encouraging applicants for development in a centre to make applications on the basis of the benefits they will bring to that commercial centre, rather than just on avoiding, remedying or mitigating adverse effects. This will allow applicants to identify the best outcome for their site and

not be unintentionally discouraged because of predetermined rule thresholds.

This approach will enable the greatest amount of growth in an innovative and responsive manner.

Policy 4.4 Industry, apart from those directly associated with rural activities or other geographically fixed sites such as aquaculture, should locate in identified industry areas and zones where such activities would:

- i) avoid reverse sensitivity effects on other activities
- ii) leverage benefits and positive effects from co-location with infrastructure, other industry activities and the Port and Airport
- iii) have good freight and transport access

Explanation

Industrial areas can require irregular hours of operation, occasional noise and odour, and other functional requirements including frequent large commercial vehicle deliveries, storage of hazardous substances, and visually plain buildings. Because of these characteristics it is effective to enable them in appropriate defined locations that are compatible with their operational needs including generally flat land with excellent transport access.

Policy 4.5 Manage the finite nature of rural land suitable for residential development by giving preference to development and redevelopment of existing urban areas.

Explanation:

In order to achieve the strategic outcomes of enabling a range of housing choices, intensification around commercial centres and their subsequent vitality, protection of outstanding natural landscapes and features, and ensuring that efficient use is made of existing infrastructure capacity, redevelopment of existing areas before encroachment into the rural environment is expected.

Policy 4.6 Manage the finite nature of industry areas by:

- i) Identifying specific areas to accommodate industry
- ii) Providing for a range of land suitable for different industries

- iii) Avoiding the establishment of activities, particularly residential, that may result in reverse sensitivity effects and which may diminish the efficiency and functioning of industry
- iv) Restricting commercial activities where these are more appropriately located in the City Centre or other commercial centres
- v) Restricting retail to trade supply outlets and yard-based retail and retail that provides for the convenience needs of employees in industry areas

Explanation

Industrial areas need to be protected including by way of restricting activities that do not need to locate within them. This is because industrial activities are often limited in where they can locate and can be easily displaced due to their often low value land intensity. The lack of numerous alternative locations in Whakatū Nelson means that if industries are displaced or unreasonably constrained they may leave the district. Such losses would not promote sustainable management and could harm the community's wellbeing.

Policy 4.7 Ensure that sufficient zoned land is available at all times to meet at least 10 years' demand for housing and employment in Whakatū Nelson, and that the zones enable a variety of housing and lifestyle choices.

Explanation

Maintaining an appropriate supply of zoned residential and employment land will promote a competitive land market and ensure that the costs of housing or employment land are not unnecessarily subject to scarcity-related price uplifts. Maintaining a forward supply of zoned land will also allow the community to proactively engage with future planning for employment, schools, open spaces and other facilities. Land use intensification will be an important part of ensuring continued supply, particularly given the need to achieve an efficient and compact form of urban development that sits within the valued rural backdrop to the City.

Policy 4.8 Enable a wide range of residential activities and a range of non-residential activities in residential zones when they are of a scale and intensity that is compatible with the amenity and character values of the zones.

#### Explanation

In the residential zones a wide range of lifestyle opportunities should be provided for including, subject to appropriate amenity controls, minor units and family flats, large and small houses, attached housing, and boarding houses. Related to this, landowners should have relative freedom regarding whether they build more expansive one storey dwellings or more spatially compact multi-level houses to enjoy more on site open space.

A number of activities are compatible with residential neighbourhoods and if located within residential areas can make life easier for residents. Examples can include small scale; hairdressers, professional services, childcare facilities, bed-and-breakfast facilities and medical practitioners. Enabling these, subject to amenity safeguards, will provide energy and transport efficiencies, employment opportunities, and efficient use of larger houses.

Policy 4.9 Activities including rural industry and services should be enabled in rural areas when they:

- i) depend on the use of rural resources
- ii) require a rural location
- iii) predominantly serve residents in rural and coastal areas
- iv) provide economic and operational efficiency benefits
- v) avoid effects on Significant Natural Areas, Outstanding Natural Landscapes, Heritage values and, in the Coastal Environment, areas of Significant or High Natural Character

#### Explanation

The rural environment has substantial potential to accommodate economic and other activities but the risk of adverse amenity, landscape, biodiversity and other effects can also be substantial. For this reason the Council has adopted a management approach of enabling activities in the rural environment on the basis of bottom-line requirements. If met, then activities should generally be enabled and encouraged to efficiently utilise the land resource. Farm and large property plans are an important method in giving effect to this policy and those in the coastal, landscape, heritage, biodiversity and freshwater chapters of the Plan.

Policy 4.10 Recognise the productive potential of land together with other conditions such as favourable microclimate, good drainage, water availability or established physical, economic or social

infrastructure and encourage the continued use of this land for rural production.

Explanation

Some parts of the district, for instance Wakapuaka, exhibit locational attributes that can make them uniquely suited for productive economic activity. These areas should be given clear and supportive provisions within Resource Management Plans that enable those uses.

Conversely, on such land where it is not appropriate for sensitive activities such as residential to occur, those provisions should unambiguously prevent them.

Policy 4.11 Require sensitive activities (such as new lifestyle development) to adopt on-site methods to avoid reverse sensitivity on rural activities.

Explanation

When lifestyle development occurs in the rural environment it can adversely affect adjacent rural uses. To avoid these adverse effects new lifestyle development should incorporate mitigation techniques to ensure that appropriate and reasonable rural activity, noise, odour, and disruption can be overcome. This may include mechanical ventilation, the planting of visual screens or buffers, and other ongoing legal covenants.

It may also include control over the density and shape of new lots, and the location or orientation of buildings.

Policy 4.12 Minimise the potential for conflicts by preventing sensitive activities (such as lifestyle development) from establishing in areas valuable for rural production, mineral extraction and regionally significant infrastructure.

Explanation

While parts of the rural environment may appear scenic and peaceful they are still working environments that are periodically, if not often, busy and noisy. They can involve agricultural chemicals or other chemical processes, and activities that could harm visitors.

Activities that require ongoing visual or other adverse effects and which are geographically tied to a particular part of the district can be significantly affected by sensitive activities locating near them. Some of these activities do not emit continuous or consistent adverse effects, and this can mean that visitors may not always appreciate the effects that exist in that environment.

The most appropriate means of protecting the important economic role of such locations is to restrict sensitive activities from locating in them.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Implement zone rules and activity enablement that reflects the centres hierarchy, with greatest change promoted in the city centre and least change promoted in neighbourhood centres.	Council	Policy 4.1
Implement development controls and resource consent assessment methods to apply in centres including an urban design-based approach.	Council	Policy 4.1 Policy 4.2 Policy 4.3
Implement District Plan policies requiring discretionary and non complying activity proposals, as relevant, to include consideration of impacts on centres	Council	Policy 4.2
Implement development controls and consent requirements to govern industrial and employment activities and the use of industrial and employment zoned land in the district	Council	Policy 4.4 Policy 4.5 Policy 4.9
Implement development controls and consent requirements enabling housing choice and non- residential activities within residential zones	Council	Policy 4.7 Policy 4.8
Implement public plan changes to zone additional residential and/or employment land after monitoring and structure planning processes identify this as appropriate	Council	Policy 4.5 Policy 4.7 Policy 4.8
Implement development controls and consent requirements to govern subdivision and development in the rural zones, including the use of large property plans.	Council	Policy 4.9 Policy 4.10 Policy 4.11 Policy 4.12
Implement consent requirements to manage industrial, productive, or other employment uses in or very close to outstanding natural landscapes, significant natural areas, heritage, or (in the coastal environment) areas of significant or high natural character	Council	Policy 4.9
Other Statutory Policies, Standards and Plans		
Annual Plan projects to upgrade and improve public spaces in centres	Council	Policy 4.1 Policy 4.2 Policy 4.3
Bylaws		
Review bylaws relevant to entertainment, noise, footpath seating, special events, food preparation and waste to support increased growth and amenity in centres	Council	Policy 4.1 Policy 4.2 Policy 4.3

Non-regulatory methods	Who	Policy link
Monitoring and information		
Monitor residential and employment land supply and demand.	Council	Policy 4.7
Advocacy and education		
Provide advocacy for higher design quality in centres	Council	Policy 4.3
Provide advocacy for new employment and industrial activities to locate in Whakatū Nelson	Council	Policy 4.2 Policy 4.3 Policy 4.4 Policy 4.5 Policy 4.9
Provide advocacy for greater housing choice and variety	Council	Policy 4.7 Policy 4.8
Non-Statutory Plans and Strategies		
Structure plan new growth areas as appropriate, integrated with infrastructure planning and provision	Council	Policy 4.7

## Anticipated Environmental Results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Employment in Nelson increases	Policy 4.3 Policy 4.4 Policy 4.5 Policy 4.8 Policy 4.9	Employee counts	Statistics NZ / Council
Zoned land supply exceeds demand for residential and industrial activities	Policy 4.6	Zoned land capacity vs. projected demand	Statistics NZ / Council
Centres are a focal point for the community	Policy 4.1 Policy 4.2 Policy 4.3	Community surveys and the percentage of new Nelson growth that occurs within a centre zone	Council
Urban form quality improves in centres	Policy 4.2	Community surveys and professional assessments	Council
Sensitive activities do not inappropriately locate in rural or industrial zones	Policy 4.5 Policy 4.8 Policy 4.10 Policy 4.11	Analysis of approved resource consents	Council
The value of economic activity in the rural area increases	Policy 4.8 Policy 4.9	Estimates of GDP from rural zone	Statistics NZ / Council
Housing affordability is improved	Policy 4.7	Nelson average price compared to regional and national averages	Statistics New Zealand
Housing choice is improved	Policy 4.7	Community surveys and analysis of approved building consents	Council

## Principal Reasons

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Whakatū Nelson's streets, centres and suburbs are physical resources. The RMA definition of "sustainable management" also prominently includes the following:

*"...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 wellbeing and for their health and safety..."*

For Whakatū Nelson, enhancing the social and economic wellbeing of the community is an essential imperative. Resource management plans must ensure that opportunities for the community to provide for its wellbeing are both maintained and enhanced over time. Maintenance amounts to ensuring that existing opportunities to establish and retain employment; enjoy safe, affordable and comfortable housing; and be part of a caring community are retained. Enhancement amounts to taking every opportunity to make people's lives easier including the avoidance of unnecessary red tape; providing more and easier opportunities for development to occur in locations where further development is desirable; and providing more certainty to people in terms of how the qualities they currently enjoy will be safeguarded.

Social and economic wellbeing is not just about accommodating growth or promoting more jobs. It is also about making sure that the qualities in Nelson that attract tourists and other visitors are retained. This includes high quality housing, well connected and safe-feeling park and transportation networks, high quality high amenity, well designed and attractive centres that acknowledge heritage values, and opportunities that expand the choice and variety of things that can be undertaken in Nelson.

The principal reasons for adopting the Social and Economic Wellbeing provisions are outlined below:

- Economic wellbeing is very much reliant on employment opportunity and this in turn requires market certainty and a clear signal of where and how employment activities will be appropriate. Promoting and enabling employment activities reflects that in Nelson there is a need to grow employment and attract new investment.
- Employment activities are often limited in where they can locate and a clear regulatory framework to protect these, whether in dedicated employment areas or in mixed use centres, is appropriate and necessary to safeguard them into the future.

- Social wellbeing is a key concern of existing residents as well as necessary to attract future residents. Outlining the key qualities that contribute to this will help ensure relevant effects are managed.
- Activities likely to generate social and economic wellbeing have the potential to result in significant environmental effects, including on the social and economic wellbeing of existing activities and people. Because of this, a clear management framework that will ensure appropriate avoidance, remediation or mitigation of effects is desirable.
- The Council already has sufficient zoned land to last up to 30 years and for this reason further re-zoning should be undertaken on the basis of need and a careful structure plan process that will deliver a high quality outcome for both existing and new Nelsonians.
- Commercial centres have substantial capacity to accommodate change and intensification and it would not be efficient or effective to not promote them as the focal point of community life and future intensification.
- Complementing initiatives to enable more development in centres is a non-statutory and ongoing program of Council-led public space upgrades.
- Housing is an issue of critical importance to the community. Wider housing choice is related to affordability and is also becoming of increasing interest to the community. The approach of seeking to minimise the Council's contribution to unnecessary house price increases is a recognition of the seriousness of the issue as well as the Council's willingness to help address it.
- The rural environment is valued by the whole community and is contested in terms of the activities that are promoted within it by different parts of the community. Recognising that the rural zone is primarily a working environment and prioritising rural production and economic activity ahead of sensitive activities, notably including residential, is appropriate to ensure that opportunities are available for existing and new employment generating activity to prosper.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

## Chapter 5

### Natural Hazards

*Whakahaere mōrearea taiao*

## I.5 Significant Resource Management Issues: Natural Hazards

Issue 5.1 There are significant risks from natural hazard events on individuals, communities, businesses, property, infrastructure, and the environment

A natural hazard includes any atmospheric, earth or water related occurrence (including earthquake, tsunami, erosion, volcanic, and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) which may adversely affect human life, property, or other aspects of the environment. On their own, natural processes do not constitute a hazard. Natural events become hazardous when they may adversely affect human lives.

The Nelson region has a physically diverse environment from the mountains to the sea. Its coastal focus and riverine environment means our community is affected by a wide range of natural hazards. With the exception of geothermal and volcanic activity, the region is subject to all types of natural hazard events. The majority of urban Nelson would be potentially impacted by one natural hazard or another. Commonly, there are two or more hazards associated with a given event. For example, a rainstorm may cause flooding and landslides.

The three most potentially damaging and costly natural hazards events that can occur in the region are:

- Earthquake: High magnitude earthquake (7.0+) from the rupture of a local fault (especially the Waimea/Flaxmore Fault). It is predicted that an event like this would have particular impacts across the fault hazard areas predominantly running across the Stoke foothills and Grampians, through the Wood and Atawhai and out to the Glen. There may also be particular liquefaction impacts through Tahunanui and port areas. Earthquake prone buildings will also be susceptible particularly the agglomeration of buildings in the central city.
- Flooding: Major river flooding in the Maitai River. Flooding is the most frequently occurring hazard event in the region.
- Tsunami: Large tsunami (particularly one that is locally generated) affecting a significant proportion of urban Nelson – Central City and Stoke, as well as all coastal settlements.

Other natural hazards have more localised impacts but occur more frequently. These include:

- Localised flooding and inundation from streams and stormwater overflow. This can occur throughout the region in low-lying areas such as Stoke and Wakapuaka, and around tributary streams of the larger rivers such as the Maitai River.
- Coastal erosion and inundation, often associated with storm surge, affects some seafront and low lying coastal areas in the region including the shoreline at Delaware Bay, the Boulder Bank, Tahunanui and Monaco. Some sections of the coastline are currently in a long term pattern of retreat – such as the Tahunanui Back-beach which results in the eastern migration of the Blind channel. Rising sea level will likely accelerate this problem.
- Landslips in the hill suburbs of Tahunanui and the Grampians and generally on slopes across the region that are greater than 12 degrees.
- Wild fire, particularly in hill suburbs on urban fringes near heavily vegetated slopes.
- High winds that can occur throughout the region and cause widespread damage to buildings, infrastructure and forestry.
- Sedimentation and erosion of rivers and streams, river mouths and tidal inlets, that can exacerbate the flood risk by raising bed levels and undermining banks.

People's actions, including mitigation measures and ongoing development in areas at high risk from natural hazards, can cause or increase the risk from natural hazards. Examples include seawalls or groynes that can cause localised erosion of the adjacent shoreline, and building on landslip prone slopes. Stopbanks and seawalls can also create a sense of security and encourage further development, increasing the extent and value of the assets at risk.

In the medium to long term, climate change effects have the potential to increase both the frequency and magnitude of natural hazard events that already occur in the region.

A major consequence of climate change is sea level rise. The sea level is expected to rise by between one half to one metre by 2100. The main natural hazards associated with a rise in sea levels are coastal erosion and inundation. Sea level rise will also put increasing pressure on the coastal margin. As the shoreline adjusts, sediment will be redistributed around the coast and may cause shorelines to form new orientations. Beaches that are currently stable may begin to erode as the shoreline

adjusts to a higher water level, while those that are currently eroding may experience an increased rate of retreat.

Climate change is expected to increase the intensity and duration of westerly weather systems and reduce easterly conditions. This will exacerbate differences in the regional climate, by bringing higher rainfall to the west and reducing coastal rains in the east. It will also bring longer periods of northerly gales to the entire region, particularly in the spring months. Western and southern areas of the region may also have higher rainfall in the winter, increasing the landslide risk during wet winters, particularly in extreme rainfall events. This will put pressure on stormwater systems and flood protection works. Higher rainfall may also result in higher rates of sedimentation in rivers, river mouths and in estuaries, increasing the flood risk in those areas by raising the base level of the river bed. Climate change will also potentially impact the regions terrestrial and aquatic biodiversity as temperatures and water levels change.

The risks to people, communities, their businesses, property, infrastructure and the environment from the effects of natural hazards need to be understood so that people are better prepared for the consequences of natural hazard events.

Issue 5.2      There is increasing pressure from urban growth to develop known hazard prone areas

Given the extensive nature of hazard risk, Nelson's continuing growth pattern will increase pressure to further develop areas susceptible to natural hazards. There may be conflict between where people want to live and where they can live safely, for example along the coastline, adjacent to streams and exposed ridgelines. Existing development and infrastructure are already located on land that is subject to natural hazards.

In centres, the majority of this risk is from flooding, coastal inundation or from earthquakes. These risks need to be managed so as to ensure risks to human life and the significant investment in property are acceptable.

Issue 5.3      Whakatū tāngata whenua Iwi cultural heritage areas are at risk from natural hazards

The Whakatū landscape and coastline is rich in Iwi heritage. These sites are connected to Iwi histories, traditions and tikanga much of which is described in the Statutory Acknowledgements for Te Tau Ihu. These sites, features and landscapes are collectively part of the cultural heritage of each of Whakatū's tangata whenua Iwi. The loss of cultural heritage

sites and access to features and landscapes of significance as a result of natural hazards is a matter which must be addressed.

## R.5 Resource Management Responses: Natural Hazards

### Objectives

- Objective 5.1 Management of hazard risk will consider people's health and safety, and the protection of lifeline utilities
- Objective 5.2 Development should be managed in a way that ensures natural hazard risk is reduced or mitigated
- Objective 5.3 The Nelson community is more resilient to natural hazards including the impacts of climate change, and they are aware of options adopted for managing natural hazards
- Objective 5.4 Ensure all planning and development recognises the implications of climate change
- Objective 5.5 Whakatu tāngata whenua Iwi cultural heritage areas are protected from natural hazards where appropriate

### Policies

- Policy 5.1 A risk based management approach will be adopted to control the use, development and protection of land. The focus will be on the presence and level of risk of the natural hazard occurring, including climate change, and the potential consequences.

#### Explanation

The vulnerability of any site to natural hazards is the sum of its vulnerability to one or several specific hazards. Risk is assessed by considering the probability of those hazards occurring and their potential effects on any proposed activity.

Understanding natural processes and how they have the potential to effect the environment expands over time. When this knowledge is incorporated into planning processes, it allows a better understanding of the risks involved and how, or if it is necessary, to manage potential effects on the built environment.

A risk management approach is important to ensure that land use is managed so that the level of control corresponds to the level of risk. Evaluation of risk indicates when and how much risk reduction is required, and when land use controls may and may not be needed. For example a risk based approach could involve Council deciding to apply a smaller flood scenario (Q20) to less significant development, such as playgrounds or carparks, and a greater flood scenario (Q100) to residential subdivisions. Another example might be deciding which flood event to apply to infrastructure design such as the stormwater network – In areas with less development and lower environmental values Council could upgrade its network to a lesser standard.

The approach ensures rational and consistent land use planning by applying the same framework irrespective of the type of natural hazard that may exist. It allows for the full range of risk mitigation measures (regulatory and non regulatory) to be taken into account in determining the level of risk that exists at a particular locality.

This approach focuses on the presence and level of the risk rather than the presence and likelihood of the hazard. It means, for example, that a low level of response may be taken even where a hazard is likely if the consequence would be low. Conversely, it means that land use control may be required in respect of a hazard with a relatively low level of likelihood if the potential consequences of that hazard event, left unmanaged, are high.

Policy 5.2 Avoid new subdivision, development and placement of regionally significant infrastructure and community assets in areas at high risk from natural hazards, unless:

- a) there is no reasonable alternative, in which case regionally significant infrastructure and community assets must be designed to maintain, as far as practicable, their integrity and function during natural hazard events; or
- b) avoidance is impossible or impractical and adverse effects are mitigated to an acceptable level; or
- c) subdivision is solely for the purpose of boundary adjustments.

Explanation

It is important to avoid or exclude Greenfield subdivisions, new development and placement of critical infrastructure in areas at high risk from natural hazards unless there is no alternative, for example ports and wharves, or when the adverse effects can be completely mitigated. Some

forms of development, for example residential, will be more at risk, and less appropriate, than other uses, such as, agriculture or boundary adjustment subdivisions that merely reconfigures lot boundaries without changing the land use. For existing critical infrastructure to remain within these high risk areas, it must be suitably resilient and/or protected from reasonably anticipated natural hazard risk.

An example of a situation where avoidance of a risk might be impossible could be flooding within the Central City.

The extent of development and investment made in the Central City means that it is not practicable or even realistic to move development to higher ground. Even lifting whole streets and blocks of buildings – including heritage buildings unlikely to survive such structural changes – would be an immense and unsustainable cost to the community, as well as legally very challenging to accomplish given how many stakeholders would need to cooperatively act at the same time. There are however a number of development requirements that are practical and which must be taken.

Because of this, there is a need to adopt a risk tolerance approach that is based on understanding and accepting risks posed by flooding and coastal inundation. The Council must ensure that development in centres first does not exacerbate those risks, but secondly includes measures that will allow timely evacuation or safe occupation during an inundation event.

Policy 5.3 Mitigate the adverse effects of natural hazards on subdivisions and development in areas other than those in high risk areas

Explanation

In some areas it is impossible or impractical to avoid natural hazard risks altogether. Some forms of development are also less susceptible to risk than others, for example toilet blocks and sheds. In such areas hazard risks can be mitigated to tolerable or acceptable levels.

For flooding and some coastal inundation hazard risks the following measures can be implemented to reduce that risk:

- a) building platforms that utilise the highest ground
- b) minimum floor levels for dwellings, industrial and commercial buildings
- c) site or land filling/raising where this does not increase off site hazard risk
- d) lower density development
- e) elevation of flood sensitive equipment
- f) restrictions on the activities that take place on the land
- g) flood proofing

- h) removable structures

The degree to which the above measures are applied will depend on the type of development proposed and its susceptibility to natural hazard risks, the standard of flood protection provided by physical or structural flood alleviation activities and ultimately the extent to which an area is subject to actual or potential inundation. For other hazards such as land instability, liquefaction and coastal erosion, similar measures may be appropriate, especially the identification of building platforms and land use restrictions.

Policy 5.4 Ensure that on any land within the coastal environment that is potentially affected by coastal erosion or coastal inundation over at least the next 100 years:

- a) no land use change or redevelopment occurs that would increase the risk from that coastal hazard; and
- b) land use change or redevelopment that reduces the risk from that coastal hazard is encouraged.

#### Explanation

Policy 25 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires that in areas “potentially affected” by coastal hazards over at least the next 100 years land use change that would increase risk is avoided.

This requirement applies irrespective of the level of risk of the coastal hazard. It is also specific that the risk should not be increased above the level of risk that existed pre-development. Mitigation or management actions can be undertaken to maintain risk at the required level.

All areas are potentially affected by hazards over a 100-year period, although the likelihood of some events over such a period is very low. For that reason, the NZCPS limits the consideration to coastal erosion and coastal inundation to events of high likelihood or consequence over a 100-year planning period.

Options to address coastal erosion issues in Nelson, and in particular those experienced at Tahunanui, will be assessed, with appropriate responses reflected or incorporated into the Nelson Plan.

Policy 5.5 Actively engage with property owners and the Nelson community to raise awareness of the natural hazard risks using the most up to date information available.

Explanation

Council has a role to play in providing natural hazard information to inform both property owners and the wider community of the potential hazard risks. Public awareness aids in the understanding of the level of risk and any solutions adopted to reduce that risk. This helps to build resilient communities.

Policy 5.6 Where appropriate protect, re-create or enhance natural features and landforms of regional significance and where they provide protection from natural hazards

Explanation

Natural features and landforms, like sand dunes, beaches, wetlands and areas of native vegetation, often play an important role in mitigating natural hazards, and also often have additional values that include biodiversity, cultural, amenity and landscape values associated with them. The benefits of reinstatement, rehabilitation or re-creation of natural features to mitigate natural hazards should also be considered when hazard mitigation works are proposed.

Policy 5.7 Whakatu tāngata whenua Iwi cultural heritage areas are protected from natural hazards where appropriate

This policy reflects in part the requirements of the RMA in regard to matters of national importance - Section 6(e). It also acknowledges the special relationship that Whakatu's tangata whenua Iwi share with the environment and that these special relationships must be recognised when managing natural hazards.

Impacts on heritage areas need to be considered when designing solutions to natural hazards. Council could also consider undertaking physical works so that heritage features are not compromised by future events.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Land use zoning and policies	Council	Policy 5.1 Policy 5.2 Policy 5.3 Policy 5.4
Natural hazard controls	Council	Policy 5.1 Policy 5.2 Policy 5.3 Policy 5.4
Assess options for responding to coastal erosion issues and include provisions in the Nelson Plan that address both those issues, and agreed responses to them.	Council	Policy 5.4
Policies, standards and plans		
Preparation and implementation of a Natural Hazard Risk Management Action Plan	NCC and TDC	Policy 5.1 Policy 5.2 Policy 5.3 Policy 5.4
Provide in the Land Development Manual standards for determining the minimum ground and floor levels required to avoid, remedy or mitigate effects of flooding and coastal inundation hazards.	NCC/TDC	Policy 5.1 Policy 5.2 Policy 5.3 Policy 5.4
Asset Management Plans take a risk based approach in identifying appropriate responses to natural hazards	Council	Policy 5.1
Other Legislation		
Land Information Memoranda	Council	Policy 5.5
Building consent process	Council	Policy 5.1 Policy 5.2 Policy 5.3
Civil defence and emergency management plans	NCC and TDC	Policy 5.1 Policy 5.5
Non-regulatory methods	Who	Policy link
Advocacy and education		
Public education and community awareness of natural hazards across the region	Council	Policy 5.5
Work with the community to identify acceptable risk. This will involve investigating and identifying where protection works maybe required for example for coastal inundation and flooding	Council	Policy 5.5

Non-regulatory methods	Who	Policy link
Work with Whakatu's tangata whenua Iwi to manage sites, features and landscapes that form part of the cultural heritage which are at threat from natural hazards	Council/iwi	Policy 5.7
Monitoring and information		
Provide information and guidance on natural hazards including climate change effects to property owners	Council	Policy 5.5
Where hazard mitigation protection measures are proposed (eg seawalls, groynes, stopbanks etc), a greater range of soft engineering measures are included	Council	Policy 5.6
Develop Practice notes and model solution guides for responding to significant natural hazard risks, particularly for town centre areas	Council	Policy 5.5
Review hazard and risk information regularly to keep information accurate and up to date	Council	Policy 5.5
Put in place a monitoring and accounting regime to understand adaption measures being undertaken across the region	Council	Policy 5.1
Earthquake prone building database and assessments	Council and landowners	Policy 5.5
Funding and assistance		
Target non regulatory programme funding (such as Nelson Nature and Project Maitai) to protect and/or help biodiversity adapt in the face of potential climate change impacts	Council	Policy 5.6
Support seismic strengthening of buildings that contribute to the city's character, amenity or historic heritage	Council and Landowners	Policy 5.1

## Anticipated Environmental Results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Risk Based approach to hazard management	Policy 5.1 Policy 5.2 Policy 5.3 Policy 5.4	Any new buildings or developments within the flood overlay across Nelson are built with an adequate ground and floor height to prevent inundation of living areas in a 1 in 50 year event for the life of the building.  Greenfield subdivision developments are avoided in high risk areas or future proofed for the year 2100 for a 1 in 100 year flood event.  Any natural hazard risk associated with new development is at a low level after risk mitigation has been taken into account.	Asset Management Plans Building consent data Resource consent data
Raise awareness of natural hazard risk	0	Provide hazard risk information to the community	Practice notes Media CDEM communications Residents surveys
Reduced hazard risk in the coastal environment	Policy 5.4	The degree to which building and development occurs within coastal hazard areas	Building consent data
Enhanced natural landforms that provide protection from natural hazards	Policy 5.6	The degree to which soft engineering options are used to address natural hazards	Review Asset Management and Reserve Management Plans Resource consents
Whakatu tāngata whenua Iwi cultural heritage areas are protected from natural hazards where appropriate	Policy 5.7	Te Tau Ihu Iwi are involved in natural hazard management of cultural heritage areas	Review Asset Management and Reserve Management Plans Resource consents

## Principal Reasons

When natural hazard events occur they can cause adverse effects on the social, economic and cultural wellbeing of people and communities. Infrastructure and property may be damaged, economic and cultural activity can be disrupted and human health can be put at risk. The Nelson Plan provisions seek that people, communities and businesses understand the potential natural hazards and associated risk. Managing these risks involves either avoiding these risks (where practicable) or using various mitigation measures to reduce their likelihood or their impact.

Natural hazards require spatial and emergency planning to manage potentially harmful events. There is a need to locate and design new development and infrastructure to address the effects of natural hazards and impacts of climate change.

Flooding has significant effects on people, property and the environment. Flood hazards include flooding of river and stream valleys, overland flow of stormwater and inundation in areas where the drainage system can become blocked during storm events. Flood peaks can be heightened by an increase in impermeable surfaces in urban catchments. Risk associated with these hazards is often exacerbated by the inappropriate location of buildings and infrastructure.

Nelson's geology is a key contributor to land instability hazards. Some of the region is comprised of soft, weak, and poorly consolidated rock that is prone to failure through rainfall or earthquake events. Residential properties and physical infrastructure such as water and wastewater mains are most vulnerable to damage from land instability. They can also cause land instability if constructed inappropriately.

In Nelson, coastal hazards arise from the erosion of beaches, and inundation of low-lying areas from storm surges and tsunamis. Future rises in sea levels have the potential to worsen all coastal hazards. These natural hazards may occur individually, or in combination to create a more significant hazard. Managing land use and development in a way that takes account of these factors can reduce risk to people and the environment.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

## Chapter 6

### Historic Heritage *Taonga tuku iho*

## I.6 Significant Resource Management Issues: Historic Heritage

Issue 6.1 Whakatū Nelson's distinctive historic heritage is integral to the region's identity, and needs active stewardship to retain it for future generations.

Kia whakatomuri te haere ki mua (to walk into the future our eyes must be fixed on the past).

Historic heritage is an essential part of Whakatū Nelson's cultural values. It serves to link successive generations, enabling present and future communities to identify with their region through evidence of the past within the existing environment. This in turn encourages kaitiakitanga, promoting an understanding and appreciation of the region's history, cultures and legacies, while contributing to its character, identity, visual amenity and the cultural affiliations tangata whenua have with their rohe.

Whakatū Nelson's historic heritage is distinctive. The City Centre includes a range of well maintained examples of Edwardian and Victorian architecture, its residential areas are blessed with a nationally significant number of early timber buildings, and the early Māori occupation of the area has resulted in rich cultural legacies. This unique heritage is important, contributing to the region's economic, social and cultural wellbeing. However, this heritage is subject to change brought about as a result of resource use including the potential for demolition, relocation or modification. These changes have the potential to either completely eliminate or otherwise reduce the historic heritage values of the heritage resource. The risk is compounded by the increasing pressure for heritage buildings to be earthquake strengthened which leads to consideration of demolition.

Issue 6.2 Recognition of the cultural affiliations tāngata whenua have with their ancestral lands, waters, sites, waahi tapu, and other taonga is needed.

Māori cultural heritage is a valuable resource that requires recognition and support, in particular sites of significance and value to local Iwi. This is particularly relevant given Deeds of Settlement have now been signed between the Crown and Whakatū's tāngata whenua Iwi in relation to Treaty of Waitangi claims.

## R.6 Resource Management Responses: Historic Heritage

### Objectives

Objective 6.1 Retain and enhance Whakatū Nelson's significant historic heritage resources.

### Policies

Policy 6.1 Identify and provide appropriate protection to Whakatū Nelson's significant heritage resources.

#### Explanation

In the Whakatū Nelson context heritage resources can include buildings, places, objects, archaeological sites, places or sites of significance to Whakatū Nelson's tangata whenua Iwi, and groups of these items which together have particular significance. Trees can also have historic heritage significance, for example they may commemorate an important local event, serve as a landmark, have an association with a public figure or be of particular importance to tangata whenua Iwi. Notable trees generally are generally addressed in the Character and Amenity section of the RPS.

Protection in this context should be considered in a broad way and relates to the avoidance of adverse effects which may result from:

- the total, substantial or partial demolition or destruction of features that contribute to the significance of the item
- inappropriate modification, addition, alteration or new development in proximity to the item
- a lack of conservation and appropriate maintenance
- the loss of, or substantial reduction in, the setting of the place
- the loss of interiors fundamental to the historic heritage value of a building
- The destruction of, or substantial reduction in, the spiritual associations held by tāngata whenua and/or the community in relation to the place

Protection may also mean encouraging a wide range of appropriate uses for heritage resources (providing their significant qualities are retained) to ensure the item's function can remain relevant and contemporary, for example enabling the adaptive reuse of buildings. Protection also involves

owners and the community being encouraged to actively protect and conserve these places.

The Nelson Plan should also consider allowing departures from plan rules for other aspects of development if heritage items are protected, for example providing for breaches in building coverage, site size or parking.

The use of “appropriate” in the policy reflects the diversity of protection methods, range of potential uses, and also signals the practicalities that need consideration when setting policy around safeguarding historic heritage resources (e.g. requirements for seismic strengthening and tree removals following storm events.)

Policy 6.2 Historic heritage buildings, places or objects shall be evaluated for their significance using the following criteria:

- Historic and social significance
- Cultural and spiritual significance
- Architectural and aesthetic significance
- Technological and craftsmanship significance
- Archaeological significance
- Scientific significance
- Group, landmark and contextual significance

Evaluated items shall be classified by the following categories:

Category A Protection and retention essential (except in exceptional circumstances)

Category B Protection and retention important

Explanation

Inclusion and classification of buildings, places, or objects in this Plan serves several functions. It helps to inform and educate people about the existence of the item, allowing more people to appreciate it and reducing the risks of it being destroyed. It also provides a framework for regulation of activities affecting the item and incentives for its protection, according to its relative importance.

Category A heritage items are the premier or most significant heritage buildings, places or objects in the district. Their protection and retention is a high priority. The policy recognises that there may be exceptional circumstances when demolition or removal of such items may be appropriate, for example where the item:

- Poses a serious risk to human life or is in a serious state of disrepair, with prohibitive remediation costs
- Can be demolished in part without significant adverse effects on heritage values
- Can be reasonably relocated on the site, or on another site in the District, without significant adverse effects on heritage values

The retention of Category B heritage items is important to the district, but of a lesser priority than Category A items due to the lower level of significance.

The full criteria for assessment of a heritage building, place or object is provided in Appendix XX.

(See the Character and Amenity Chapter for criteria for assessing the significance of notable trees.)

Policy 6.3 Provide appropriate protection to regionally significant archaeological sites, while relying on the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate other archaeological sites within Whakatū Nelson.

Explanation

There are dual responsibilities for the management of historic heritage in New Zealand with both Heritage New Zealand Pouhere Taonga and local authorities involved, especially for archaeological sites. Given the specific regulatory protection provided to archaeological sites through the Heritage New Zealand Pouhere Taonga Act 2014, the Council considers it to be an inefficient use of resources to create a dual consenting process in respect of archaeological sites, given that an additional consenting process under the RMA would provide no measurable additional protection.

A regionally significant site may be one that is unique within the region, of greater than local significance to tangata whenua, or one of potential interest to substantial parts of the community. Determination of regional significance is to be informed by tangata whenua Iwi, expert archaeologist advice and relevant guidelines from Heritage NZ (e.g. AGS2 Guidelines for writing archaeological assessments).

Policy 6.4 Where heritage values are to be retained, the Nelson Plan should not unreasonably restrict works undertaken to significant heritage resources to mitigate risk from natural hazard or in response to damage caused by natural hazard events.

#### Explanation

This policy seeks to ensure appropriate works can be carried out to heritage resources in response to hazard events or to the threat of hazards.

Examples include not unduly restricting seismic strengthening works to heritage buildings or remedial works (including removal where appropriate) to trees that have been destroyed or severely damaged as a result of a climatic event. Proposals that seek to conserve heritage values while mitigating risk from flooding or sea level rise should also not be unduly restricted.

Policy 6.5 Control activities that impact on places and values significant to Whakatū's Iwi, including those identified as cultural heritage landscapes.

#### Explanation

As noted in Issue Toru of the *Resource Management Issues of Significance to tangata whenua Iwi of Te Tau Ihu* chapter, the Whakatū region is rich in features and landscapes that collectively form part of the cultural heritage of each of Whakatū's tangata whenua Iwi.

Statutory Acknowledgment documents set out areas of interest for each of the rohe's tangata whenua Iwi and provide a basis on which to identify areas of significance.

Pre-European Māori occupation of Whakatū Nelson was extensive and not all sites of spiritual or cultural significance to Whakatū's tangata whenua Iwi will be known and/or recorded, meaning that the significance cannot necessarily be attributed to a discrete site. For this reason, the policy refers to "places" and "values" of significance.

In order for this policy to be implemented, a *cultural heritage landscape* will need to be developed and incorporated into the Nelson Plan in order to improve identification of places and values (see Methods section below). This will identify places and values of significance to different Iwi, develop criteria for establishing significance and guide future controls that may impact on these places. The policy seeks to improve certainty for Iwi and developers alike.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Identify heritage resources (including areas) and control activities in order to appropriately protect them.	Council	Policy 6.1 Policy 6.2
Work with Whakatū Nelson's Iwi to develop a <i>cultural heritage landscape</i> for the Whakatū Nelson rohe and incorporate items of significance to Iwi into the district plan through plan changes as appropriate.	Council, tāngata whenua Iwi	Policy 6.5
Other Statutory Policies, Standards and Plans		
Use Heritage Orders where preservation of any heritage resource warrants such an approach.	Council, heritage protection authorities	Policy 6.1
Incorporate specific heritage objectives, policies and methods into Parks and Reserves Management Plans in relation to protection and best practice management and enhancement of historic heritage.	Council	Policy 6.1

Non-regulatory methods	Who	Policy link
Non-Statutory Plans and Strategies		
Maintain and review, at a maximum of ten yearly intervals, a Heritage Strategy for the region.	Council	Policy 6.1
Develop, maintain and implement an accidental discovery protocol for archaeological sites. This will detail the procedures to be followed if any feature, artefact or kōlwi tangata (human remains) are discovered or are suspected to have been discovered. Information will be included within the protocol on the rohe of different Iwi to enable people to make contact with the relevant Iwi.	Council, Heritage NZ, NZAA, tangata whenua Iwi	Policy 6.1 Policy 6.5 Policy 6.3
Asset and activity management plans for Council-owned or controlled heritage	Council	Policy 6.1
Monitoring and information		
Compile and maintain an online heritage inventory for the region, whether or not the sites and items are protected in the Nelson Plan. The inventory will ensure a database of heritage information is available for public use, and may include archaeological sites, built heritage sites, maritime sites, reported historic sites, historic botanical sites, places of special significance to Māori, bibliographic references for reports, newspaper articles, books and photos.	Council, Iwi, public, museum, NZAA, Heritage NZ, DOC, Nelson Heritage Advisory Group	Policy 6.1 Policy 6.5 Policy 6.3
Make information on recorded archaeological sites in Nelson available through the Council's GIS system. This will assist resource users to determine whether they need an archaeological authority from Heritage NZ.	Council NZAA Heritage NZ	Policy 6.1 Policy 6.5 Policy 6.3
Advocacy and education		
Encourage information sharing between the public, Council and other agencies regarding the significance of heritage resources, including the kaitiaki responsibilities of the public.	Council, public, Heritage NZ, NZAA, tangata whenua Iwi, DOC	Policy 6.1 Policy 6.5

Non-regulatory methods	Who	Policy link
<p>Raise awareness:</p> <ul style="list-style-type: none"> <li>• support community initiatives to retain and enhance heritage resources.</li> <li>• inform the public of their obligations relating to heritage resources</li> <li>• promote and advocate for the District's heritage</li> <li>• provide interpretation for heritage resources</li> </ul>	Council	Policy 6.1 Policy 6.5
<p>Liaison and support:</p> <ul style="list-style-type: none"> <li>• Liaise with, involve and/or support various agencies and groups involved in the protection or enhancement of heritage in Nelson on an ongoing basis to ensure that protection efforts are coordinated.</li> <li>• Support the establishment of new groups to advance the profile and protection of historic heritage in Nelson. Examples of such groups include the Christchurch Vintage Home Restorers' Group, the Whanganui Earthquake Prone Buildings Community Taskforce and Napier's Art Deco Trust.</li> <li>• Providing advice on heritage matters.</li> </ul>	Council, Iwi, DOC, Heritage NZ, NZAA, and the Nelson Heritage Advisory Group	Policy 6.1 Policy 6.5
<p>Advocacy:</p> <ul style="list-style-type: none"> <li>• Consider the purchase of significant heritage resources</li> <li>• Provide non-standard services (e.g. street lighting and paving appropriate to a heritage precinct's theme)</li> <li>• Ensure historic heritage is adequately provided for in the Long Term Plan</li> <li>• Demonstrate leadership by modelling best practice retention and enhancement of Council's own heritage assets.</li> </ul>	Council	Policy 6.1 Policy 6.5
Funding and assistance		
Support, including financially, the protection and enhancement of heritage resources.	Council	Policy 6.1 Policy 6.4 Policy 6.5
Make use of the Urban Design Panel in relation to historic heritage consent applications, including when assessing applications for fee waivers.	Council UDP	Policy 6.1 Policy 6.4
Maintain Council-owned or controlled heritage places.	Council	Policy 6.1
Partnerships and agreements		
MOUs with government departments and agencies.	Council, DOC, NZTA, Ministries (e.g. education)	Policy 6.1
Agreements with Council controlled organisations.	Council, CCOs	Policy 6.1
MOUs with tāngata whenua Iwi groups and other entities.	Council, Iwi	Policy 6.1 Policy 6.5

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Significant heritage resources are retained.	Policy 6.1 Policy 6.2 Policy 6.5 Policy 6.3	The number of listed heritage resources that are lost through development.	Nelson Plan Resource and building consents data
Greater public awareness of the contribution that heritage makes to our social and cultural wellbeing, including greater recognition of the cultural affiliations of tangata whenua with their ancestral lands, waters, sites, waahi tapu, and other taonga.	Policy 6.1 Policy 6.3 Policy 6.5	Property specific heritage and notable tree information is made available to the public. A reduction in the number of complaints of unlawful activity involving archaeological sites and heritage resources. Completion of a Cultural Heritage Landscape (see below).	LIMs, GIS, complaints database, Māori Cultural Landscape
Maintain or improve resident satisfaction with the heritage activity of the Council.	Policy 6.1 Policy 6.5 Policy 6.3 Policy 6.4	Resident survey results.	Residents survey

## Principal reasons

The objective and policies regarding retention or enhancement of significant historic heritage resources aim to:

- Establish a coordinated and systematic process for evaluating items
- Retain or enhance significant heritage resources
- Control activities that may compromise heritage values
- Recognise places or values of significance to local Iwi, and control activities that may compromise those places or values

These are matters Council will recognise and provide for and are important to Nelson due to its unique legacy of Māori and European settlement and development.

The need for development, particularly with the backdrop of current seismic strengthening requirements, poses a significant risk to historic heritage and the community has indicated strong support through resident surveys and feedback for the retention of historic heritage. In addition, a number of Iwi authority planning documents have been lodged

with the Council that emphasise the importance of appropriately managing the region's heritage.

For all heritage resources, a practical (albeit precautionary) approach is required so as to efficiently allow reasonable use without the need for resource consent where the situation merits it. Plan provisions that enable adaptive reuse and works such as seismic strengthening (where heritage values are not compromised) without undue formality. Similarly, the Council does not see the benefit in scheduling all archaeological sites in the region for regulation where this is already provided through other legislation; therefore only regionally significant items will be included.



# DRAFT REGIONAL POLICY STATEMENT

May 2016

Chapter 7

Landscape

*Kainga whenua kanohi*

## I.7 Significant Resource Management Issues: Landscape

Issue 7.1 Whakatū Nelson's outstanding natural landscape values have not been confirmed.

Whakatū Nelson is home to certain natural landscapes and features that are conspicuous, eminent and remarkable in local terms and are held in high regard by residents and visitors alike. Initial work has indicated that the following natural landscapes and/or features within Whakatū Nelson are outstanding:

- The impressive mountain landscape represented by the Bryant Range and Mineral Belt
- The iconic Haulashore Island and Arrow (Fifeshire) Rock, defining in a memorable way the southern and seaward approaches into Nelson City
- The striking Boulder Bank (Te Taero a Kereopa – Te Tahuna a Tama-i-ea) and Mackay Bluff
- The remarkable and impressive sequence of coastal landforms represented by Pepin Island and Delaware Inlet
- The wild and relatively remote landscapes of Cape Soucis and Whangamoā Inlet

Additionally, initial work has indicated that Whakatū Nelson hosts outstanding coastal natural character values associated with:

- The remote, unmodified and dramatic aspects of Cape Soucis
- The ecologically rich, largely unmodified Whangamoā River Mouth, Estuary and Whangamoā Rocks to Julia's Rescue (near the base of the Delaware sand spit)
- The sequence of largely unmodified coastal landforms represented by Delaware Bay, Horoirangi Marine Reserve and coastal waters off the Boulder Bank (Te Taero a Kereopa – Te Tahuna a Tama-i-ea).

Whakatū Nelson's outstanding natural landscape values remain to be confirmed through wider consultation with the community.

Issue 7.2 Whakatū Nelson's outstanding natural landscapes, features and coastal natural character could be compromised by inappropriate subdivision, use or development.

As indicated in Issue 7.1, Whakatū Nelson's outstanding natural landscape values are likely to reside in northern and eastern areas, and

also offshore in the vicinity of the City. They are generally not subject to significant development pressure and to some extent are protected by their very remoteness and inaccessibility. In some cases, they may have been significantly modified over many years through, for example, conversion to pasture, the planting of small woodlots and shelter belts and other characteristics of a farmed landscape. Overall these changes may not have diminished their status as outstanding landscapes. Some portions are held in public ownership and may be subject to existing protection mechanisms (such as being part of the conservation estate) or may be highly valued by their private owners.

Nevertheless, there is some risk that in certain situations their natural qualities, particularly in the coastal environment, could be compromised by subdivision for housing, or other forms of use or development, such as mineral extraction, utilities, or coastal protection works. Outstanding coastal natural character may be compromised by such land-based activities and offshore development including reclamation and other structures. While the likelihood of such development in areas of outstanding landscape or coastal natural character may not be high, the consequences would be significant.

Issue 7.3 Whakatū Nelson's outstanding natural landscapes, features and coastal natural character could be compromised by the incursion of pests and weeds and other unintended changes.

The natural qualities of Whakatū Nelson's outstanding natural landscapes may be compromised incrementally and over time as a result of weed spread including wilding pine and gorse, and grazing by feral animals such as goats. Coastal erosion, particularly where rates are exacerbated by sea level rise, and coupled with measures to mitigate it, could compromise the natural character of the coastline.

Issue 7.4 The largely undeveloped slopes and ridgelines that form the immediate backdrop to Nelson City and that are valued by the community for the contribution they make to the City's setting could be compromised by inappropriate subdivision, earthworks or the siting and design of buildings and utilities or other forms of development.

Not all slopes and ridgelines in the vicinity of the City are valued in the same way. The Port Hills Ridge and some slopes and hilltops close to Enner Glynn, Stoke, Brooklands, Dodson Valley, Marybank and Todds Valley north now form part of the City's urban fabric or have further development potential. As their names attest, such streets as Clairmont Heights, Somerset Terrace, Panorama Drive, Highview Drive, Cape View,

Seawatch Way, Bayview Road, Springlea Heights, Sunnybank Rise and Skylark Rise are valued most for the views they command.

However, other largely undeveloped seaward and Nelson City facing slopes and ridgelines in the vicinity of the City make an important contribution to its setting. They include the Barnicoat foothills above the Ngawhatu and Marsden Valleys, the Grampians, Sharland Hill, the Sugarloaf, Fringed Hill, Botanical Hill and Kaka Hill.

While these slopes and ridgelines may not be 'outstanding', they are undoubtedly valued by the community for their visual and aesthetic amenity. They retain this value whether they are clothed in pasture, scrub or exotic or indigenous forest. Dynamic, albeit temporary, change may be a feature of such areas particularly where the rotation cycle associated with plantation forestry is concerned. The community's acceptance of the visual impacts associated with such change can be stretched in the period immediately following harvesting.

Overall, what sets these areas apart are their relatively undeveloped, open qualities. To some extent they may be protected by their limited developmental potential or by virtue of their being held in public ownership. However, in some cases those qualities could be compromised by insensitive development of a more permanent nature, for instance the siting and design of buildings or utilities on the skyline, and the earthworks associated with building platforms, access roads and driveways.

## R.7 Resource Management Responses: Landscape

### Objectives

- Objective 7.1 Confirm Whakatū Nelson's outstanding natural landscapes, features and coastal natural character.
- Objective 7.2 Protect Whakatū Nelson's outstanding natural landscapes and features from inappropriate subdivision, use and development and unintended, avoidable change.
- Objective 7.3 Preserve Whakatū Nelson's outstanding coastal natural character from inappropriate subdivision, use and development and unintended, avoidable change.
- Objective 7.4 Maintain and enhance the contribution that the values attributed to important, identified, and largely undeveloped slopes and ridgelines make to Nelson City's setting.

## Policies

Policy 7.1 Whakatū Nelson's outstanding natural landscapes and features will be preliminarily identified using the following criteria:

- Biophysical values
- Sensory / aesthetic values
- Associative values

### Explanation

As indicated in Issue 7.1, preliminary work has been done to identify potential outstanding natural landscapes and features. This evaluation now needs to be tested with further input from the community, iwi and stakeholders (including potentially affected landowners) before the values are confirmed and appropriate measures can be included in Whakamahere Whakatū.

Policy 7.2 Whakatū Nelson's outstanding coastal natural character will be preliminarily identified against the following attributes:

- Abiotic values
- Biotic values
- Experiential values

### Explanation

As indicated in Issue 7.1, preliminary work has been done to identify potential outstanding coastal natural character. This evaluation now needs to be tested with further input from the community, iwi and stakeholders (including potentially affected landowners) before the values are confirmed and appropriate measures can be included in Whakamahere Whakatū.

Policy 7.3 The Council will:

- manage subdivision land uses and forms of development that would otherwise have a significant impact on the outstanding values of these areas
- provide for the continuance of compatible activities that reflect the current use of these outstanding areas, such as farming, cultural use, environmental restoration, low impact recreational activity and associated occupation, subject to suitable controls relating to design

#### Explanation

The preservation and protection of outstanding natural landscape values can only be achieved through the avoidance of development that would compromise those values. This necessitates controls on land uses, subdivision, earthworks and siting of structures, and controls on occupation and use (for, example, aquaculture) in the coastal marine area.

On the other hand, evaluations of the 'naturalness' of outstanding natural landscape features do acknowledge that a significant degree of modification may have already taken place due to human intervention. A farmed landscape or one that is extensively used for low impact recreation may still be identified as outstanding. In this context, associated development such as farm houses, barns, fences, tracks and access roads are appropriate and do need to be specifically provided for.

In addition, the cultural use of landscapes by tangata whenua Iwi need to be provided for. Finally, activities associated with efforts to restore the environment such as fencing, baiting and weed control can generate their own environmental effects. As the benefits are likely to outweigh any adverse effects, environmental restoration should be appropriately provided for in areas that are outstanding in landscape terms.

#### Policy 7.4

The Council will support the efforts public and private landowners make in restoring areas featuring outstanding natural landscapes and features and outstanding coastal natural character, particularly by controlling pest animal and plant incursions.

#### Explanation

Forms of environmental restoration such as pest control have benefits beyond the biophysical; they can address the impacts that incursions such as wilding pines and goat grazing can have on outstanding natural landscape values.

The Council can also actively support pest control efforts by assisting public and private landowners with advice, funding and the like.

The impacts of coastal erosion (potentially accelerated by sea level rise) on outstanding coastal natural character are not something that the Council can practically address. However, the Council can address the effect that responses to erosion, such as protection works, can have on that character. Policy 7.3 addresses these impacts directly.

Policy 7.5 The largely undeveloped slopes and ridgelines that make an important contribution to Nelson City's setting will be preliminarily identified using the following criteria:

- The extent to which they are visible from Nelson's town centre, main arterial routes and the coastal edge
- Their natural and physical qualities and characteristics
- Their sensory and aesthetic value
- Their cultural and recreational attributes

#### Explanation

As the explanation for Issue I.1.4 suggests, not all slopes and ridgelines in the vicinity of Nelson City need to be protected from future development. As indicated in the Social and Economic Wellbeing chapter, Nelson City's future growth needs to be accommodated through a combination of intensification and provision for greenfield development on the periphery, with some developable sites occupying slopes and ridgelines. Further to this, there may be only some slopes and ridgelines that the community considers should be protected from future expansion. In identifying those features, the Council will take into account the current urban form as well as opportunities for future growth.

Policy 7.6 The Council will maintain and enhance the valued qualities of largely undeveloped slopes and ridgelines that make an important contribution to Nelson City's setting.

#### Explanation

In comparison with outstanding natural landscapes, where the Council is obliged to avoid the adverse effects of inappropriate development and therefore controls on land use, subdivision and the siting of structures is required, the mitigation of the effects of such activities may be feasible where slopes and ridgelines valued for their amenity are concerned. For this reason, performance standards for earthworks and structures are the preferred approach. Consent requirements and assessment criteria will apply in situations where performance standards cannot be complied with. Outside current and future urban growth areas, underlying rural or conservation zoning will still generally and appropriately control land uses by specifying consent status.

Land purchase presents an opportunity for the community (rather than private owners) to contribute to the cost of retaining and improving landscapes that it values. Retirement through purchase can entail

enhancement through the restoration of indigenous vegetation, and the provision of low impact public access and recreational opportunities.

As 'conservation reserves', the Maitai and Roding Water Reserves are managed primarily for their biodiversity, landscape and historic values, and the recreational opportunities they provide. They are partly located within the lower parts of the Bryant Range, which is itself identified as a potentially outstanding natural landscape. Other parts of that range come within the care of the Department of Conservation. Atmore, Tantragee, Grampians, Highview and Bolwell Reserves are all held in Council ownership as 'landscape reserves' in order to protect the landscape and visual amenity values of these key parts of the City backdrop.

Through its Parks and Reserves Asset Management Plan, the Council has identified additional priority landscape areas needing protection, some of which may be able to be secured through purchase. Purchase options are of course subject to owner willingness to sell and budget constraints. Nevertheless, this remains a valid means of protection and enhancement.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Controls intended (in concert with the underlying zoning) to protect and preserve outstanding natural landscape values by specifying consent status, performance standards, consent requirements and assessment criteria.	Council	Policy 7.1 Policy 7.2 Policy 7.3
Pursue a large property plan approach with interested landowners to identify development opportunities, values and constraints in a coordinated manner.	Council	Policy 7.3
Controls (in concert with the underlying zoning) intended to maintain the contribution important, identified, undeveloped slopes and ridgelines make to the City's setting by specifying performance standards, consent requirements and assessment criteria.	Council	Policy 7.5 Policy 7.6
Other Statutory Policies, Standards and Plans		
Once finalised, the National Environmental Standard for Plantation Forestry is expected to address adverse environmental effects (including visual impacts) associated with wildling spread, earthworks, quarrying and harvesting.		Policy 7.3 Policy 7.6

Non-regulatory methods	Who	Policy link
Funding and assistance		
Support landowner efforts at pest control in areas regarded as outstanding in natural landscape terms through the auspices of such initiatives as Nelson Nature, a flagship non-regulatory biodiversity programme.	Council	Policy 7.4
Provide advice to prospective consent applicants in terms of the steps they can take to mitigate the effects of development proposals on recognised landscape values.	Council	Policy 7.3 Policy 7.6
Consider the purchase of properties that contribute to the City's setting in landscape terms and that offer potential in terms of enhancement, restoration and low-impact recreational opportunities.	Council	Policy 7.6
Advocacy and education		
Continue to promote Nelson as a fantastic place to live, work and play with reference to its landscape attributes.	Council	Policy 7.1 Policy 7.2 Policy 7.5

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Whakatū Nelson's outstanding natural landscape values are confirmed, protected, preserved and, where feasible, enhanced.	Policy 7.1 Policy 7.2	The identification in the Nelson Plan of outstanding natural landscape values.	Provisions of the Nelson Plan
	Policy 7.3	No significant impacts on outstanding natural landscape values through the granting of resource consent applications subject to Nelson Plan provisions.	Monitored through an independent review of consent outcomes in landscape terms
	Policy 7.4	Specific examples of the enhancement of outstanding natural landscape values through Council support of landowner pest control initiatives.	Nelson Nature records
The values associated with largely undeveloped slopes and ridgelines that make an important contribution to Nelson City's setting are identified, maintained and, where feasible, enhanced.	Policy 7.5	The identification in the Nelson Plan of undeveloped slopes and ridgelines that make an important contribution to Nelson City's setting.	Provisions of the Nelson Plan
	Policy 7.6	No significant impacts on the valued qualities of undeveloped slopes and ridgelines that make an important contribution to Nelson City's setting, through the granting of resource consent applications subject to Nelson Plan provisions.	Monitored through an independent review of consent outcomes in landscape terms
	Policy 7.6	Specific examples of the enhancement of amenity landscape values through the Council purchase and retirement of selected properties.	Review of Parks and Reserves Asset Management Plan goals

## Principal reasons

The preservation of the natural character of the coastal environment and the protection of both that character and outstanding natural features and landscapes from inappropriate subdivision, use and development are

matters of national importance under the RMA, with further direction provided in the NZCPS with respect to avoiding significant adverse effects on outstanding natural features and landscapes in the coastal environment. Through surveys and initial feedback on the potential direction of Whakamahere Whakatū, the community has indicated support for the identification and protection of outstanding landscape values.

The community has also indicated strong support for the maintenance of natural landscapes and a preference for avoiding housing development on important, largely undeveloped hillsides around Nelson City, while seeing other semi-developed hillsides as appropriate areas for accommodating the City's growth. In seeking to identify and distinguish between those areas that can accommodate urban growth and those for which landscape values need to be maintained and enhanced, the Council must strike the overall balance demanded by section 5 of the RMA.

The anticipated National Environmental Standard for Plantation Forestry may provide a national benchmark for landscape effects assessment.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

Chapter 8

Biodiversity

*Koiora*

## I.8 Significant Resource Management Issues: Biodiversity

Issue 8.1 Whakatū Nelson's significant biodiversity values have not been confirmed.

Whakatū Nelson's biodiversity has been shaped by its atmospheric and marine climate, its geology and topography and its environmental history. Cold adapted flora and fauna are found in the mountains, whereas those species adapted to warmer conditions occupy the lowlands. Native forest covers 34% of Whakatū Nelson's land area, with regenerating kanuka covering a further 8%. At high altitudes and around coastal margins are found areas of native grasslands (3%) where the extremes of weather suppress the growth of woody vegetation. The remainder of Whakatū Nelson's land area is occupied by farms, exotic forestry and urban development, featuring a mix of introduced and indigenous species.

Despite over 150 years of human modification, Whakatū Nelson still retains some significant tracts of coastal and lowland forest, special assemblages of matai – black beech and tanekaha – southern rata forest, and 17 species of nationally threatened plants. It also marks the southern limit for species such as pukatea and tawa and the western limit for ramarama and leafless lawyer. Whakatū Nelson is the national stronghold for special species including shovel mint and Mineral Belt endemics.

Collectively, Whakatū Nelson's significant river systems, the Maitai and Wakapuaka, together with the numerous smaller streams entering the Waimea, Haven, Delaware and Whangamoā estuaries, provide significant habitat for a range of native freshwater fish, birds, crustaceans, macroinvertebrates and plant species.

Whakatū Nelson's marine environment features:

- Four key estuaries supporting salt marshes, habitats for flatfish, wading and migratory birds, and spawning grounds for coastal fish
- A rocky coastline, islands, the Boulder Bank, undersea rocky reefs, offshore waters and sandy and muddy sediments; habitats for a diverse range of micro and macroinvertebrate species, shellfish, and inshore, reef and ocean-going species of fish, mammals and birds.

Initial work in relation to terrestrial biodiversity suggests that significant natural areas equate to 33% of Whakatū Nelson's land area. Approximately 14,000 hectares are held in public ownership and form part of the conservation estate. In addition, approximately 3,976 hectares may be located on private land. However, this figure is provisional because detailed ecological surveys have only been carried out that

confirm the significance in biodiversity terms of approximately 1,980 hectares of privately owned land (or 50% of the potential total area in private ownership). Surveys are only able to be undertaken with the permission of owners.

In comparison with its land area, more comprehensive information is held with respect to freshwater and marine biodiversity values in Whakatū Nelson, largely due to their location in publicly accessible areas.

#### Issue 8.2

Whakatū Nelson's significant biodiversity values are being seriously compromised by unintended pest incursions, the effects of which may in turn be exacerbated by climate change.

Affording legal protection to significant natural areas in no way provides a guarantee of their retention or survival. In Whakatū Nelson, the most serious threat to significant biodiversity values is the damage caused by incursions of pest plants and animals. Such species as old man's beard, Himalayan honeysuckle, banana passion fruit, wilding pines, pigs, possums and goats present serious risks of localised ecosystem collapse, especially in combination with land and vegetation disturbance.

A significant proportion of confirmed significant natural areas held in private ownership (refer Issue 8.1), are likely to be at risk from such pest incursions. The extent of terrestrial incursions has become so significant that many private (and public) landowners may be unable to undertake control work without support.

Pressures on significant natural areas may also arise through stock incursion, where such areas remain unfenced.

Pressure on freshwater biodiversity also comes from pest incursions, particularly didymo, coastal fish and aquatic plants. In the marine environment, exotic species such as pacific oysters and undaria seaweed have established large populations.

Whakatū Nelson's temperate climate, featuring high annual sunshine hours and mild temperatures, is conducive to pest plant growth. Climate change may exacerbate the impacts of pest plant incursions, as well as other stressors (such as reductions in rainfall and stream flows and increasing temperature, storms and risk of fire) on already vulnerable indigenous biodiversity values.

Issue 8.3

Whakatū Nelson's significant freshwater and marine biodiversity values can be compromised by sedimentation, discharges of contaminants, reclamation, and structures or works in, on, over or adjacent to the beds of rivers, streams and the coastal marine area.

Numerous activities threaten freshwater biodiversity values, whether they are located in, on or over the beds of rivers or streams, or in the broader catchments. They may directly affect habitats through structures and stream works (e.g. weirs, bridge aprons, channelling, culverts) or via sedimentation or discharges of contaminants associated with the use of land. Climate change is likely to lead to an increased frequency and intensity of storm events, exacerbating the effects of sedimentation in rivers, streams and the coastal marine area. The potential function of rivers and streams as biodiversity corridors, linking the hills to the coast may be compromised by urban development, fragmented ownership and a lack of reserves in the riparian margin.

Ultimately, sources of sedimentation and contamination in waterways can impact on marine biodiversity values.

Issue 8.4

Whakatū Nelson's significant natural areas could be compromised by inappropriate clearance of vegetation, or through the drainage or infilling of wetlands.

Whakatū Nelson's remaining terrestrial biodiversity represents a fraction of that existing prior to human settlement. The wholesale loss of significant natural areas through clearance (or drainage and/or infilling, in the case of wetlands) has not been a significant issue in Whakatū Nelson in the recent past, as a result of a number of factors, including the physical challenges in accessing and bringing into production remaining areas, the value increasingly placed on biodiversity by owners, and the effect of current planning controls. However, while the risk of wholesale loss may now be lower, the consequences of any such loss, were it to occur, would be significant.

Indigenous upland forest and mineral belt ecosystems are reasonably well-represented and protected by virtue of their inclusion in the publicly-owned conservation estate or being valued and retained by private owners.

Acutely or chronically threatened ecosystems in Whakatū Nelson generally comprise coastal and lowland ecosystems, and are based around estuaries, coastal and lowland flats and coastal hill country. They are generally under-represented in the conservation estate, and the few

remaining areas may be vulnerable to clearance, drainage or infilling associated with current land use and potential development.

Issue 8.5 The release of genetically modified organisms into the environment could have an adverse effect on Whakatū Nelson's biodiversity values.

Nelson City Council declared itself 'genetic engineering free' in 2001. In 2004, the Council further resolved not to plant, grow or release genetic modified organisms (GMOs), or to provide genetically engineered foods, as part of its own operations.

The Hazardous Substances and New Organisms Act 1996 regulates GMOs in New Zealand. Applications to import, develop, field test or release GMOs are assessed by the Environmental Protection Authority. Some councils are currently seeking to control the field trialling and release of GMOs under the RMA to, in part, brand their locally grown produce as being GM-free.

In terms of potential controls, this Council could seek to distinguish between lab-based development and testing, and field-based trialling and release. Council would like to canvas the views of the Whakatū Nelson community on the matter of its potential role in controlling GMOs under the RMA. Subject to the outcomes of this community engagement, developing case law and potential changes to legislation, appropriate objectives, policies and methods could be developed for inclusion in this section of the RPS and in the Nelson Plan.

## R.8 Resource Management Responses: Biodiversity

### Objectives

- Objective 8.1 Confirm Whakatū Nelson's significant terrestrial biodiversity values.
- Objective 8.2 Protect Whakatū Nelson's significant biodiversity values from unintended incursions.
- Objective 8.3 Protect Whakatū Nelson's significant freshwater and marine biodiversity values from the effects of sedimentation, discharges of contaminants, reclamation, and structures or works in, on, over or adjacent to the beds of rivers, streams and the coastal marine area.

Objective 8.4 Protect Whakatū Nelson's significant terrestrial natural areas from loss through clearance, drainage or infilling.

## Policies

- Policy 8.1 Whakatū Nelson's terrestrial natural areas will be identified and protected where:
- They are representative of the original vegetation or habitat and of what remains
  - There are rare species, communities or habitats present or other features that make them distinctive in local, regional or national terms
  - There are a notable range of species, communities or habitats and complex patterns or gradients present
  - They are large and compact
  - They are well connected to other natural areas, buffer or are buffered by adjoining areas, and provide critical resources to mobile species

### Explanation

As indicated in Issue 8.1, ecological surveys have confirmed the significance of a portion of Whakatū Nelson's terrestrial natural areas. Work to confirm remaining significant biodiversity values is still to be completed. Means to identify and protect terrestrial significant natural areas may need to be developed in advance and in the absence of comprehensive information about the location of those areas. The criteria for identifying 'significance' set out in Policy 8.1 are nationally recognised and have been widely adopted by local authorities.

- Policy 8.2 The Council will support the efforts of private landowners and work with other public agencies in controlling pest animal, pest plant and stock incursions that result in risk to Whakatū Nelson's significant biodiversity values.

### Explanation

As indicated in Issue 8.2, pest animal and plant incursions represent the greatest risk to Whakatū Nelson's biodiversity values, particularly on land. The Council seeks to address these risks via the following means:

- Identifying specific pest problems that landowners have obligations to address under the Tasman-Nelson Regional Pest Management Strategy

- Actively supporting pest control efforts by assisting private landowners with advice, funding and the like
- Working with other public agencies (such as the Department of Conservation) to co-ordinate pest control efforts

Damage by stock incursion can also be averted through the Council's support of fencing efforts by owners.

In the freshwater and marine environments, the Council can also support the pest control efforts of other agencies.

The direct impacts of climate change on biodiversity values are not something the Council can practically address, although it can enhance the resilience of those values through its support of pest control efforts.

#### Policy 8.3

The Council will:

- Restrict inappropriate forms of development such as reclamation, structures or works in, on, over or adjacent to the beds of rivers, streams and the coastal marine area that would otherwise have a significant impact on the significant freshwater and marine biodiversity values of these areas
- Control sedimentation and discharges of contaminants associated with land-based activities that could otherwise have adverse effects on significant freshwater and marine biodiversity values
- Enhance the biodiversity corridor functioning of riparian areas associated with rivers and streams

#### Explanation

Whakatū Nelson's rivers, streams and the coastal marine area are the ultimate receiving environments, where activities on land within the relevant catchments are concerned. Measures are required to ensure freshwater and marine biodiversity values are not adversely affected by land-based sources of sedimentation and contamination over time. Measures to sustain the environmental health of Tasman Bay, to restore the Maitai River and its riparian margins, and protect and restore the alluvial, riparian and coastal ecosystems of Wakapuaka Valley and Delaware Bay are identified as priorities for action in the Nelson Biodiversity Strategy. Methods to address the effects of land-based activities on freshwater and marine biodiversity values are outlined in the Freshwater, Coastal Environment and Land sections.

Activities located in, on or over the beds of rivers, streams and the coastal marine area may have a more direct, immediate impact on

biodiversity values by, for instance, disturbing or destroying habitat or altering currents and water flow. Measures are required to ensure works such as dredging, gravel extraction, damming or stream realignment, structures such as coastal protection works and bridge aprons, and reclamation, do not have a significant impact on biodiversity values in these environments. Methods to address the effects of these activities are outlined in the Freshwater and Coastal Environment sections.

The value of the riparian areas associated with Saxton, Jenkins and Sharlands Creeks, Orphanage, Poorman Valley and Brook Streams and the Maitai River as biodiversity corridors linking the hills to the coast can be enhanced by expanding the network of reserves and through planting and weed control.

Policy 8.4 The Council will restrict inappropriate activities such as clearance, drainage and infilling that would otherwise result in a loss of significant natural areas.

Explanation

The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna can only be achieved through the avoidance of activities that would compromise those values, which therefore necessitates controls on vegetation clearance (on land) and drainage or infilling (in the context of wetlands).

Any protective measures need to be developed within an understanding of the risk of actual loss. As indicated in Issue 8.4, Whakatū Nelson's remaining biodiversity values exist largely due to the ethic of stewardship exercised by public and private owners. Although the likelihood of wholesale destruction of those values through clearance, drainage or infilling is remote, the consequences, were it to occur, would be significant. Therefore, at the very least, provisions are needed to ensure that outcome, however unlikely, is avoided. Such provisions also help to protect the investments that owners and the Council make in controlling pest incursions, which represent the greatest and more immediate risk to biodiversity values (refer Policy 8.2).

Policy 8.5 The Council will provide for compatible activities in significant terrestrial natural areas, including cultural use, environmental restoration and low impact recreation.

Explanation

The cultural use of significant natural areas by tangata whenua Iwi needs to be provided for. Some activities associated with efforts to restore the environment such as fencing, baiting and weed control can generate their

own environmental effects. As the benefits are likely to outweigh any adverse effects, environmental restoration is also appropriately provided for in areas that are significant in biodiversity terms. Low impact recreational activities such as hiking or mountain biking may also be appropriate and can increase public awareness of and appreciation for biodiversity values.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Based in part on the outcomes of the landowner survey referred to above, the Council will finalise provisions that are either based: <ul style="list-style-type: none"> <li>on maps indicating the location of terrestrial significant natural areas where these have been confirmed through an ecological survey (undertaken only where the landowner's permission has been obtained), or</li> <li>on narrative descriptions of acutely or chronically threatened ecosystems, where these have not been able to be confirmed via ecological survey or</li> <li>some combination of the above.</li> </ul> Controls on clearance, drainage and infilling would then apply where these provisions are triggered.	Council	Policy 8.1 Policy 8.4
Implement Joint Tasman-Nelson Regional Pest Management Strategy and Top of the South Marine Biosecurity Partnership	Council	Policy 8.2
Include performance standards that apply with respect to cultural use, environmental restoration and low impact recreational activities in terrestrial significant natural areas.	Council	Policy 8.5
Pursue a large property plan approach with interested landowners to identify development opportunities, values and constraints in a coordinated manner.	Council	Policy 8.5
Include controls on land disturbance and vegetation clearance to minimise the adverse effects of sedimentation on freshwater and marine biodiversity values.	Council	Policy 9.1 (Land Chapter)
Include controls on reclamation, structures, and works in, on or over the beds of rivers, streams, and the coastal marine area to avoid significant impacts on freshwater and marine biodiversity values.	Council	Policy 8.3
Requiring esplanade reserves or strips at the time of subdivision in priority stream and river riparian areas.	Council	Policy 8.3
Other Statutory Policies, Standards and Plans		
Once finalised, the National Environmental Standard for Plantation Forestry is expected to address adverse environmental effects (including discharges of slash and sediment, damage to riparian vegetation, restrictions on fish passage) associated with mechanical land preparation, afforestation, earthworks, quarrying, river crossings, pruning and harvesting spread.	Council	Policy 9.1 (Land Chapter)

Non-regulatory methods	Who	Policy link
Monitoring and information		
Survey owners of confirmed or potentially significant natural areas to understand their preferences with respect to the obtaining and use of information relating to biodiversity values on their properties, and their intentions regarding (potentially) significant natural areas.	Council	Policy 8.1 Policy 8.4 Policy 8.5
Funding and assistance		
Support landowner efforts at pest and stock control in areas regarded as outstanding in biodiversity terms through the auspices of such initiatives as Nelson Nature, a flagship non-regulatory biodiversity programme.	Council	Policy 8.2
Provide advice to prospective consent applicants in terms of the steps they can take to mitigate the effects of development proposals on recognised biodiversity values.		Policy 8.3 Policy 8.4
Provide incentives for the protection of significant natural areas (where the values associated with these areas have been confirmed).	Council	Policy 8.1
Proactively seek to improve access and incentivising planting and weed control in riparian areas with the agreement of owners.	Council	Policy 8.3
Advocacy and education		
Continue to promote Nelson as a fantastic place to live, work and play with reference to its biodiversity attributes.	Council	Policy 8.1 Policy 8.5

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Whakatū Nelson's terrestrial significant natural areas are confirmed, protected and, where feasible, enhanced.	Policy 8.1	The comprehensive identification in the Nelson Plan of terrestrial significant natural areas (in either mapped or narrative form).	Provisions of the Nelson Plan
	Policy 8.1 Policy 8.4 Policy 8.5	No net loss of terrestrial significant natural areas through the granting of resource consent applications.	Monitored via GIS / aerial records and through an independent review of consent outcomes in biodiversity terms

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Whakatū Nelson's significant freshwater and marine biodiversity values are protected and maintained.	Policy 8.1 Policy 8.4	No absolute loss of acutely or chronically threatened ecosystems.	Monitored through an independent review of consent outcomes, complaints and enforcement action
	Policy 8.3	Increase in coverage of esplanade reserves and strips along priority stream and river riparian areas.	Property records. Resource consent records. GIS / aerial records
	Policy 8.2	By 2025, owners of the top 50 significant natural areas identified through the auspices of Nelson Nature are being actively assisted in their management efforts by the Council.	Nelson Nature records
	Policy 8.2	By 2025, populations of pest plants and animals in the top 50 areas (and also in the Maitai and Roding catchments, and on Dun Mountain, the Mineral Belt and Limestone Outcrops) will be reduced.	Pest plant and pest animal surveys. Nelson Nature records
	Policy 8.2	By 2025, bird counts in the Nelson Halo areas will increase.	Bird surveys. Nelson Nature records
	Policy 8.3	By 2025, specific Nelson Nature objectives relating to Whakatū Nelson's rural and urban waterways (including rates of riparian fencing and planting, rectification of barriers to fish passage, and improvements to fish spawning habitat) will be achieved.	Review of specific Nelson Nature goals and monitoring data
	Policy 8.3	No decline in freshwater or marine biodiversity values attributable to sedimentation or contaminant discharges associated with land-based activities.	Fresh and coastal water ecological surveys. Reporting on recreational bathing water quality
	Policy 8.3	No decline in freshwater or marine biodiversity values attributable to activities in, on or over the beds of rivers, streams or the coastal marine area.	Fresh and coastal water ecological surveys

Anticipated Environmental Result	Link to policy	Indicator	Data Source
	Policy 8.2	Specific examples of the enhancement of freshwater and marine biodiversity values through Council support of pest control initiatives.	Review of biosecurity initiatives

## Principal reasons

Significant biodiversity values are present in Whakatū Nelson in freshwater and marine environments, as well as on land (although the full significance of these values in a terrestrial sense remains to be confirmed). All such values must be identified and protected, with the greatest focus placed on controlling pest incursions. Through initial feedback on the potential direction of Whakamahere Whakatū, the community has indicated strong support for the control of pest incursions on both public and private land, and for broader initiatives intended to maintain and enhance biodiversity, such as Nelson Nature.



# DRAFT REGIONAL POLICY STATEMENT

May 2016

Chapter 9

Land

*Whenua me te oneone*

## I.9 Significant Resource Management Issues: Land

Issue 9.1 Human activity in Whakatū Nelson can result in erosion, which reduces the productivity of the land. It also affects water quality by adding sediment and nutrients to waterways.

Many of the Eastern hills of Nelson have previously been farmed, but this land use proved to be unsustainable due to erosion, soil infertility and weed reversion problems. Much of this country was acquired by the former NZ Forest Service and planted in exotic forest, partly as an effort to overcome this problem.

Plantation forestry now covers 9,624 hectares (23%) of Whakatū Nelson's land area and delivers economic benefits to the region. Forestry can stabilise erosion-prone land. It also has environmental benefits including acting as a carbon sink (absorbing and storing carbon dioxide).

Nevertheless, accelerated erosion on this challenging terrain can still occur as a result of historical and current clearance of vegetation and earthworks such as tracking, land re-contouring and vehicle movements. This may be in addition to, or exacerbate, the rate of natural erosion that occurs as a result of climatic events. Storms are likely to increase in frequency and intensity as a result of climate change, in turn exacerbating erosion and sedimentation rates.

Even on flat or less steep land, poorly managed earthworks associated with land development can lead to erosion and sedimentation during inclement weather.

Land development, forestry and other land use activities need to be carefully managed, in a manner consistent with industry best practice, to ensure that the land use is sustainable and off-site adverse effects are minimised. Insufficient attention to slope stabilisation during earthworks, sediment control, poor stormwater management, debris clearance and re-vegetation affect the productive and life supporting capacity of soils and landscape values, and also have implications for downstream values, including freshwater and coastal water quality, fisheries, recreational uses and aquatic biological diversity in terms of sediment and nutrient inputs.

Issue 9.2 Some historical and current land uses have the potential to contaminate soil and receiving waters and impact on human health.

Direct or indirect exposure to a hazardous substance that has contaminated the soil can cause adverse health effects. Common

examples of hazardous substances that may contaminate soils are petroleum products, pesticides and herbicides. In Whakatū Nelson, areas potentially affected by contamination may include former orchards, commercial glasshouses and sheep dips. Soil contamination therefore has the potential to restrict the residential and recreational use of land now and into the future. The potential for the current community and future generations to live and play safely on land and in water in Whakatū Nelson needs to be retained.

## R.9 Resource Management Responses: Land

### Objectives

Objective 9.1 Land is managed in a manner which safeguards the life supporting capacity of the soil and avoids increasing the flow of nutrients and sediments into waterways.

Objective 9.2 To avoid, remedy or mitigate contamination of soil.

### Policies

Policy 9.1 Land uses will be managed so that soil erosion is not accelerated beyond natural levels.

#### Explanation

Vegetation clearance, soil disturbance and earthworks are the major types of land use that cause accelerated soil erosion. The physical characteristics of the land (such as slope stability, soil type, gradient and proximity to water) provide a basis for predicting the potential effects of the land uses, and therefore the best erosion control methods to use.

In 2015 the Government consulted on a proposed National Environmental Standard for Plantation Forestry (NES-PF) which would establish a technical standard for forestry activities and set out when an activity is permitted and when consent is required. The NES-PF would override rules for plantation forestry in council planning documents, except in relation to matters where councils are allowed to be more stringent than the NES-PF.

Areas that are significant to Whakatū Nelson in cultural, heritage, ecological and landscape terms may necessitate more stringent controls being applied through the Nelson Plan to forestry activities, than those set out in a finalised NPS-PF.

Policy 9.2 Manage current land uses and potentially contaminated sites to avoid risks to the environment and human health.

Explanation

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) establishes national guidelines for managing soil contamination.

The NESCS requires the Council to identify all areas in Nelson where activities and industries have operated that are considered likely to cause land contamination resulting from hazardous substance(s) use, storage or disposal.

The Council prepared its Hazardous Activities and Industries List (HAIL) database by researching historical photos, trade directories and property information to establish which areas of land in Nelson could be at risk of contamination because they are likely to have been used for HAIL activities in the past.

This is a land use assessment and no soil testing was carried out by Council during the compilation of the database. Inclusion of a property in the database does not mean that soil contamination is known to be present.

Soil contamination creates a risk to human health and can therefore constrain development options on properties. For these reasons it is important that current or potential owners are aware of any known soil contamination or the potential for soil contamination.

Nelson landowners need to make informed decisions when building on sites that are identified in the HAIL database. Innovative, cost effective methods can be used to manage this material on-site. However, there will be some situations where the best option is to dispose of the soil to landfill, which can be a significant cost. The Council has reduced this financial impact by providing for bulk testing of soil in some circumstances, and reducing landfill disposal fees where soil has already been tested.

While historical contamination can be addressed in the way described above, the Council also needs to ensure that current land uses do not lead to further contamination in the future. The way that hazardous substances and facilities are managed is key to ensuring this.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Include rules that reduce the potential for land use activities to have adverse effects on waterbodies, such as increased nutrients and sedimentation.	Council	Policy 9.1
Include rules relating to vegetation clearance and land disturbance activities to minimise the risk of accelerated erosion, minimise discharges of sediment to water, and maintain the benefits of riparian vegetation for water bodies.	Council	Policy 9.1
Pursue a farm plan approach with landowners to account for and manage erosion risk and sediment and nutrient run-off.	Council	Policy 9.1
Include specific forestry rules, taking into account whether or not the NES for Plantation Forestry (NES-PF) is progressed. If implemented, the NES-PF is likely to replace many of the existing district and regional plan rules for managing plantation forestry.	Council	Policy 9.1
Include activity lists and rules relating to the handling, use and storage of hazardous substances and the management of hazardous facilities, to avoid future contamination issues.	Council	Policy 9.2
Other Statutory Policies, Standards and Plans		
Changes in land use, soil disturbance and subdivision are three key activities which trigger a requirement under the NESCS to test the soil and carry out an assessment of whether there is contamination of the site.	Council	Policy 9.2
Maintain the HAIL database and update this when new information about potentially contaminated land is provided from resource consent processes and other sources.	Council	Policy 9.2
Make HAIL information available to the public through the issue of Land Information Memoranda (LIMs) and Project Information Memoranda (PIMs) so informed decisions can be made related to the ongoing use of the land or any proposed new use of the land.	Council	Policy 9.2
Non-regulatory methods	Who	Policy link
Monitoring and information		
Undertake permitted activity monitoring of land management practices.	Council	Policy 9.1
Provide advice and information on sustainable land management practices to help people avoid environmental effects when carrying out vegetation clearance and land disturbance activities.	Council	Policy 9.1

Non-regulatory plans and strategies			
Review Council's approach to managing its own production forestry assets, including the choice of tree species for replanting, and options for land retirement.	Council		Policy 9.1
Develop practices and procedures for testing and accepting spoil from HAIL sites at the landfill.	Council		Policy 9.2
Funding and assistance			
Reduce landfill disposal fees for soil from residential and commercial HAIL sites where the soil has already been tested.	Council		Policy 9.2

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Increased awareness and use of land management practices which avoid or minimise soil erosion and sedimentation.	Policy 9.1	Reduction in proportion of steep land affected by slips, slumps etc. Reduced levels of sediment in streams, rivers and the coastal environment.	Land use surveys Water quality indicators
A reduction in the adverse effects of land management practices on water quality.	Policy 9.1	As above.	Water quality indicators
A reduction in the hazard posed by contaminated sites in Nelson due to the management and use of potentially contaminated land, in accordance with the NESCS.	Policy 9.2	The potential for contamination is addressed at the time that resource consent for new uses is sought and obtained.	HAIL database Resource consent records
A reduction in the risk of contamination posed by the handling, use and storage of hazardous substances and hazardous facilities.	Policy 9.2	No new contaminated sites are created as a result of the future use of hazardous substances or the operation of hazardous facilities.	Monitoring and enforcement records

## Principal reasons

In Whakatū Nelson, the way in which land is managed has a profound effect on freshwater and coastal receiving environments. Given the marginality of much of the region's topography for agricultural production, the effects of erosion are less about soil loss, and more about sedimentation, and its effects on downstream values. Production forestry brings with it considerable economic benefits, and in itself has helped to

address historical sources of sedimentation, but its own effects, particularly during harvesting, need to be managed. This last matter has been emphasised in initial feedback from the public on the potential direction of Whakamahere Whakatū.

The impacts that historical and future land uses can have on Whakatū Nelson's future development, in terms of the potential for soil and water contamination, need to be addressed through the provision of information and development controls at the appropriate decision-making points.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

Chapter 10

Coastal and Marine Environment  
*Takutai Moana*

## I.10 Significant Resource Management Issues: Coastal Environment

The coastal environment is an essential part of Whakatū Nelson's character and identity and is of significance to Whakatū Nelson's tangata whenua Iwi<sup>1</sup> and to Nelson's wider community. The coastal environment includes the coastal marine area (from Mean High Water Springs (MHWS) out to 12 nm (nautical miles)) and an area inland defined in accordance with the criteria set out in national policy (NZCPS Policy 1). The extent of the coastal environment is shown in Map \*.

This chapter focuses on the coastal environment unless specifically stating that it focuses only on the coastal marine area. All other chapters also contribute to the management of the coastal environment.

Issue 10.1 Need for recognition of the cultural affiliations of tangata whenua iwi of Te Tau Ihu with the coastal environment, including ancestral lands, waters, sites, waahi tapu, and other taonga.

The eight iwi of Te Tau Ihu have identified their historical interest in coastal resources through their Treaty of Waitangi settlement process and have Statutory Acknowledgement over the coastal marine area. Statutory Acknowledgement recognises the particular cultural, spiritual, historical and traditional association of an iwi with a site or area.

The Whakatū tangata whenua Iwi have strong historical and cultural associations with the coastal environment, including tikanga and maatauranga for sustainable management, gathering and utilisation of resources. Coastal and estuarine waters and associated resources are strongly linked to land activities, such as access, pa, fishing stations, urupa, waahi tapu, waka landing, net repairs and fish drying, while the maritime areas were important for navigation, transport and trading routes.

Cultural associations with the coast are significant for Iwi and careful management in accordance with kaitiakitanga and tikanga Māori is important for future management of Nelson's coastal resources.

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<sup>1</sup> Recognised in the Treaty Settlements for Te Tau Ihu which provide for Statutory Acknowledgements for the eight iwi of Te Tau Ihu, over the coastal marine area.

Issue 10.2 Natural character, natural landscapes and other natural features can be adversely affected by inappropriate use and development.

Natural character, landscapes and other natural features all contribute to Whakatū Nelson's coastal character, ecosystem functioning and the amenity that the community enjoys. Natural character, landscapes and features have been affected by past activities and development. Future subdivision, use and development, as well as cumulative changes, can contribute to a loss of these characteristics for future generations. Measures to address these issues are outlined in greater detail in the Landscape section of this RPS.

Issue 10.3 People's enjoyment of and access to the coastal environment can be adversely affected by inappropriate subdivision, use and development.

The coastal environment is an integral part of people's lives in Nelson. Through port, fishing, tourism and aquaculture activities, the coastal environment is a significant contributor to the region's economy and is widely used for people's enjoyment and recreation. Port Nelson's status as a strategic infrastructural asset and the coast's potential as a source of aggregate is recognised in the Infrastructure and Energy section of this RPS. Development can increase access for some users, at the expense of others. Port Nelson and the associated marina have provided enhanced access to the coastal marine area for boat owners, and to some extent restricted more general public access along the coastal edge, for operational reasons.

With the exception of the port area and parts of the coastline that are inaccessible due to their topography, there is reasonable public access to the coastal edge, by virtue of it residing largely in public ownership. However, even here the quality of the experience can be compromised by disturbance from adjacent land uses, particularly infrastructure such as arterial routes, the airport and utilities, or by physical obstacles, such as coastal protection works. The characteristics and features that contribute to people's enjoyment and appreciation of the coastal environment, the allocation of space to activities, together with the life-supporting capacity of the coastal marine area, need to be managed carefully, to ensure a healthy and enjoyable coastal environment for the future. While public access and appropriate activities do need to be provided for, there will be some operational areas where public access and activities need to be restricted. There will be other instances in which the quality of existing public access can be enhanced.

Issue 10.4 Marine water quality and healthy marine ecosystems are important for the sustainability of the coastal marine area.

Marine ecosystems are reliant on a healthy marine area, and good marine water quality is critical to the health of those ecosystems and for people's economic, cultural and social activities. While most of Whakatū Nelson's coastal marine area has good water quality, there are some areas where this is not the case.

Some sources of contaminants can be traced to activities in the coastal marine area, such as boat and facility maintenance. However, most of the threats to the marine environment result from activities 'upstream' of the environment, including, for example, sedimentation and discharges to fresh water associated with urban and rural areas and associated land use and development. While land-based sediment inputs into the wider Tasman Bay over the last two decades have not been exceptionally high, re-suspension of previously deposited sediment is a stressor on marine ecosystems. Sedimentation is more pronounced, and has greater impact on eelgrass and shellfish communities, in estuarine locations such as the Haven. Estuarine ecosystems are also vulnerable to eutrophication from nutrient enriched freshwater inflows. While bacterial contamination is generally low in coastal waters, peaks can occur after rainfall, and is generally associated with uncontrolled, untreated run-off from land and cross-contaminated stormwater discharges, rather than consented point sources.

While the bathing water quality of key recreational locations (Tahunanui and Monaco Beaches, Cable Bay and Atawhai) remains good, discharges of stormwater, sewage, sediments and other contaminants to the coastal environment can adversely affect the health of marine ecosystems, fisheries and the mauri of the water, as well as people's recreational activities and shellfish gathering. Measures to address these issues are outlined in greater detail in the Land and Freshwater sections. Marine biodiversity is dealt with in detail in the Biodiversity section.

Issue 10.5 The vulnerability of Whakatū Nelson's coastal edge can be exacerbated by sea level rise as well as inappropriate activities on the land and/or in the marine area.

The coastal edge is dynamic and is affected by natural processes such as erosion and inundation, as well as by existing development that does not enable the coastal edge to naturally migrate inland. Unless there is integrated management across the line of mean high water springs (MHWS) there is a risk that landward and marine activities could conflict with each other and/or with the natural processes and functioning of the coastal edge. Human activities have modified the coastal edge through

activities such as seawalls and development located close to the sea. In some instances this has increased the risk from coastal hazards, while in others it provides for access between the land and sea, such as in port and marina areas. Climate change, through sea level rise and the increased severity of climatic events, is likely to exacerbate risks of coastal erosion and inundation.

## R.10 Resource Management Responses: Coastal Environment

### Objectives

Objective 10.1 Recognise and provide for tangata whenua's kaitiaki role in managing coastal resources in accordance with tikanga Māori.

Objective 10.2 Protect the values that contribute to outstanding natural character, outstanding natural landscapes and other significant natural features, and ensure use and development maintains or restores natural values in other areas.

Objective 10.3 Recognise and reconcile the competing social, economic and cultural values that are ascribed to the coastal environment, while providing for uses and development that by their nature must be located in the coastal environment.

Objective 10.4 Maintain or enhance the quality of marine waters to a level that ensures healthy marine ecosystems and safety for people's recreational activities.

Objective 10.5 Protect the integrity, functioning and resilience of coastal physical and ecological processes, from the adverse effects of inappropriate subdivision, use and development.

### Policies

Policy 10.1 In conjunction with Whakatū Nelson's tangata whenua Iwi, restore the health of the coastal marine area as a food basket, identify places of significance and value to Iwi, and control activities sensitive to those places.

#### Explanation

The Council and Iwi of Te Tau Ihu have noted that the health of the coastal marine area is not as good as it could be in all areas. A focused

project is underway for the Waimea estuary and further restoration activities may be required in other areas, including Nelson Haven.

An approach to identifying and protecting Māori cultural heritage is outlined in the Heritage section of this RPS.

Policy 10.2 Ensure that any use or development avoids adverse effects on the characteristics and values that contribute to areas of outstanding natural character, outstanding natural landscapes and outstanding natural features.

Explanation

Refer to Landscape Policies 1, 2 and 3 where the Council's approach to identifying and protecting outstanding natural landscapes, features and coastal natural character are set out in more detail.

Policy 10.3 Enable people to enjoy the coastal environment for its natural values, amenity values and recreational opportunities, in a way that ensures safe maritime operations and provides quality access to and along the water and foreshore.

Explanation

The coastal environment is an important part of people's recreation and enjoyment, for a variety of passive and active opportunities. Access to and within the coast is therefore a fundamental part of enabling use of coastal areas. Access alone is insufficient; it must enable a quality experience. It is also important to ensure that the use of space within the coastal marine area can occur in a safe manner that recognises there are different requirements for different activities.

Policy 10.4 I identify use and development activities that are appropriate in the coastal environment and ensure that:

- Any activity in the coastal environment has regard to relevant objectives and policies in other sections of the Nelson Plan
- The safe and efficient operation of the port, airport, marina and mooring activities is enabled
- Activities which have a functional need to locate in the coastal marine area and utilise space efficiently and in a manner that protects the safety of others and recognises the public nature of the space
- Sustainable aquaculture and recreational activities are provided for, in appropriate locations

- Māori customary activities are provided for
- Consideration is given to off-setting adverse environmental effects through environmental compensation

Explanation

The coastal marine area is public space, and use and development can result in conflict and competition for space. This policy provides criteria to assist with determining appropriate uses and/or development in the coastal marine area and provides a framework for the regulatory approach taken in the Nelson Plan. There is limited demand for aquaculture in Whakatū Nelson apart from land based opportunities at Wakapuaka and potentially Delaware Bay. Further work needs to be undertaken to determine in what forms and locations aquaculture may be able to be accommodated in the coastal marine area. Appropriate use and development in the landward part of the coastal environment is addressed in other sections of the Nelson Plan.

Policy 10.5 Maintain or enhance water quality by managing discharges of sediments and contaminants.

Explanation

Coastal water quality standards and related discharge standards are a mechanism for ensuring the values and uses found in the receiving catchment (i.e. coastal waters) are managed appropriately. They can also be used to identify areas where degraded waters need to be enhanced. As Whakatū Nelson's rivers and streams ultimately discharge into coastal waters, the quality of those waters can also be affected by discharges upstream. Council's approach to setting freshwater values and limits is outlined in the Freshwater section of this RPS.

Policy 10.6 Recognise the dynamic natural functioning of the coastal edge and ensure that natural features and characteristics are protected, enhanced or restored, to maximise the resilience of the coastal edge from coastal hazards and to provide for future public access and amenity.

Explanation

Restoring and enhancing the coastal edge is a fundamental means of integrating the coastal marine and coastal land areas and recognising that natural character, landscape and other natural features are interlinked within the coastal environment. This also recognises the important role of the coastal edge in providing for public access, amenity and contributing to the management of coastal hazards, such as erosion and inundation.

Policy 10.7 Promote an integrated management approach to activities in the coastal environment by ensuring that:

- Statutory protections are recognised and adverse effects avoided
- Joint working opportunities with other regulatory agencies are supported
- Other relevant objectives and policies are also considered

#### Explanation

The need for integrated management of the coastal environment is identified as a cross-boundary issue in the Introduction to the RPS. This policy recognises the need to work together with Iwi of Te Tau Ihu and agencies such as the Department of Conservation, the Ministry of Primary Industries, Tasman District Council and Maritime New Zealand to ensure that management responses are co-ordinated and are as effective as possible. This acknowledges that in some instances there is limited knowledge about the coastal areas and working together as issues arise ensures that a range of inputs are considered and the effectiveness of responses is maximised. It also recognises that the RMA is one tool amongst others that relate to management of the coastal environment.

Further, in managing resource issues and assessing the effects of resource consent applications that cross MHWS, there are other policies such as those relating to freshwater, hazards, access and subdivision which must also be considered. The Freshwater section, for example, sets out a policy framework for addressing the effects of activities on both streams, rivers and the ultimate receiving environment - the coastal marine area.

#### Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Include area-specific controls in the coastal marine area to provide for the operations of Port Nelson, Nelson Airport and the marina.	Council	Policy 10.3 Policy 10.4
Include controls (e.g. management areas, consent requirements, assessment criteria) on activities within the coastal environment to manage their adverse environmental effects.	Council	Policy 10.1 Policy 10.2 Policy 10.3 Policy 10.4 Policy 10.5
Map areas with significant biodiversity, landscape or seascape values and place controls on activities seeking to locate there.	Council	Policy 10.2 Policy 10.3 Policy 10.4
Include coastal and freshwater quality values and limits	Council	Policy 10.5

Regulatory methods	Who	Policy link
Include provisions relating to the creation of esplanade reserves and strips.	Council	Policy 10.6
Bylaws		
Administering the Navigation Safety Bylaw.	Council	Policy 10.3 Policy 10.4
Other Statutory Policies, Standards and Plans		
Management plans for reserves with a coastal edge.	Council	Policy 10.6 Policy 10.7

Non-regulatory methods	Who	Policy link
Partnerships and agreements		
Liaise with and involve tangata whenua, Iwi, the Department of Conservation, relevant organisations and community groups, with the aim of achieving integrated management of coastal resources.	Council	Policy 10.1 Policy 10.7
Work with other agencies which have other statutory responsibilities in the marine area, including Department of Conservation (e.g. marine reserves), Ministry for Primary Industries (e.g. fisheries issues), Tasman District Council and Maritime New Zealand (e.g. shipping issues).	Council	Policy 10.7
Monitoring and information		
Monitoring and information gathering, including development of cultural indicators.	Council and tangata whenua Iwi	Policy 10.1
Monitoring and reporting on recreational bathing water quality in coastal locations (Nelson Haven, Tahunanui Beach, Monaco Beach, Cable Bay, The Glen).	Council, Nelson-Marlborough District Health Board	Policy 10.5

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
The values accorded to the coastal marine area by tangata whenua Iwi are not compromised.	Policy 10.1	Cultural indicators	Monitoring and reporting against indicators Ongoing engagement and feedback from tangata whenua Iwi
The quality of resources in the coastal marine area are maintained or enhanced.	Policy 10.5	Coastal water quality meets or exceeds limits set.	Reporting on recreational bathing water quality
	Policy 10.1	Significant areas are protected through use of marine protected areas, taiapure and mahinga mataitai.	Review of marine protected areas

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Coastal edge environments are publicly accessible and resilient to future sea level rise.	Policy 10.3 Policy 10.5 Policy 10.6	Areas available for public access are not reduced.	Coastal access surveys
	Policy 10.6	Areas protected by dune plantings, or otherwise under restoration, increase.	Coastal vegetation surveys
	Policy 10.6	The network of esplanade reserves or access strips increases.	Property records GIS / aerial records Resource consent and subdivision records
	Policy 10.6	Landowners are provided with appropriate information about coastal inundation and erosion risk.	Landowner surveys
	Policy 10.6	Adaptation actions are identified for public infrastructure.	Outcomes of shoreline study
Effective integrated management of the coastal environment.	Policy 10.7	Consent applications which cross into other jurisdictional responsibilities are dealt with consistently and seamlessly.	Resource consent records Permitting records under other jurisdictions
	Policy 10.7	Opportunities are taken to work together with other parties.	Examples of partnerships, MOUs, co-ordinated effort
	Policy 10.7	Other documents such as reserve management plans align with Nelson Plan policies for the coastal environment.	Review of relevant documents

## Principal reasons

Whakatū Nelson's tangata whenua Iwi identify strongly with the coastal marine area and are intimately concerned with its present state. Whakatū Nelson's coastal marine area is the ultimate receiving environment and as such its condition is strongly influenced by the way in which land and freshwater in 'upstream' environments are managed. Concern over the effects of land management and stormwater discharges on coastal waters were identified through initial public feedback on the direction of Whakamahere Whakatū. In addition, both the landward and seaward components of the wider coastal environment are influenced by the way in which development on the coast is managed. Public access can be affected by development on the coastal edge. Regionally significant

infrastructure, including Port Nelson, is necessarily situated on the coastal edge and its operational needs need to be provided for. The inter-connectedness of the land and coastal environments demands a set of integrated responses across Whakamahere Whakatū; hence coastal issues are also addressed in other sections.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

Chapter 11

Freshwater  
*Wai*

## I.11 Significant Resource Management Issues: Freshwater

### ***Toitu te marae a Tane, Toitu te marae a tangaroa, na pai rawa te ora.***

*If the realms of Tane and Tangaroa are sustained, then so too will life.*

Water is a valuable resource holding value for social, cultural, economic and environmental reasons. Whakatū Nelson has a vision for freshwater where all surface and groundwater is healthy; rivers and their margins are scenic and attractive; aquatic habitats sustain in-stream native fauna; rivers are accessible for swimming, fishing, and playing in; and waterbodies are sustainably managed to be available for use by future generations.

The strategic outcome sought for freshwater is for clean and accessible water through managing activities that may impact on both water quantity and quality.

The vision is aspirational and acknowledges that it may take more than the planning life of the Nelson Plan and perhaps in some cases, more than our lifetime to achieve.

Issue 11.1 Surface water quality in the lower reaches of many rivers and streams in Nelson has declined to a point where in-stream ecological values are compromised and contact recreation such as swimming is considered unsafe.

Water quality and ecosystem health are generally good in the upper reaches of most river catchments in Nelson and in areas with little resource pressure like Northern Nelson. The effects of urban, pastoral, and production land uses are apparent with degraded surface water quality in the lower part of some catchments particularly:

- Groom Creek at the Maitai confluence (Dissolved Inorganic Nitrogen)
- Sharland Creek at the Maitai confluence (Dissolved Inorganic Nitrogen)
- Brook Stream at Manuka Street (Dissolved Inorganic Nitrogen).
- Hillwood Stream at the Glen (E. Coli)
- York Stream at Waimea (E. Coli)
- Saxton Creek at the Main Road (E. Coli)
- The Maitai River below the dam (Dissolved Oxygen)

- Maitai at Collingwood Street bridge (suitability for recreation grading).
- Paremata flats reserve (suitability for recreation grading).

The principal causes of this degradation are:

- High turbidity and sediment loads caused by land erosion, river channel erosion, productive activities including forestry and discharges of stormwater
- Direct discharges to water from productive and industrial activities.
- Loss of riparian vegetation and lack of stream shading
- Modification and realignment of river channels including piping of surface water bodies
- Nutrient enrichment caused by run-off and leaching from production land, stock access to water, discharges of treated wastewater, leaks from infrastructure and septic tanks

Issue 11.2 A lack of detailed information on Nelson's groundwater resource, including the risk of saltwater intrusion and capacity.

There is a lack of information about the Deep Moutere Aquifer, which is partly located in the Nelson region, and other groundwater resources. A better understanding of Nelson's groundwater and how to actively manage this resource is required. Groundwater quality is generally acceptable although the largely coastal aquifers are at risk of saline intrusion. Little is currently known about groundwater capacity.

Issue 11.3 The use of surface water and groundwater has increased and in some cases to a point where water is fully allocated.

Demand for surface water exceeds supply in the Maitai, Roding, Saxton and Poorman Valley waterbodies. Increased water demand has the potential to adversely affect both in-stream and groundwater values and the natural character of rivers and wetlands if not managed well. Groundwater across the region is for the most part hydrologically linked to surface water which means a groundwater take will deplete flows in the river. There is a need to understand this groundwater resource and actively manage effects between bores at a local level, the effects of groundwater takes on surface water, and to be aware about the risk of saltwater intrusion. In addition, the effects from climate change have the potential to impact on the amount of water that is available.\

Issue 11.4 Recognition and acknowledgement of Te Mana o te Wai is needed.

For wai to have mana, people have to recognise and value it. The eight Iwi of Te Tau Ihu have Statutory Acknowledgement over rivers (awa) and their tributaries, which includes recognising their historical links with the rivers and acknowledging associated resources and sites of significance and value to them. The wai is a taonga of past, present and future generations and has a common whakapapa with us all. We are made of wai and wai unites all living things.

The Whakatū tangata whenua Iwi value rivers (awa) for:

- Mauri and associated wairuatanga and karakia values, taonga and tohu species
- Wairua
- Kaitiakitanga
- Mana and associated manākitanga (aroha and hospitality)
- Whakapapa (including ki uta ki tai and rangatiratanga principles)

Tika, pono, aroha, kaitiakitanga, rangatiratanga (governance), utu (reciprocity), kotahitanga (unity of purpose) and ki uta ki tai (mountains to the sea) are principles should apply across the management of water.

Issue 11.5 The natural character, physical characteristics and ecology of rivers, wetlands and their margins have been and continue to be modified.

Flood protection measures across Whakatū Nelson have in some cases significantly altered natural waterbodies, for example the Brook Stream. Structures located within the beds of rivers including bridges, culverts, water intake structures, and discharge pipes also affect the natural character of rivers and their margins. These types of uses and developments in conjunction with removal of riparian vegetation and gravel extraction have modified and continue to modify the physical characteristics and ecology of many of the region's waterbodies. Fish passage is problematic in some waterbodies e.g. the Maitai, Brook and York. Stoke waterways have significant modification to their natural character and yet have high ecological significance and potential.

## R.11 Resource Management Responses: Freshwater

### Objectives

Objective 11.1 Surface waterbodies and their beds (including wetlands) are managed in a manner which safeguards their life supporting capacity and recognises and provides for the Values listed in Schedule XX.

Objective 11.2 a) Surface water quality is managed to ensure water quality is maintained where it is at a level sufficient to support the Values in Schedule XX; and enhanced where the water quality is not at a level sufficient to support the Values in Schedule XX.

b) Groundwater quality is enhanced where it is degraded and otherwise maintained.

Objective 11.3 Water quantity is managed to enable people, industry and productive activities to take and use water to meet their reasonable needs while ensuring that:

a) For surface water:

i) Minimum flows and allocation regimes are set for the purpose of maintaining or enhancing (where degraded) the existing life supporting capacity and providing for the Values in Schedule XX

ii) In times of water shortage, takes are restricted to those that are essential to the health or safety of people and communities, or for drinking water for animals and all other takes are ceased

iii) The in-stream geomorphological components of natural character are provided for

b) For groundwater:

i) Takes do not cause significant adverse effects on the long term groundwater yield

ii) Groundwater takes that are hydrologically connected to rivers are managed within the minimum flow and allocation regimes established for rivers

iii) Groundwater takes that are hydrologically connected to wetlands are managed to protect the values and life supporting capacity of the wetland

- iv) The significant adverse effects of a groundwater take on other groundwater and surface water takes are avoided
  - v) Saltwater intrusion into coastal aquifers, induced by groundwater takes, is avoided
- c) In all cases water is used efficiently

Objective 11.4 Recognise and provide for Te Mana o te Wai in accordance with tikanga Māori principles including Ki uta ki tai: mountains to the sea, tika, pono, aroha, rangatiratanga, kotahitanga, kaitiakitanga and utu.

Objective 11.5 The beds of rivers, lakes and wetlands are managed in a manner which:

- a) Safeguards their life supporting capacity
- b) Provides for the in-stream morphological components of natural character
- c) Recognises and provides for the Schedule XX Values
- d) Provides for infrastructure and flood mitigation purposes

## Policies

Policy 11.1 Water quality and quantity for surface water and activities in the beds of rivers, lakes and wetlands shall be managed to provide for the following Values:

Value group	Individual values	Outcome
Ecosystem Health	Life supporting capacity	The freshwater management unit supports a healthy ecosystem where ecological processes are maintained, there is a range and diversity of indigenous flora and fauna and there is resilience to change.
	Native fish spawning	To be completed.
	Birds/Manu	To be completed.
	Natural form and character	Visual and physical characteristics that are valued by the community including, flow, colour, clarity, morphology or location.
	Riparian habitat	To be completed.
	Estuarine/Coastal environment	To be completed.

Value group	Individual values	Outcome
Cultural values	Mahinga kai	Kai is safe to harvest and eat and available for customary use.
	Kaitiakitanga	To be completed.
	Mauri, Wairua and Wai Tapu	Ritual and ceremonies include tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of raahui), whatnoa (removal of raahui), tuku iho (gifting of knowledge and resources for future generations).
	Whakapapa	Connectivity of water systems - Ki uta ki tai (including not adversely affecting coastal ecosystem health) and aquatic life and connection to the spiritual realm and people.
Recreation Values	Navigation (traditional and cultural)	Transport and tauranga waka refer to places to launch and land waka. Allow for connection for traditional trails and rites of passage.
	Fishing	Numbers of fish sufficient for human consumption. Attributes will be specific to fish species e.g. eels, lamprey and whitebait.
	Human health for recreation	The risk of infection to humans would be no greater than would exist there under natural conditions. Further discussion required on achievability of this regarding swimming vs boating.
Water use	Public access	To be completed.
	Productive uses	To be completed.
	Stock water	To be completed.
Infrastructure	Potable water supply	To be completed.
	Infrastructure and flood mitigation	To be completed.

#### Explanation

Land and water are inextricably linked and ki uta ki tai adopts a whole of catchment approach to managing freshwater and land use to manage water from the mountains to the sea. The Values build upon those compulsory values in the National Policy Statement for Freshwater Management and reflect the Nelson's community desire to achieve an overall improvement in water quality whilst recognising that where water quality is already good it should be maintained.

The Values are specific and refined for each of the Freshwater Management Units (FMU) - Roding, Stoke, Maitai/Mahitahi, Wakapuaka and Whangamoā as contained in Schedule XX.

A range of activities including infrastructure placement, discharges (point and non-point source), gravel extraction, water takes, and sediment run-off (natural and induced) all have the potential to impact on the range of values. The Values will inform the need for and extent of regulatory and non-regulatory methods.

People's appreciation of waterbodies can be enhanced through the ability to access water spaces and in relation to the use of water for cultural, social and economic reasons. There is the potential for conflict between competing uses and the Values aim to identify what water is valued for. Climate change has the potential to impact on Values and water quantity.

The need for retaining natural form and character aims to improve ecological systems to provide for fish and aquatic life. Riparian management, including through planting, is important for maintaining and enhancing the ecological systems of waterbodies as well as for wider biodiversity benefits.

Policy 11.2 Surface water quality targets shall be met in the following way:

- a) Where existing water quality (parts of, or in its entirety) meets the relevant Schedule XX targets they must continue to be met
- b) Where existing water quality does not meet the relevant Schedule XX targets (parts of or in entirety) then the activity must be managed in a way which enhances water quality
- c) Where there is insufficient data to know what the existing water quality is then water quality must be maintained or enhanced and have regard to the Values in Schedule XX

#### Explanation

The targets for surface water quality aim to achieve the maintenance or enhancement of water quality over time based on the state of existing water quality. The targets provide benchmarks against which activities requiring consent will be assessed. These targets give effect to the requirements of the National Policy Statement for Freshwater Management.

Policy 11.3 Groundwater quality shall be maintained, or where ground water is degraded it must be enhanced.

Explanation

Groundwater quality is generally acceptable and as a result existing quality levels must, as a minimum, be maintained.

Policy 11.4 Land use activities affecting groundwater and surface water quality shall be managed in the following way:

- a) Identifying and managing in the Plan land use activities that make a significant contribution to elevated contaminant levels within Freshwater Management Units through good management practices
- b) Ensuring point source discharges to water follow for good management practice and consider best practicable option and the use of financial contributions for off-sets
- c) Will not result in pathogens or other toxic substances accumulating in the soil or pasture to levels that would render the soil unsafe for agricultural, domestic or recreational use or impact on freshwater values, objectives and limits
- d) Maximising re-use of water and nutrients
- e) Ensuring adverse effects on biodiversity are avoided, remedied or mitigated
- f) Ensuring discharges of liquid to land do not exceed the available water storage capacity of the soil (deferred irrigation)

Explanation

The policy identifies the management tools and techniques that need to be considered and addressed where land use activities have the potential to affect water quality.

Policy 11.5 Before entering a water body or coastal environment all discharges of treated human sewage must:

- a) Be applied onto or into land; or
- b) Flow overland; or
- c) Pass through an alternative system that mitigates the adverse effects on the mauri of the receiving water body.

#### Explanation

Human sewage has the potential to affect the mauri of the receiving water and so alternative methods of disposal need to have been considered and addressed.

- Policy 11.6 The amount of water taken by resource users must be reasonable and justifiable for the intended use. The following matters will be considered in defining reasonable and justifiable use:
- a) For irrigation there must be a reasonable use test based on maximum daily rate of abstraction, the irrigation return period, the seasonal or annual volume and the take must demonstrate efficiency
  - b) For domestic use, animal drinking water and dairy shed wash down, needs must be calculated as:
    - i) Domestic water supply should be from a reticulated system and where no other option is available it will be up to XX litres per person per day
    - ii) Up to XX litres per animal per day for drinking water
    - iii) Up to XX litres per animal per day for dairy shed wash down water
  - c) Industrial use should be from a reticulated system and where no other option is available then good management practice must apply
  - d) For public water supplies good management practice based on industry standards must be applied

#### Explanation

Generally water supply must be through the reticulated system to maximise water efficiency and to ensure over allocation does not occur. In situations where water cannot be sourced from a reticulated supply then reasonable and justifiable use will need to be demonstrated whilst achieving the Values in Schedule XX.

- Policy 11.7 Minimum flows and core allocations will be set where there is good hydrological information, or must generally be a minimum flow equal to the estimated or calculated one day mean annual low flow.

Supplementary allocations (outside of the core allocation) will be considered where:

- a) There is not an increase in the frequency or duration of low flows

- b) It will not lead to a significant departure from the natural flow regime including the magnitude of the median flow and the frequency of flushing flows

Explanation

Water allocation limits are set to manage the Values within each Freshwater Management Unit.

Policy 11.8 When a river is at or below its minimum flow, takes must be managed to achieve:

- a) Permitted takes or water for firefighting purposes can continue regardless of flow
- b) Essential takes must be managed in accordance with the conditions of consent
- c) Non-essential takes must cease when the river is at or below its minimum flow

Explanation

When water use needs to be restricted to maintain a minimum flow for the life supporting capacity of the waterbody, life sustaining and essential water takes have first priority.

Policy 11.9 Groundwater takes will be managed to:

- a) Avoid saltwater intrusion near the coast.
- b) Minimise the measured or modelled effects on other groundwater uses and surface water.
- c) Bore construction meets industry good management practice standards.

Explanation

Careful consideration needs to be given to groundwater takes where there is the potential for saltwater intrusion, where there is impact on other existing takes and on surface water bodies. Bore construction needs to be to a standard to ensure the bore's integrity is maintained.

Policy 11.10 The management of the beds of rivers must:

- a) Recognise and provide for the Values as contained in Schedule XX
- b) Avoid any significant reduction in the ability of the waterbody to convey flood flows

- c) Avoid, remedy or mitigate any significant adverse effects on flood control structures or monitoring sites
- d) Avoid, remedy or mitigate any significant reduction in habitat diversity including morphological diversity
- e) Manage effects on natural character which includes the natural style and dynamic processes of the river, width and the quality and quantity of the habitat of the bed
- f) Provide for safe fish passage
- g) Ensure the existing nature and extent of navigation is not obstructed
- h) Ensure that access for the maintenance and operation of existing infrastructure is not impeded
- i) Provide for continued public access
- j) Recognise the role gravel extraction has in flood protection whilst ensuring river Values are provided for

#### Explanation

There are certain activities that need to occur in the beds of rivers. However, management of these activities is important to maintain the Values for the waterbodies.

#### Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Include controls to maintain or enhance freshwater quality by identifying values, including cultural values, and limits.	Council	Policy 11.1 Policy 11.2 0 Policy 11.9
Include controls to manage the abstraction of surface water and groundwater by identifying minimum flows and water allocation limits whilst providing for section 14(3) of the Act regarding water takes.	Council	Policy 11.1 Policy 11.6 Policy 11.7 Policy 11.8 Policy 11.9
Include controls (e.g. consent requirements and assessment criteria) for discharges to freshwater to manage their adverse effects, recognising that protecting the mauri of the water may require some discharges to be prohibited.	Council	Policy 11.1 Policy 11.4 Policy 11.5
Include provisions relating to the creation of esplanade reserves and strips for the purpose of protecting and enhancing water quality.	Council	Policy 11.1 Policy 11.4
Include controls for the management of the beds of rivers.	Council	Policy 11.1 Policy 11.10

Non-regulatory methods	Who	Policy link
Monitoring and Information		
Review groundwater monitoring programmes for both water quantity and quality.	Council, Consent holders	Policy 11.2 0 Policy 11.9
Review telemetry flow monitoring sites to align stream flows, minimum flow rates and water quality and to develop an integrated research, monitoring and reporting programme.	Council	Policy 11.7
Target permitted activity monitoring of water takes, particularly for groundwater, and check whether consents are required.	Council	Policy 11.6 Policy 11.9
Require telemetry units on water takes over 5 l/sec. Council will consider funding of the telemetry units.	Council Water users	Policy 11.7
Target programmed replacement of infrastructure to prevent further leaks particularly where infrastructure crosses waterbodies.	Council	Policy 11.1
Advocacy and Education		
Update the trade waste bylaw and educate and promote the instalment of latest technology for sediment/silt and heavy metal trap technology for urban and industrial stormwater.	Council Community	Policy 11.1
Provide education focusing on water, conservation of water, the threats to water and what can be done to protect/restore it. Enviro schools and wai maori programmes will be used for youth education.	Council Community Schools	Policy 11.1
Efficiency of use programmes including industrial users and urban water restrictions.	Council Community	Policy 11.6
Funding and Assistance		
Target Nelson Nature funding to improve in-stream biodiversity with priority aimed at improving areas adjacent to popular swimming sites, aquatic sites of significance, fish spawning sites and degraded waters.	Council	Policy 11.1
Target Project Maitai funding to improve water quality within the Maitai Freshwater Management Unit particularly around popular swimming holes and improve degraded streams such as the York Stream.	Council	Policy 11.1
Non-Statutory Plans and Strategies		
Develop gravel management strategies for all major streams.	Council	Policy 11.1 Policy 11.10
Provide farm plans which set out good management practice for larger farming activities in Nelson.	Council Rural landowners	Policy 11.1 Policy 11.4 Policy 11.6
Develop good management practice guidelines in collaboration with industry, other relevant organisations and stakeholders to support the implementation of policies which rely on good management practice to achieve desired environmental outcomes e.g. the farming, forestry sector and Council infrastructure.	Council Industry Federated Farmers Community	Policy 11.1

Non-regulatory methods	Who	Policy link
Develop and implement restoration management plans with interested landowners who have outstanding wetlands and significant wetlands on their property.	Council Landowners	Policy 11.4
Partnerships and agreements		
Work with Iwi to assist communities in understanding and providing for mana whenua values and, in particular, their relationships with land and water within Te Tau Ihu.	Iwi Council	Objective 11.4

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Takes and discharges will be managed to enable Nelson Plan Values to be maintained or enhanced.		<p>Measured water quality compared to water quality targets.</p> <p>Measured flows compared to the minimum flow regime in the Plan.</p> <p>No loss of existing fish habitat.</p> <p>Macro invertebrate diversity in rivers is maintained.</p> <p>The mauri, wairua and tapu of waterbodies is sustained.</p> <p>Municipal water supply is protected so that public health is safeguarded.</p> <p>There is no decline in the condition and extent of wetlands.</p> <p>There is an increase in water harvesting and water storage.</p> <p>Access to waterbodies is maintained or enhanced.</p> <p>Riparian planting is enhanced.</p> <p>There are no direct human sewage discharges to water by <b>XX</b>.</p>	<p>State of the Environment monitoring</p> <p>Monitoring and reporting for the National Policy Statement for Freshwater Management</p> <p>Ministry of Health water monitoring</p> <p>Reporting as part of Nelson Nature and Project Maitai</p> <p>Resource consents database.</p> <p>Compliance monitoring programme</p> <p>Iwi monitoring</p>
The natural, physical and cultural qualities of the beds of rivers meet the Values set in Schedule <b>XX</b>		<p>No new barriers to fish passage and existing impediments are reduced.</p> <p>Gravel extraction is managed sustainably.</p> <p>Flood management techniques ensure there is a healthy functioning ecosystem.</p>	<p>State of the Environment monitoring</p> <p>Reporting as part of Nelson Nature and Project Maitai</p> <p>Resource consents database</p> <p>Compliance monitoring programme</p>

Anticipated Environmental Result	Link to policy	Indicator	Data Source
The amount of groundwater used does not exceed replenishment rates, and groundwater quality is maintained or enhanced.		There is an increase in water harvesting and water storage. Groundwater takes do not impact on surface waterbody flows.	State of the Environment monitoring Resource consents database Compliance monitoring programme

## Principal reasons

The issues, objectives and policies promote the sustainable management of water (both surface and ground water and in relation to quality and quantity) in Whakatū Nelson and meet the requirements of the National Policy Statement for Freshwater Management.

There is a need to safeguard not only life-supporting capacity but ecosystem processes and indigenous species. Habitat and connections between water bodies are important aspects of the ecosystem health value. Fish passage and connectivity of habitats is also a critical aspect of ecosystem health. Environmental systems and resources are interconnected, complex and require management in order to achieve ki utu ki tai (mountains to the sea connection).

In some parts of the region, waterbodies are fully allocated and in some catchments are currently over allocated. Efficiency in allocation and use of water means that those resources under pressure will be better able to provide for the future needs of the community, while also maintaining intrinsic values which are important to Nelson.

There is a need for activities in the beds of rivers and lakes but they need to be managed in a way that achieves the Freshwater Values.

While the regional policy statement is a tool being used by Council to manage freshwater quality and quantity, the objectives will not be achieved without all stakeholders in water taking action to maintain or, where needed, improve the state of our waterbodies. Ongoing research, monitoring, advice, information, education and incentives are also proposed as non-regulatory methods. Work Council is undertaking in the non-regulatory area, e.g. Nelson Nature, has the ability to influence water quality outcomes in a collaborative manner with all parties.





# DRAFT REGIONAL POLICY STATEMENT

May 2016

Chapter 12

Air

*Kounga hau*

## I.12 Significant Resource Management Issues: Air

Issue 12.1 There is a need to safeguard Whakatū Nelson's ambient air quality in order to maintain the community's health and well-being.

Safeguarding the life-supporting capacity of air is a core aim of sustainable resource management. Related to this, Whakatū Nelson's ambient air quality and the community's collective health and well-being are directly linked.

Historically, Whakatū Nelson's ambient air quality has been adversely affected by domestic home heating sources. Since 2001, however, the City's ambient air quality has improved significantly. Owing to the phase out of open fires and older, polluting wood burners, Nelson's four urban airsheds experienced 60-70% reductions in domestic heating-related emissions over the period from 2001 to 2015.

Improvements have also been observed in relation to the City's statutory obligations<sup>1</sup> under the National Environmental Standard for Air Quality (NESAQ). In 2001, monitoring data from Nelson South recorded 81 exceedances of the NESAQ 50µg/m<sup>3</sup> short-term exposure limit, with maximum concentrations observed at around 165µg/m<sup>3</sup>. By 2015, annual exceedances had almost completely ceased and maximum recorded concentrations were below 60µg/m<sup>3</sup>. However monitoring results also suggest that further reductions from domestic heating are required to ensure that maximum short term and long term exposure levels are not breached.

Limitations on the use of wood-burning appliances have also given rise to concerns about the consequences of air quality rules on people's ability to heat cold, damp homes and consequent health impacts. There have been significant increases in electricity prices in the last decade that have potentially compounded this issue, particularly in relation to older housing stock and rental properties where improvements to the Building Act 2004 insulation standards are less relevant and the limitations of the Residents Tenancies Act 1986 have most impact. Moreover, some residents prefer wood burning to other domestic heat sources for cultural, economic, aesthetic, and other reasons. There is accordingly a need to strike a balance between improving outdoor air quality and ensuring that homes are able to be kept warm and dry enough to meet human health needs.

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<sup>1</sup> The NES threshold for ambient PM<sub>10</sub> is 50 µg/m<sup>3</sup> averaged over a given 24-hour period, and 20 µg/m<sup>3</sup> annual average.

The Nelson Air Emissions Inventory 2014 indicates that the source of air pollution varies in different parts of Nelson, although domestic home heating is still the cause of more than 90% of emissions everywhere within the urban area except Tahunanui. The inventory indicates:

- In Airshed A (Nelson South) 91% of the emissions are from domestic home heating, 5% from industry and 4% from transport
- In Airshed B1 (Tahunanui) 54% of emissions are from domestic home heating, 41% from industry and 5% from transport (motor vehicles and airport emissions)
- In Airshed B2 (Stoke) 93% of emissions are from domestic home heating, 4% from transport and 3% from industry
- In Airshed C (Central and North Nelson) 93% of emissions are from domestic home heating, 5% from transport and 2% from industry

Discharges from rural, industrial and transport sectors also affect air quality.

Air pollutants including nitrogen oxides (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO), volatile organic compounds (VOC), carbon dioxide (CO<sub>2</sub>), benzene and hazardous air pollutants can cause health effects, depending on concentrations and exposure.

Vehicle emissions are ultimately regulated by Central Government; however the Nelson Plan plays a role in managing the impacts of vehicle emissions on air quality, including through its promotion of a compact urban form and associated reductions in reliance upon private vehicle usage.

In addition to health considerations, meeting the NESAQ standards is important to the economic wellbeing of the community. For example, breaches of the standards may jeopardise the ability of industries to be able to gain consent to operate, where this involves air discharges.

***The Government has signalled a review of the National Environmental Standard by October 2016. It is anticipated that the revised NESAQ will be amended to focus more on long term exposure to smaller PM2.5 particles than on short term exposure to PM10 particles. This approach is recommended by the Parliamentary Commissioner for the Environment and by the World Health Organisation.***

***The impact of a change to the NESAQ for Nelson's air quality provisions is not yet known, and a variation to the air quality provisions may be required.***

Issue 12.2 Localised adverse effects from discharges to air need to be appropriately managed.

The management of localised adverse effects on amenity values, human health, property and the environment is necessary. Adverse effects can occur from smoke, odour, dust, agrichemicals, combustion activities or the discharge of other contaminants. The potential for (and magnitude of) these effects can be elevated where neighbouring land uses are incompatible.

Issue 12.3 Tangata whenua Iwi's role as kaitiaki, and recognition of customary practices, need greater acknowledgement in resource management decision making.

The approach to air quality management needs to account for iwi/tangata whenua Iwi values and traditions, including:

- (a) Acknowledgement of air as a taonga
- (b) Enabling tangata whenua to exercise kaitiakitanga
- (c) Recognising the ongoing use of customary practice such as hangi and ahi kaa

Air quality is an issue that is of significance to Iwi and is highlighted in Iwi Management Plans and the Aoturoa framework described in the Iwi tangata whenua section of the Plan.

## R.12 Resource Management Responses: Air

### Objectives

Objective 12.1 Maintain and enhance Whakatū Nelson's air quality in a way that provides for people's health and well-being.

### Policies

Policy 12.1 Manage Whakatū Nelson's ambient air quality to ensure the National Environmental Standards for Air Quality are met in a way that:

- a) does not unduly limit the ability of people to heat their home
- b) enables discharges of contaminants where they do not result in significant adverse effects on human health, local amenity or other natural or physical resources

- c) maximises opportunities to enhance air quality through improved technology and practices.

#### Explanation

The Council is required to meet a minimum standard for air quality under the NESAQ. This, in turn, requires that a variety of management measures must be applied across domestic, rural, industrial and transport sectors.

Improvements in the City's air quality have been significant in recent decades, owing to substantial reductions in emissions from domestic heating sources. It is important to achieve further reductions in emissions from domestic sources while also ensuring that management measures do not result in adverse health outcomes borne out of people's inability to warm their homes.

New generation solid fuel burners (ultra-low emission burners) are now commercially available and are considerably cleaner than their predecessors. These new burners, combined with further technological advancements and improvements in domestic wood-burning behaviour, are anticipated to play important roles in the future.

It is also important to provide for other activities, such as industrial and rural activities, that involve the discharge of contaminants to air. However, the discharges must be managed to avoid nuisance effects such as dust and odour, or other significant effects on the local environment or people's health and safety.

Policy 12.2 Minimise the potential for incompatible activities to establish near one another by discouraging:

- new activities that emit dust, smoke, odour, agrichemicals or the discharge of contaminants locating near sensitive activities
- new sensitive activities from locating near activities that emit dust, smoke or odour, agrichemicals or the discharge of contaminants

#### Explanation

In areas which are sensitive to nuisance effects such as dust and odour, activities which entail those nuisance effects should be avoided unless they can mitigate the effects on amenity, health and well-being to a sufficient degree.

Likewise, established activities that emit contaminants to air may be subject to reverse sensitivity effects if new sensitive activities are allowed to be established nearby. This outcome should generally be avoided.

Policy 12.3 Enable customary practices and tikanga of tangata whenua Iwi in a manner that protects the mauri of air.

Explanation

Air is a taonga for Maori, and the safe-guarding of air's life supporting quality is an important function of kaitiakitanga.

Provision of kai and manaakitanga are similarly important to tangata whenua, and these and other customary practices must take into account their potential to affect the mauri of Whakatū Nelson's overall air quality.

## Methods

Regulatory methods	Who	Policy link
Nelson Plan		
Include minimum requirements for new domestic solid fuel burning appliances for home heating, including minimum efficiency and emission standards.	Council	Policy 12.1
Manage allocation of domestic solid fuel burning appliances for home heating by airshed.	Council	Policy 12.1
Use buffer areas and associated rules to manage incompatible activities.	Council	Policy 12.2
Include subdivision methods to maximise solar gain for new buildings.	Council	Policy 12.1
Include measures to manage dust, odour, smoke and other effects from discharges to air, including point source discharges.	Council	Policy 12.2
Include controls providing for the ongoing use of tangata whenua iwi customary practices such as hangi and ahi kaa.	Council	Policy 12.3
Include measures to enable small scale and or 'clean' industrial practices, and other management measures for larger facilities.	Council	Policy 12.1
Other Statutory Policies, Standards and Plans		
National Environmental Standards for Air Quality and associated Ministry for the Environment guidelines	Council, MfE	Policy 12.1
Region-wide aims for reducing vehicle emissions through the Regional Land Transport Plan.	Council, Tasman District Council, New Zealand Transport Agency	Policy 12.1

Non-regulatory methods	Who	Policy link
Monitoring and information		
Conduct and report on regular airshed monitoring and biennial emission inventories, and make information available to the public.	Council, Tasman District Council, New Zealand Transport Agency	Policy 12.1
Administer domestic wood-burner allocation and certification programmes, including biennial review procedures and associated monitoring. Maintain an inventory of appliances that have been certified and allocated, and update the public on any changes to allocation limits.	Council	Policy 12.1
Collaborate with the District Health Board to improve understanding of health impacts from air quality, and to monitor trends in observed health outcomes.	Council, District Health Board,	Policy 12.1
Advocacy and education		
Encourage information sharing between the public, Council and other agencies and sectors regarding air quality and the management of discharges to air.	Council, Public, New Zealand Transport Agency, Ministry for the Environment, Tasman District Council, District Health Board, Industrial sector	Policy 12.1
Promote use of housing insulation, non or low emitting efficient domestic heating options, and appropriate renewable energy generation systems.	Council	Policy 12.1
Implement an enhanced behaviour change programme to improve domestic wood-burning practices, including through: <ul style="list-style-type: none"> <li>• expansion of Council's education programmes such as the 'Good Wood Scheme'</li> <li>• increased and targeted identification of excessive or serial smoky burners</li> <li>• targeted engagement and follow up visits to improve burning practices</li> <li>• increased media campaigns and direct public engagement at public events</li> <li>• increased monitoring and enforcement where required</li> </ul>	Council	Policy 12.1
Provide advice and technical information to industrial and rural sectors for the management of dust, odour and other nuisance effects.	Council	Policy 12.2
Promotion of composting, recycling and waste reduction.	Council	Policy 12.1
Funding and assistance		
Provide financial assistance to support installation of insulation.	Council	Policy 12.1
Provide free home assessments and advice on energy, water, and material efficiency and encourage better resource use.	Council	Policy 12.1

## Anticipated environmental results

Anticipated Environmental Result	Link to policy	Indicator	Data Source
Nelson's ambient air quality will improve such that contaminant levels in all airsheds meet the National Environmental Standards throughout the life of the Nelson Plan.	Policy 12.1	PM <sub>10</sub> levels Carbon monoxide Nitrogen dioxide Ozone Sulphur dioxide	The Council's state of environment air quality monitoring programme
Nelson' homes are healthier and warmer overall.	Policy 12.1	Number of homes insulated through the Warmer Healthier Homes Nelson-Tasman programme. Adequate heating available for cold homes.	District Health Board records Feedback from community Council surveys Eco Design Adviser
New development is designed to maximise energy efficiency.	Policy 12.1	Design of new buildings.  Availability of advice on designing for solar gain.	Consent data  Eco Design Adviser
Tangata whenua can exercise manaakitanga.	Policy 12.3	Feedback from Iwi	Consent data Plan change data

## Principal reasons

Council provides a key role in managing Nelson's air resource to enable communities to provide for their social, economic and cultural wellbeing and their health and safety while safeguarding the life supporting capacity of air.

The National Environmental Standard for Air Quality sets separate but interlinked standards that: ban activities that discharge significant quantities of dioxins and other toxics into the air; establish ambient (outdoor) air quality levels; provide a design standard for new wood burners installed in urban areas; and require large landfills to collect greenhouse gas emissions. Council needs to meet these standards as a minimum. The way that Council achieves these standards will have a significant impact on the health and wellbeing of the community.

While domestic fires are the main source of air pollution in Nelson, it should be recognised that cold damp houses can also significantly impact on people's health. While Nelson's air quality has improved significantly over the last decade there are still a large number of people living in unhealthy homes. Restrictions on heating options and costs of heating are potentially compounding this issue. The Plan aims to strike a balance

between achieving minimum air quality standards while not unduly limiting the ability for people to heat their homes. This is achieved via a number of methods including controls on the number of, and type of, woodburners across different airsheds, supporting a behaviour change and insulation programme, and implementing an ongoing monitoring and modelling programme to keep up to date with new technology and understand future opportunities for airshed capacity.

There is also a need to manage incompatible activities by ensuring amenity values are maintained. The Plan seeks to discourage activities that have noxious discharges from locating next to sensitive activities and sensitive activities from locating next to noxious dischargers.

Tangata whenua Iwi's role as kaitiaki and recognition of customary practices are also necessary in managing the air resource. Council has decided to take a partnership approach with Iwi in developing the Nelson Plan. Reference to air quality is made in Iwi Management Plans refer to air quality and there is a need for Iwi Management Plans to be taken into account.

The Iwi Chapter of the Plan highlights that natural and physical resources should be managed in away that provides for tikanga Maori and the spiritual and cultural values of Whakatū's tangata whenua Iwi. Iwi have indicated that recognition of ahi kaa and provision for cultural activities such as hangi will contribute to achieving this objective.