Planning Bundle

For resource consent applications by TiGa Minerals and Metals Ltd to establish and operate a mineral sand mine on State Highway 6, Barrytown (RC-2023-0046; LUN3154/23)

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Section A
West Coast Regional Policy Statement
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3. Resource Management Issues of Significance to Poutini Ngāi Tahu

POUTINI NGĀI TAHU AND THE MANAGEMENT OF NATURAL RESOURCES

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

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

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

1. KAITIAKITANGA

Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly. Poutini Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngāi Tahu, kaitiakitanga entails an active exercise of responsibility in a manner beneficial to the resource. Kaitiaki, the people who practice kaitiakitanga, do so because they hold the authority and responsibility to do so. To Poutini Ngāi Tahu, kaitiakitanga is not a passive custodianship and they are required to play an active kaitiaki role in the day to day management of natural resources. Section 7(a) of the RMA requires the Council to have particular regard to kaitiakitanga. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations.

2. RANGATIRATANGA

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

Traditionally, rangatiratanga incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom. Today, it is similar to the functions of the WCRC and is expressed through the relationship between Poutini Ngāi Tahu and the Council. A practical expression of rangatiratanga is the active involvement of Poutini Ngāi Tahu in resource management decision-making processes. The Regional Council has long recognised the need to consult with Poutini Ngāi Tahu - and to provide opportunities for their active involvement in resource management processes. The two rūnanga have been invited to appoint members to the Council's Resource Management Committee and this arrangement has worked well for many years. Poutini Ngāi Tahu will continue to have a voice in all resource management decision making.

3. MAURI

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

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

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

4. Mahinga kai

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

5. Ki Uta Ki Tai

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

6. Wāhi tapu

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

7. Taonga

All natural resources – air, land, water and indigenous biological diversity are taonga. Taonga are treasures, things highly prized and important to Poutini Ngāi Tahu, derived from the Atua (Gods) and left by the tīpuna (ancestors) to provide and sustain life. Taonga include sites and resources such as wāhi tapu, tauranga waka, and mahinga mātaitai, other sites for gathering food and cultural resources, tribally significant landforms, and features. The term cultural landscapes is an inclusive expression for taonga sites and areas.

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

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

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

6. The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate, having regard to the effects of the use.

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

OBJECTIVES

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

POLICIES

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

EXPLANATION TO THE POLICIES

Policy 1 is intended to reflect Treaty principles and gives effect to section 8 of the RMA. The term "principles of the Treaty of Waitangi" originates from the Treaty of Waitangi Act 1975. The Court of Appeal has emphasised that it is the principles of the Treaty which are to be applied, not the literal words. The Privy Council characterised the Treaty principles as a dynamic force in that they reflect the intent of the Treaty as a whole and include, but are not confined to, the express terms of the Treaty. In this context the Regional and District Councils' responsibilities are to take into account the principles of the Treaty as defined by the Act and clarified by the courts.

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

The Regional and District Councils will endeavour to:

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

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

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

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

PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES AND METHODS

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

ANTICIPATED ENVIRONMENTAL RESULTS

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

4. Resilient and Sustainable Communities

BACKGROUND TO THE ISSUES

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

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

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

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

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

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

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

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

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

OBJECTIVES

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

POLICIES

1. To sustainably manage the West Coast's natural and physical resources in a way that enables a range of existing and new economic activities to occur, including activities likely to provide substantial employment that benefits the long term sustainability of the region's communities.
2. Regional and district plans must:
   a) Contain regulation that is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;
   b) Be as consistent as possible;
   c) Be as simple as possible;
   d) Use or support good management practices;
   e) Minimise compliance costs where possible;
   f) Enable subdivision, use and development that gives effect to relevant national and regional policy direction; and
   g) Focus on effects and, where suitable, use performance standards.
3. To consider the transfer and delegation of regional and district council functions (as provided by sections 33 and 34 of the RMA) where it would result in increased efficiencies and/or effectiveness in achieving resource management objectives, using shared services principles.
4. To promote:
   a) The sustainable management of urban areas and small settlements, along with the maintenance and enhancement of amenity values in these places; and
   b) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.
5. Promote the sustainable management of historic heritage, through:
   a) Identification of significant values associated with historic heritage;
   b) Ensuring that subdivision, use and development does not detract from the significant values of historic heritage; and
   c) Encouraging the adaptive reuse of historic heritage where appropriate and practicable.
6. Cultural landscapes are appropriately identified, and effects of activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu.

EXPLANATION TO THE POLICIES

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

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

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

Enabling subdivision, use and development in regional and district plans can be achieved in a number of ways. Most obviously this is through activity status (for example permitted or controlled activities), but there are other tools such as limited notification of resource consent applications and setting out resource consent application information requirements.

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

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

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

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. The Regional and District Councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, must:
   a) Consider:
      i) Removing unnecessary regulation;
      ii) Opportunities for streamlined, efficient processes;
      iii) Increasing flexibility of approach, certainty of provisions, and consistency of process; and
      iv) Taking a risk based approach;
   b) Consider the benefits, costs and risks of combining planning documents and joint plan changes, in part or in total, including on specific resources or geographical areas; and
   c) Consider the use of good management practices (including environmental best practice guidelines, and codes of practice).
2. Undertake joint consent processes where appropriate.
3. Assess and identify in regional and district plans significant historic heritage according to criteria based on the following matters: (a) Historic (b) Cultural (c) Architectural (d) Archaeological (e) Technological (f) Scientific (g) Social (h) Spiritual (i) Traditional (j) Contextual (k) Aesthetic.
4. Use regional and district plans, and the resource consent process, to recognise and protect significant historic heritage from inappropriate subdivision, use and development.
5. Use regional and district plans, and the resource consent process, to recognise the contribution of public access to the economic, social and cultural wellbeing of people and communities, and to manage adverse effects on this and other amenity values.
6. Regional and district councils will consult with Poutini Ngāi Tahu about appropriate provision for cultural landscapes in regional and district plans.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

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

ANTICIPATED ENVIRONMENTAL RESULTS

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

5. Use and Development of Resources

BACKGROUND TO THE ISSUES

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

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

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

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

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

The Department issues concessions under the Conservation Act, or access arrangements under the Crown Minerals Act in the case of mining, for activities to occur. While this includes consideration of environmental effects under the Conservation Act, regional and district council functions under the RMA still apply on public conservation land. While large portions of land are not freehold in the region, appropriate use and development can occur, generating growth opportunities while still protecting the values of natural resources and the wider environment.

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

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

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

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

OBJECTIVES

1. To recognise the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.
2. Incompatible use and development of natural and physical resources are managed to avoid or minimise conflict.

POLICIES

1. Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region's people and communities.
2. To recognise that natural and physical resources important for the West Coast's economy need to be protected from significant negative impacts of new subdivision, use and development by:
   a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities located near existing:
      i) Primary production activities;
      ii) Industrial and commercial activities;
      iii) Minerals extraction*;
      iv) Significant tourism infrastructure;
      v) Regionally significant infrastructure; and
   b) Managing new activities to retain the potential future use of:
      i) Land with significant mineral resources; or
      ii) Land which is likely to be needed for regionally significant infrastructure.

      *Minerals extraction includes aggregates and other mining activities.

EXPLANATION TO THE POLICIES

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Provide for the sustainable use and development of natural resources through regional and district plan provisions and resource consents.
2. Encourage discussion and co-operation between existing resource users (including land used for primary production) and those proposing new use and development of natural and physical resources (including the provision of infrastructure), to resolve conflicts and achieve integration of these activities.

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

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

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

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

ANTICIPATED ENVIRONMENTAL RESULTS

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

7. Ecosystems and Indigenous Biological Diversity

BACKGROUND TO THE ISSUES

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

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

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

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

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

This Chapter sets the objectives and policies to be given effect to in district and regional plans, including through the use of rules, to achieve the protection of SNAs, and to maintain indigenous biological diversity. The Chapter also states the responsibilities of the region's local authorities to maintain indigenous biological diversity.

The region's terrestrial and fresh water indigenous biological diversity must be maintained. In some circumstances, adverse effects are unacceptable and must be avoided. In other circumstances, adverse effects may be able to be managed through the mitigation hierarchy. The West Coast councils and Department of Conservation are committed to using both regulatory and non-regulatory measures to ensure that significant indigenous vegetation and significant habitats of indigenous fauna are sustainably managed and protected.

Statement of Local Authority Responsibilities

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

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

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

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

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

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

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

1. Activities which contribute to people's wellbeing may adversely affect indigenous biological diversity.
2. In the context of extensive indigenous vegetation and habitats, much of which is on land managed by the Department of Conservation, an integrated management approach is required.
3. Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biological diversity under the RMA, to the extent practicably possible.

OBJECTIVES

1. Identify in regional and district plans, and through the resource consent process, areas of significant indigenous vegetation and significant habitats of indigenous fauna in a regionally consistent manner.
2. Protect significant indigenous vegetation and significant habitats of indigenous fauna.
3. Provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing in areas of significant indigenous vegetation and significant habitats of indigenous fauna.
4. Maintain the region's terrestrial and freshwater indigenous biological diversity.

POLICIES

1. a) Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified using the criteria in Appendix 1; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan and district plans.
   b) Significant wetlands will be identified using the criteria in Appendix 2; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan.
2. Activities shall be designed and undertaken in a way that does not cause:
   a) The prevention of an indigenous species' or a community's ability to persist in their habitats within their natural range in the Ecological District, or
   b) A change of the Threatened Environment Classification to category two or below at the Ecological District Level;[2] or
   c) Further measurable reduction in the proportion of indigenous cover on those land environments in category one or two of the Threatened Environment Classification at the Ecological District Level;[3] or

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

3 ibid

d) A reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Classification Categories 1 – nationally critical, 2 – nationally endangered, and 3a – nationally vulnerable[4].

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

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

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

7. Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:
   a) Allowing activities with no more than minor adverse effects;
   b) Avoiding, remedying or mitigating more than minor adverse effects;
   c) Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.

8. Maintain indigenous biological diversity, ecosystems and habitats in the region by:
   a) Recognising that it is more efficient to maintain rather than to restore indigenous biological diversity;
   b) Encouraging restoration or enhancement of indigenous biological diversity and/or habitats, where practicable; and
   c) Advocating for a co-ordinated and integrated approach to reducing the threat status of indigenous biological diversity.

9. Give effect to Objective 2 of Chapter 3 by:
   a) Providing for the kaitiakitanga role of Poutini Ngāi Tahu in the management of indigenous biological diversity;
   b) Provided that Policy 2 is met, recognising and providing for subdivision, use and development in a SNA where it is for the purpose of papakainga, cultural harvest or mahinga kai gathering by papatipu rūnanga in a manner that accords with tikanga and kaitiakitanga;
   c) Where practicable, provide for Poutini Ngāi Tahu customary use of indigenous species in a manner that accords with tikanga and kaitiakitanga, within the framework of the regional and district council's RMA functions.

EXPLANATION TO THE POLICIES

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

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

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

Policy 1 recognises that using regionally consistent criteria for determining and identifying Significant Natural Areas (SNAs) assists with achieving sustainable management. It is best practice to map SNAs in plans, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

Policy 2 does not preclude activities from being undertaken provided that they meet the 'bottom lines" identified. In making this assessment, decision-makers need to take into account any measure, (except indigenous biological diversity offsetting or biodiversity compensation) proposed to prevent the effects in Policy 2 from occurring.

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

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

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

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Use the ecological criteria in Appendices 1 and 2 for identifying significant indigenous vegetation and significant habitats of indigenous fauna, and significant wetlands respectively, and the areas identified using the criteria will be mapped in district and regional plans.
2. Use regional and district plans and nationally recognised guidance to protect SNAs and maintain the region's indigenous biological diversity.
3. Maintain indigenous biological diversity by using non-regulatory means, including liaising/working with the Department of Conservation, Poutini Ngāi Tahu, affected landowners and other organisations and community groups.
4. Regional and district councils will work together with Poutini Ngāi Tahu to identify opportunities to enable their kaitiakitanga role in relation to the use and protection of indigenous biological diversity under the RMA, including managing adverse effects of subdivision, use and development on the customary use of indigenous biological diversity.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

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

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

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

ANTICIPATED ENVIRONMENTAL RESULTS

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

7A. Natural Character

Background to the Issues

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

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

Internationally recognised for its natural character, the West Coast is attracting large numbers of tourists seeking natural experiences. As a result, tourism is currently one of the top economic contributors to the region. The natural character of the region's wetlands, and lakes and rivers and their margins and their associated amenity values are enjoyed by both residents and visitors.

Ensuring that the region retains those aspects that are attractive to visitors and our own communities requires management of potential adverse effects on these natural character values. For example, activities such as flood and erosion control are recognised as important for people's wellbeing, however they can affect the natural character of wetlands, and lakes and rivers and their margins.

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

1. Activities which contribute to people's wellbeing may adversely affect the natural character of the region's wetlands, and lakes and rivers and their margins.

Objectives

1. Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

Policies

1. Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins.
2. Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:
   a) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;
   b) The value, importance or significance of the natural character at the local, or regional level;
   c) The degree of naturalness;
   d) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and
   e) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.
4. Allow activities which have no more than minor adverse effects on natural character.

Policy Explanation

Policy 1 recognises that using regionally consistent criteria to identify the natural character of wetlands, and lakes and rivers and their margins assists with achieving sustainable management. These criteria will be used in both planning and consent processes to determine the characteristics, and their significance, of the natural character present.

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

Policy 3 is to assist decision-makers to determine whether a proposed subdivision, use or development is appropriate.

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Include a regionally consistent set of criteria for the identification of the natural character of wetlands, and lakes and rivers and their margins in the regional and district plans.
2. Identify the natural character of wetlands, and lakes and rivers and their margins through the resource consent process.
3. Use provisions in the regional and district plans, and the resource consent process to protect the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

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

ANTICIPATED ENVIRONMENTAL RESULTS

1. Preservation of the natural character of wetlands, and lakes and rivers and their margins.
2. Appropriate subdivision, use and development is able to occur.

8. Land and Water

BACKGROUND TO THE ISSUES

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

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

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

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

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

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

To give effect to the NPSFM, the Regional Council has a Progressive Implementation Plan (PIP) identifying Freshwater Management Units (FMU's) in the region, and outlining when it will set up FMU community groups to identify values, objectives and limits for each FMU. This work will result in changes to the Regional Land and Water Plan under Schedule 1 of the RMA.

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

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

1. Managing adverse effects on water quality, arising from point source and diffuse source discharges to waterbodies from activities on land.

2. Potential overuse of water resources can occur in certain areas during drier seasons.
3. Activities may adversely affect the significant values of wetlands and outstanding freshwater bodies.
4. Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.

OBJECTIVES

1. The life-supporting capacity of freshwater is maintained or improved.
2. Provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while maintaining or improving water quality and aquatic ecosystems[6].
3. Determine allocation of water within environmental controls.
4. Identify and protect the significant values of wetlands and outstanding freshwater bodies.
5. Achieve the integrated management of water and the subdivision, use and development of land within catchments, recognising the interconnections between land, fresh water, and coastal water, including by managing adverse effects of land and water use on coastal water quality.

POLICIES

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

   will be avoided, remedied or mitigated, to ensure that water quality and aquatic ecosystems are maintained or improved.
2. To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:
   a) A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;
   b) The value of riparian margin vegetation for water quality and aquatic ecosystems; and
   c) Effects on the sustainability of mahinga kai, and protection of taonga areas.
3. To give effect to Objective 2 of Chapter 3, manage land and water use in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:
   a) Estuaries, hāpua lagoons, and other coastal wetlands; and
   b) Shellfish beds and fishing areas.
4. Until priority frameworks for water take and use are developed through the FMU processes and added to a regional plan, consent applications will be processed on a "first-come, first served" basis, and in making decisions, the following matters must be considered:
   a) The reasonably foreseeable future requirements for domestic and community water supply needs, stock drinking, and firefighting;
   b) The degree of community, regional or national benefit from the take, use, damming or diversion of water;
   c) Any adverse environmental effects from the take, use, damming or diversion of water will be avoided, remedied or mitigated including where applicable by applying provisions of the regional plan;
   d) Applying rates of take, volume limits and residual flows at the point of take to ensure that there is enough water for the purpose of the take, and to maintain or improve water quality and aquatic ecosystems;
   e) The extent to which the proposal maximises the efficient allocation and efficient use of water; and
   f) The reasonable needs of other water users.
5. Maintain or improve water quality within freshwater management units.

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6 Including the habitat of trout and salmon.

6. Identify the significant values of wetlands and outstanding freshwater bodies in regional plans and protect those values.
7. Encourage the coordination of urban growth, land use and development including the provision of infrastructure to achieve integrated management of effects on fresh and coastal water.
8. Provide for the social, economic and cultural wellbeing derived from the use and development of land and water resources, while maintaining or improving water quality and aquatic ecosystems.
9. Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.

EXPLANATION TO THE POLICIES

Policy 1 gives effect to the NPSFM and Objective 1 above by requiring that subdivision, use and development activities on land, discharges of contaminants, water takes and uses, and activities in, or on, water are managed in a way that reduces the adverse effects of those activities. Explicit detail on how this will be achieved will be set out in the Regional Land and Water Plan, as well as provisions in the district plans and through conditions on individual resource consents. This includes providing for discharges to land where this is more appropriate than discharging contaminants to water, for example dairy shed effluent, and requiring treatment of certain contaminants prior to discharging into water, such as sewage effluent.

Regarding Policies 2 and 3, the discharge of contaminants to water is a significant environmental and cultural concern to Poutini Ngāi Tahu because of its impact on the health and mauri of water bodies, including adverse effects on coastal shellfish beds and fishing areas. To achieve the sustainability of mahinga kai, the health of these taonga must be maintained to provide for the needs of future generations. Discharge of sewage effluent to water is particularly offensive to Poutini Ngāi Tahu. Discharges to land are preferred where practicable, and where the effects are less than for discharges to water. Where possible, Poutini Ngāi Tahu encourage land-based treatment of stormwater, acknowledging that this may not be feasible in all situations on the West Coast given the high rainfall and soil types. Poutini Ngāi Tahu also promote the maintenance and enhancement of riparian vegetation to protect water quality and aquatic ecosystems.

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

Policy 4 applies to the taking, use, damming and diversion of water. Until Freshwater Management Unit (FMU) provisions are established in regional plans, the Council will allocate water on a 'first-come, first-served basis'. Policy 4 establishes that allocations are made after considering the matters listed, and in accordance with any relevant provisions in the operative regional plans to safeguard the life-supporting capacity of water.

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

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

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

and land development, in order to avoid stormwater overflows flooding adjoining land, eroding riverbanks, or causing sedimentation of water bodies.

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

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Include in regional plans objectives, policies, rules and methods to ensure that any adverse effects of point and diffuse source discharges to land and water are avoided, remedied or mitigated, and that water quality is maintained or improved in accordance with relevant national policy statements.
2. Include in district plans, policies, rules, guidelines or other information to avoid, remedy or mitigate the adverse effects of land use activities and management practices on water quality.
3. Regional and district councils, in their plan development and resource consent processes, will consult with Poutini Ngāi Tahu about avoiding, remedying or mitigating adverse effects originating from land and freshwater use on their cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.
4. Develop with stakeholders regionally consistent criteria to identify the significant values of wetlands and outstanding freshwater bodies.
5. Identify the significant values of wetlands and outstanding freshwater bodies in a regional plan.
6. Regional plans are integrated across land and water resources (including coastal water), and regional and district plans are integrated across statutory functions to manage the effects of urban growth, development, and infrastructure on fresh and coastal water.
7. In accordance with the WCRC's Progressive Implementation Programme, establish Freshwater Management Units (FMUs), and set freshwater objectives and limits through provisions in regional plans.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Maintaining or improving fresh water quality on the West Coast will be achieved principally through the implementation of the NPSFM. This will require the establishment of the FMU's, and their own fresh water objectives and environmental limits in a regional plans.

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

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

ANTICIPATED ENVIRONMENTAL RESULTS

1. Water quality is maintained or improved on the West Coast.

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

9. Coastal Environment

BACKGROUND TO THE ISSUES

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

a) The coastal environment from mean high water springs (MHWS) out to the 12 nautical mile limit at sea is the coastal marine area (CMA), wherein the Regional Council has the primary function to manage the effects of occupation and other activities through the Regional Coastal Plan;

b) The coastal environment also extends inland from MHWS to the extent of "where coastal processes, influences, or qualities are significant" (Policy 1(2)(c), NZCPS). The three district councils manage effects of land use, development and subdivision in this part of the coastal environment in their respective districts via the district plans. The Regional Council manages the effects of activities such as earthworks and discharges in this part of the coastal environment through its regional plan.

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

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

The RPS must give effect to the National Policy Statements for Electricity Transmission (NPSET for the National Grid) and Renewable Electricity Generation (NPSREG), where activities covered by these NPS's occur in the coastal environment. This Chapter provides policy direction when considering the specific requirements of the electricity NPSs and the NZCPS. The provisions of Chapter 6 Regionally Significant Infrastructure (RSI) also need to be considered for electricity and other RSI in the coastal environment. Some provisions in other chapters of this RPS also apply in the coastal environment. For example, Poutini Ngāi Tahu provisions in Chapter 3, heritage provisions in Chapter 4 and the effects of land and freshwater use above Mean High Water Spring on coastal water in Chapter 8.

The West Coast has a dramatic coastline with extensive areas of high scenic and natural values in a largely unmodified state. Tourists are attracted to the West Coast to view iconic coastal scenic areas such as the Pancake Rocks at Punakaiki.

A large proportion of the development and land use activities including subdivision in the region is located in, or traverses through, the coastal environment. RSI may also need to be located within the coastal environment of the region. While there is currently a relatively low level of development pressure for new activities, particularly in the coastal marine area, there is the potential for further resource use and development in the coastal environment. Natural materials such as sand, gravel, driftwood, and minerals such as ilmenite and garnets can be used to provide for people's social and economic wellbeing.

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

approach as required by the NZCPS 2010. Chapter 11 Natural Hazards also has provisions that are relevant to the coastal environment.

Statement of Local Authority Responsibilities

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

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

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

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

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

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

1. Protecting the values of the coastal environment whilst enabling sustainable use and development, to provide for the region's economic, social and cultural wellbeing.
2. Enabling appropriate subdivision, use and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.

OBJECTIVES

1. Within the coastal environment:
   a) Protect indigenous biological diversity;
   b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and
   c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.
3. Ensure that any new subdivision, use or development in the coastal environment has appropriate regard to the level of coastal hazard risks.
4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

POLICIES

1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:
   a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;
   b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and
   c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;
2. (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

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

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

EXPLANATION TO THE POLICIES

Policy 1 gives effect to Policies 11, 13, and 15 of the NZCPS 2010 to protect indigenous biological diversity, landscape and natural character values, for example, bush clad cliffs and ravines or marine reserves. These NZCPS policies set levels of protection from adverse effects of activities on significant and outstanding indigenous biological diversity, landscape and natural character values, and on natural values that are not significant or outstanding, and are reflected in Policy 1.

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

account the technical and operational constraints of the network and the route, site and method selection process.

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

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

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

Policy 5 recognises that some coastal environments important to Poutini Ngāi Tahu are particularly sensitive to elevated levels of contaminants in coastal water. Regional and district councils need to have regard to the effects of coastal development on coastal mahinga kai areas such as estuaries, lagoons, coastal wetlands, shellfish beds, and fishing areas including mataitai reserves. Significant coastal mahinga kai areas for Poutini Ngāi Tahu are, or will be, identified in the regional and district plans. Policy 5 includes an exception for the development, operation, maintenance, or upgrading of RSI and local roads in recognition of the fact that there are several places in the coastal environment where important lifeline infrastructure exists in or near to the areas listed in clauses a) and b).

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

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

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

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Regional and District Councils to identify areas of significant indigenous biological diversity, outstanding and high natural character areas and outstanding natural features and landscapes of the coastal environment, set out the characteristics and qualities of each area in a plan schedule, and show areas on maps where practicable.
2. Manage adverse effects of subdivision, use and development in the coastal environment through provisions in the Regional Coastal Plan, the Land and Water Plan, and district plans, including identification of significant coastal mahinga kai areas.
3. Use the regional and district plans, resource consent, building consent, rating district processes, and community consultation to assess and manage the risk of coastal hazards affecting development in the coastal environment.
4. Continue to review and include the Coastal Hazard Areas in the Regional Coastal Plan and in district plans and identify whether these Areas have a low, medium or high risk of being affected by a coastal hazard.
5. Consider using expert advice where there may be a medium or high risk of significant existing development being affected by a coastal hazard.

PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES, AND METHODS

The provisions in this Chapter give effect to the NZCPS, NPSET and NPSREG in the coastal environment. The provisions for managing coastal hazard risk implement Councils' functions under section 30 of the RMA for controlling the use of land, including land in the coastal environment, to avoid or mitigate natural hazards. The NZCPS also puts obligations on councils to manage coastal hazards.
Managing effects of activities in the coastal marine area which may potentially cause or exacerbate a coastal hazard risk is covered in the Regional Coastal Plan.

ANTICIPATED ENVIRONMENTAL RESULTS

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

10. Air Quality

BACKGROUND TO THE ISSUES

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

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

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

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

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

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

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

OBJECTIVES

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

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

POLICIES

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

EXPLANATION TO THE POLICIES

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

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

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Provide education and advice on how particulate matter emissions can be reduced from domestic solid fuel burners.
2. Allow discharges of contaminants to air and manage the effects through regional and district plan rules, and resource consents (apart from domestic fires outside the Reefton Airshed).

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES, METHODS

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

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

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

ANTICIPATED ENVIRONMENTAL RESULTS

1. Reduced particulate matter levels in winter in some urban areas.
2. Odour, dust, smoke, and other contaminant emissions are discharged at acceptable levels in accordance with nationally recognised guidelines and standards for levels of contaminants

discharged to air, enabling resource use and development to occur for people's social, cultural and economic wellbeing.

11. Natural Hazards

BACKGROUND TO THE ISSUES

A 'natural hazard' as defined under the RMA is "any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment." Natural hazards arise from natural events such as high rainfall, earthquakes and high winds. However, natural events only become natural hazards when they have the potential to affect people, property and other valued aspects of the environment.

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

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

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

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

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

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

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

OBJECTIVE

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

POLICIES

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

EXPLANATION TO THE POLICIES

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

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

Policy 2 recognises that through appropriate planning, the need for protection works can be avoided by siting new subdivision, use and development away from existing or potential natural hazards. Research on natural hazards is ongoing. This information may indicate that in places where development has already occurred these areas may be susceptible to natural hazards. In such cases, further permanent development may need to be restricted to reduce additional risk to people or property. However, avoiding development in hazard prone areas may not be practicable in all instances, as some types of development are limited in where they can be located to function effectively.

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

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

management responsibilities, will, as opportunities arise and as practicable, plan and prepare for the anticipated effects of climate change.

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

APPLICATION OF PROVISIONS ACROSS THE RPS

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

METHODS

1. Increase understanding and public awareness of natural hazards, including the potential influence of climate change on natural hazard events.
2. Further development of a natural hazards knowledge base and continued use of the most up to date and accurate information available in areas potentially affected by natural hazards.
3. The Regional Council and District Councils will support an integrated and collaborative approach between relevant agencies, the community and local businesses to manage significant natural hazard risks and effects.
4. Where appropriate, include provisions in regional and district plans that address natural hazard issues including the control of the use of land to avoid or mitigate natural hazards. Particular methods may include:
   a) Special hazard zones and rules;
   b) Identification of natural hazards on maps and registers;
   c) General building and development controls or criteria;
   d) Subdivision controls;
   e) Information requirements to assist consent processing; and
   f) Integrated catchment management.
5. Take into account the location, nature and potential extent of natural hazards when providing and planning for the provision of essential lifeline utilities.
6. The Regional Council will maintain detailed regional flood response strategies in priority catchments as well as initiating and maintaining flood protection works where communities are willing to fund such works.
7. The Regional and District Councils will maintain and implement the Civil Defence Emergency Management Group Plan for the West Coast, and Local Arrangements, setting out regional and district emergency responses and contingency provisions in the event of a natural hazard event as members of the Civil Defence Emergency Management Group.
8. The Regional and District Councils will maintain a civil defence emergency management response capability, which includes the ability to assist in the establishment and coordination of disaster relief and recovery assistance programmes.

PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

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

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

- The coastal marine area;

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

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

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

ANTICIPATED ENVIRONMENTAL RESULTS

1. A reduction in actual or potential losses to people, property and the environment.
2. Use and development of resources consistent with levels of risk.
3. Increased community awareness of, and responsibility for, natural hazard avoidance and mitigation.
4. Appropriate development within areas subject to natural hazards provided for in regional and district plans.

Section B
West Coast Regional Land and Water Plan
Index

3. NATURAL AND HUMAN USE VALUES

3.1 Introduction

This Plan recognises the dependence of people and communities on land and water resources and the need for continued use, development, and protection. However, in enabling continued use, development, and protection, it is important that adverse effects on the existing natural and human use values supported on land or by water bodies are avoided, remedied, or mitigated.

This Chapter provides protection for the natural and human use values supported by the West Coast's land resources and water bodies and forms an overarching set of Objectives and Policies to the following Chapters to be taken into consideration during the processing and granting of resource consents.

Schedule 7 identifies particular natural and human use values supported by the West Coast's lakes and rivers.

In addition to the natural and human use values identified in Schedule 7, West Coast water bodies can have other natural and human use values which are protected by the Plan, including natural character, outstanding natural features and landscapes, significant indigenous vegetation and significant habitat of indigenous fauna, existing public access to and along lakes and rivers, historic heritage, and existing lawful uses.

3.2 Objectives

3.2.1 To provide for the sustainable use and development of land and water resources.

Explanation

This Objective recognises that traditionally people have made extensive use of land and water resources and the ability to continue to sustainably use and develop these resources is important.

3.2.2 To protect water bodies from inappropriate use and development by maintaining and where appropriate enhancing their natural and amenity values including natural character and the life supporting capacity of aquatic ecosystems.

Explanation

Many West Coast water bodies contain significant values some of which are identified for specific water bodies in Schedules 7A and 7B of this Plan. These Schedules are not exhaustive. Schedule 7A provides some examples of habitats of threatened species and Schedule 7B identifies those community water supply takes known at the time of drafting this Plan. This Objective not only seeks to avoid the loss or degradation of such values, but also provides for their enhancement.

3.2.3. To maintain or where appropriate enhance the spiritual and cultural values and uses of significance to Poutini Ngäi Tahu.

Explanation

Chapter 2 of this Plan identifies the issues of concern to Poutini Ngai Tahu. The issues reflect the strong relationship Poutini Ngai Tahu have with the West Coast's water bodies through their spiritual and cultural values and uses associated primarily with water, and land to a lesser extent. Values and uses are identified for specific water bodies in Schedule 7C of this Plan. This Objective seeks to avoid the loss or degradation of values and uses and, where practicable enhance them. These Schedules are not exhaustive, but reflect the level of knowledge of individual water bodies gained during the Plan-making process.

3.2.4 To avoid or mitigate the exacerbation of any natural hazard or the creation of a hazard.

Explanation

People and communities rely on existing standards of protection from natural hazards, such as flooding, to be maintained or enhanced. Any activity that results in a higher risk of hazard such as flooding, erosion, land instability or sedimentation, or in property damage, could adversely affect infrastructure such as transport routes, the health and safety, and the social, economic, and cultural wellbeing of

people and communities. Where avoidance is not possible, mitigation measures will be considered by Council to manage the adverse effects of the activity.

3.2.5 To provide for new and existing renewable electricity generation activities in the region, including small and community-scale generation by:

(a) Recognising the national significance of these activities;

(b) Recognising the national, regional and local benefits associated with these activities;

(c) Ensuring that the individual and collective generation output of existing and consented renewable electricity generation activities is not reduced;

(d) Recognising the practical constraints associated with the development, operation, maintenance and upgrading of these activities;

(e) Recognising the contribution these activities make towards achieving the national renewable electricity generation target.

3.2.6 To enable new technologies using renewable energy resources to be investigated and established in the region.

3.3 Policies

3.3.1 In the management of any activity involving water to give priority to avoiding, in preference to remedying or mitigating:

(1) Adverse effects on:

- **(a) The habitats of threatened species identified in Schedule 7A;**
- **(b) Water supply values identified in Schedule 7B;**
- **(c) Spiritual and cultural values and uses of significance to Poutini Ngäi Tahu identified in Schedule 7C;**
- **(d) The significant natural character of wetlands, and lakes and rivers and their margins;**
- **(e) Outstanding natural features and landscapes;**
- **(f) Significant indigenous vegetation and significant habitat of indigenous fauna assessed in accordance with Policy 9.2 of the West Coast Regional Policy Statement;**
- **(g) Existing public access to and along lakes and rivers;**
- **(h) Significant historic heritage;**

(2) Adverse effects which cause or exacerbate flooding, erosion, land instability, sedimentation or property damage;

(3) Adverse effects on existing lawful uses including regionally significant infrastructure.

Explanation

The above values of the West Coast's water bodies are matters of national importance under Section 6 of the RMA, plus community water supply values and existing lawful uses. These values can be adversely affected by the following activities:

(a) Earthworks, including humping and hollowing, flipping, and v-blading;
(b) Vegetation disturbance;
(c) Activities in the beds of lakes and rivers;
(d) The taking damming and diversion of surface water;
(e) The taking and use of groundwater (which can affect surface water);
(f) Discharges to land and water.

Some activities can cause or exacerbate hazards and lessen the ability of people and communities to prevent, or protect themselves from the hazard.

When considering these activities, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them. The avoidance of adverse effects on the identified values will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated, or, in the case of diversion, reclamation or damming, to be appropriately compensated for.

When reading 3.3.1(d) and 3.3.1(h) it is important to remember that the degree of natural character, or the value of historic heritage, varies along a continuum (for natural character this will be assessed having regard to the matters in Policy 3.3.6). Where a water body contains significant natural character, or the activity will affect significant historic heritage, preference will be given to avoiding adverse effects of development on that respective value. Giving priority to avoiding adverse effects on the value is more important the higher the significance of the natural character or historic heritage value.

The criteria in Policy 9.2 of the Regional Policy Statement will be used to determine 'significance' in relation to Policy 3.3.1(f). In doing so, it should be recognised that not all of the criteria will be relevant in assessing and determining significance in relation to aquatic ecosystems.

Note: Chapter 6: Wetland Management outlines the management of significant wetlands and their values.

3.3.2 To take into account the benefits from the use and development of renewable energy and associated regionally significant infrastructure (e.g. transmission lines), including the social and economic benefits.

Explanation
This Policy recognises that renewable energy developments and associated infrastructure can provide significant community benefits, both locally and nationally as recognised in Section 7(j) of the RMA and in terms of the National Policy Statement on Electricity Transmission. Where renewable energy developments provide significant community benefits (locally and nationally), it may be sufficient to mitigate or remedy unavoidable effects.

3.3.3 Recognise the location, operational and technical constraints of renewable electricity generation activities when considering resource consent applications for their development, operation, maintenance, and upgrading.

3.3.4 Where the adverse effects of renewable electricity generation activities cannot be practically avoided, remedied or mitigated, consideration shall be given, in determining a resource consent application and imposing any resource consent conditions, to any offset measures and/or environmental compensation offered by an applicant.

3.3.5 Where particular adverse effects of renewable electricity generation activities are either not fully known or uncertain, consideration shall be given, in determining a resource consent application and imposing any resource consent conditions, to the use of adaptive management measures to avoid, remedy or mitigate any adverse effects.

3.3.6 Provide for the development, operation, maintenance and upgrading of small and community scale renewable electricity generation activities where the adverse effects on the environment are avoided, remedied or mitigated.

3.3.7 In the management of any activity involving water, to avoid, remedy, or mitigate adverse effects on:
(a) Water quality;
(b) Amenity values;
(c) Indigenous biological diversity;
(d) Intrinsic values of ecosystems;
(e) The natural character of wetlands, and lakes and rivers and their margins, not described in 3.3.1(1)(d); and
(f) Historic heritage not described in 3.3.1(1)(h).

3.3.8 To recognise Poutini Ngäi Tahu's interests by promoting opportunities for their involvement in resource consent processing.

Explanation
Poutini Ngäi Tahu are provided with information on all resource consents. Poutini Ngäi Tahu may be treated as an affected party with regards to some applications, and may be notified of publically notified

applications. This will allow Poutini Ngäi Tahu to assess the implications of each resource consent application on their spiritual and cultural values, and uses as they relate to land and water.

3.3.9 To recognise and provide for the National Water Conservation (Grey River) Order 1991 and the Water Conservation (Buller River) Order 2001.

Explanation
The management of the waters protected under national water conservation orders must also be recognised and provided for under this Plan. The Plan and any consents granted under it cannot be inconsistent with the water conservation orders. The two water conservation orders are reproduced in Schedules 5 and 6 of this Plan.

3.3.10 To recognise and provide for the following features of water bodies when considering adverse effects on their natural character:

(a) The topography, including the setting and bed form;
(b) The natural flow characteristics;
(c) The natural water level and its fluctuation;
(d) The natural water colour and clarity;
(e) The ecology; and
(f) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (e).

Explanation
The features of water bodies that can contribute to their natural character are identified above. These features need to be taken into account when considering applications for resource consents. New activities will affect water bodies with a high degree of natural character more significantly than they affect highly modified water bodies.

3.3.11 To have particular regard to the following qualities or characteristics of water bodies when considering adverse effects on amenity values:

(a) Aesthetic values associated with the water body;
(b) Recreational opportunities provided by the water body;
(c) Sports fish habitats, as outlined in Schedule 8; and
(d) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (c).

Explanation
The qualities and characteristics listed above contribute to a water body's amenity values. The nature of amenity values can change over time. The recreational opportunities provided by the West Coast's water bodies can include angling, hunting and a range of other active and passive recreation. These qualities and characteristics must be taken into account when preparing plans under the RMA and when considering applications for resource consents.

3.3.12 To provide for activities that have no more than minor adverse effects on water bodies without the need for a resource consent.

Explanation
The Rules Chapter of this Plan identifies a number of permitted activities that may occur without the need for a resource consent. Providing the permitted activity criteria are met, the activity will have no more than a minor adverse effect.

3.4 Method

3.4.1 The Council will provide advice about the likely susceptibility of the location of any proposed structure to flooding, either when a resource consent applicant, or other individual, requests the information, or when a district council requires the information in preparing district plans.

4. LAND MANAGEMENT

4.1 Introduction

For the purpose of the provisions in this Plan, unless the context indicates otherwise, "land disturbance" refers only to activities on land beyond river, lake, or wetland beds, i.e. above their fullest flow/highest level. Activities in the bed of lakes, rivers, and wetlands are covered in other sections of the Plan.

The appropriate management of the effect of land disturbance activities is important to ensure erosion and soil loss within the West Coast region is minimised. The likelihood of erosion and soil loss depends on factors such as geology, slope, drainage, the frequency and intensity of earthquakes, as well as the scale and type of activity. However, it is impractical and inefficient to require all land users to assess these components prior to commencement of any land use activity. Therefore, for the purpose of this Plan the Council has utilised the New Zealand Land Resource Inventory 'Dominant Erosion Form' data for the West Coast region.

The Greymouth Earthworks Control Area incorporates special controls which cover land on the inland fringes of Cobden, Greymouth, and Karoro. Disturbance of land in these areas is a discretionary activity due to a predisposition to slope failure and the hazards associated with any failure in the urban environment.

For any activity affecting a wetland also refer to other provisions in the Plan, including Chapters 5 and 6. Where provisions in the Plan dealing with wetlands are at variance with those in Chapter 5, the provisions in Chapter 6 take precedence.

4.2 Objective

4.2.1 To avoid remedy or mitigate adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

Explanation

Land disturbance can cause adverse effects on both the land and water environments. The Objective seeks to ensure that the provisions within this Plan minimise the likelihood of significant impact on water quality and quantity, soil conservation, property, and infrastructure.

Land disturbance activities can impact on the water quality of adjacent water bodies due to the input of sediments and/or nutrients and will be managed in such a way to avoid or mitigate these effects. Sediment and/or nutrient inputs can cause changes to the characteristics of the receiving water which render the water body unusable and potentially allow harmful pathogens to reach levels where they affect human health.

Stock access to the coastal environment, wetlands, lakes and rivers and their margins can have significant adverse effects on soil conservation, land stability, water quality, in stream values, and the health and function of margins.

4.3 Policies

4.3.1 To manage the disturbance of land and vegetation in order to avoid remedy or mitigate any adverse effects on:

(a) The stability of land (e.g. slumping, subsidence, or erosion), river banks, and riverbeds and coastal margins;
(b) Water quality, including clarity, turbidity, and temperature changes, and in stream values;
(c) Changes in water level including water table;
(d) Public access to rivers, lakes, and their margins and the coast;
(e) Natural character, and aquatic ecosystems;
(f) Soil depth and soil fertility;
(g) The integrity of property, structures, or effects upon the operation or maintenance of regionally significant infrastructure;
(h) Cultural and recreational values; and
(i) Significant indigenous vegetation and significant habitats of indigenous fauna.

Explanation
This Policy covers the range of factors or values that will be considered when assessing resource consent applications. This Policy is an overarching policy which should be applied in conjunction with other policies in this Chapter.

While this Chapter of the Plan concerns land that is outside riverbeds, it is important that the effects of disturbance of land on rivers are considered. Land use activities can cause accelerated erosion to occur. Productivity of eroded land is diminished and significant flow on effects may be produced. Policy 5.4.1 therefore, seeks to avoid or minimise soil losses and erosion from land use activities on land prone to erosion. It also covers activities in the Greymouth Earthworks Control Area (Schedule 4).

The Council has as one of its functions, the establishment, review and implementation of objectives, policies and other methods to maintain indigenous biological diversity. It is the function of the District Councils to control the use, subdivision, and development of land to maintain indigenous biological diversity.

In this Plan, the maintenance and enhancement of water quality, in stream values and the retention of riparian vegetation contributes to maintaining indigenous biological diversity of the coastal environment, wetlands, lakes and rivers and their margins.

Policy 9.2 of the Regional Policy Statement for the West Coast will be applied when deciding whether indigenous vegetation or habitat of indigenous fauna are significant for the purposes of 4.3.1(i).

4.3.2 To manage earthworks (for example, mining) to avoid effects on the environment where the activity may produce any of the following geochemical processes, above background levels:
- **(a) Release of acid rock drainage;**
- **(b) Precipitation of iron oxides;**
- **(c) Release of heavy metals.**

Explanation
The potential environmental effect of hard rock mining is predetermined by the geology of the material being excavated or disturbed. This may be overburden, tailings, or product. High concentrations of sulphur often occur in geological units such as Brunner Coal Measures and can result in acid rock drainage which lowers the pH enabling the solubilisation of heavy metals or metalloids such as aluminium, arsenic, copper, lead, and zinc.

The acid and heavy metals released into surface waters can cause adverse effects on aquatic life either by direct toxic response, contact with acidic water (usually less than pH 4.0), or by removal of habitat due to metal precipitation, in particular iron flocs. Hard rock mining associated with both gold and coal mining can result in acid rock drainage and the release of heavy metals or metalloids such as arsenic or antimony into the environment if the waste rock is not managed to avoid this.

4.3.3 To manage the disturbance of riparian margins to:
- **(a) Maintain or enhance water quality (including clarity, turbidity, and temperature), and in-stream values, (including aquatic ecosystems);**
- **(b) Promote soil conservation;**
- **(c) Ensure that existing public access to water bodies is maintained or enhanced;**
- **(d) Protect the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, from inappropriate use and development;**
- **(e) Enable the maintenance and safe operation of regionally significant infrastructure.**

Explanation
Riparian margins enable management of activities within a defined area and they are different to esplanade reserves or esplanade strips. They are areas where controls on land use activities are in place, primarily for soil conservation, water quality control, erosion control, natural hazard avoidance, and the protection of the beds of rivers, lakes, and wetlands. Unlike esplanade reserves or strips they do not affect land ownership or create public access or other interests in the land. Where riparian margins are disturbed to facilitate public access to water bodies, the location of such access should be determined

having consideration to public health and safety, particularly where proximate to regionally significant infrastructure.
Managing the margins of water bodies (Policy 4.3.3) is an effective tool in reducing adverse effects on water bodies because the margins can be used to filter nutrients and microbes, and trap fine sediment. It may maintain and enhance amenity values. Inappropriate use of land in close proximity to water bodies can contribute to sediment loading, bank erosion, and increased run off.

Land and vegetation disturbance which causes the loss of riparian vegetation can adversely affect the healthy functioning of rivers and aquatic habitats. Maintaining and enhancing aquatic ecosystems contributes to maintaining indigenous biological diversity.

4.3.4 To manage the maintenance of existing land drainage activity to avoid, remedy, or mitigate adverse effects on receiving water bodies or property.

Explanation
Existing land drainage activities should be managed so that any adverse effects on people and their properties are avoided, remedied, or mitigated. Adverse environmental affects from further drainage activities or inadvertent over drainage should also be avoided.

While landowners are required under the Land Drainage Act 1908 to maintain watercourses on their property so that the water can flow through unimpeded from upstream properties, their duties under the RMA still apply. Any adverse effects must still be avoided, remedied, or mitigated.

4.3.5 Manage the development of new land drainage activities (including humping and hollowing) to ensure that:

- **(a) Bed and bank stability of the receiving water body is maintained;**
- **(b) Long-term water quality (including clarity, turbidity, and temperature changes) in the receiving water and in stream values (including aquatic ecosystems) are maintained;**
- **(c) Sediment deposition is minimised and sediment armouring of the bed of any water body is avoided;**
- **(d) The activity does not increase the flood flow carried by the receiving waters, so that it exceeds the carrying capacity of existing drainage structures, or result in inundation of any other persons property;**
- **(e) The activity does not reduce the flow in the receiving water body by more than 10%; and**
- **(f) The natural character of the coastal environment, wetlands, lakes and rivers and their margins, is protected from inappropriate use and development.**

Explanation
Policy 4.3.5 recognises that where the resulting discharge into the natural watercourse can also have an impact on the water quality and flood carrying capacity of the receiving waters. In some cases flows have been reduced, in others flows are increased. This can also cause adverse effects on other properties if the existing infrastructure, such as culverts, are unable to cope with larger volumes of water.

4.3.6 To recognise the National Water Conservation (Grey River) Order 1991 and the Water Conservation (Buller River) Order 2001.

Explanation
The management of the waters protected under national water conservation orders must be provided for under this Plan. The two water conservation orders are reproduced in Schedule 5 and 6 of this Plan.

4.3.7 To promote the exclusion of farm stock from estuaries, wetlands, lakes and rivers and their margins by actively encouraging:

- **(a) The establishment, maintenance and enhancement of vegetated riparian buffers;**
- **(b) Land and riparian management to be undertaken in accordance with industry best practice;**
- **(c) Fencing of waterways to prevent stock access; and**
- **(d) Construction of bridges or culverts over regular stock crossing points.**

Explanation
In more intensively farmed areas stock access to water bodies and grazing of riparian vegetation is more likely to cause adverse effects such as faecal contamination, destabilisation and erosion of stream banks, deposition of fine sediment, trampling of riparian and aquatic habitats and loss of natural character and amenity values.

4.3.8 To monitor stock access to estuaries, wetlands, lakes and rivers and their margins and to introduce new rules and other methods to control stock access if monitoring shows that the standards for water quality classifications for affected water bodies adjacent to and downstream of farmed land are not being met and/or the condition of riparian margins and stream habitat is declining as a result of stock access.

Explanation
Council will review the effectiveness of Plan provisions by every 5 years. If monitoring shows deterioration in water quality, such that the water quality class for the affected water body is not being met, and the condition of riparian margins and stream habitat is declining as a result of stock access it will introduce regulatory and other methods to control stock access to waterways. Monitoring is undertaken through regular State of the Environment sampling, which currently indicates that water quality in general is improving across almost all monitored catchments in the Region. Copies of these reports are available on the Council's website. The water quality classes are those set out in Policy 8.3.1 of this Plan.

4.3.9 To promote land management being undertaken in accordance with industry best practice, so that leaching of faecal material and nutrients, and loss of sediment to water is avoided, remedied or mitigated.

Explanation
Earthworks, land disturbance, and tracking can disturb the land so that soil is washed away by rainfall and ends up as sediment in surface water bodies. Suspended sediment reduces light penetration and water clarity. It can affect both water river ecosystems (e.g. by smothering the habitat for benthic invertebrates) and recreational uses.

Best practices in land management, including adopting good soil conservation practices, managing stock rates, establishing or maintaining a dense ground cover in the riparian margin, undertaking appropriate track placement and construction, implementing measures to reduce erosion before undertaking earthworks or forestry activities, and following industry Codes of Practice, where they exist.

Application of fertiliser or agricultural effluent can, if poorly managed, result in detrimental quantities of nutrients leaching into ground water or washing directly into surface water bodies. The current Code of Practice for Nutrient Management (with emphasis on fertiliser use) provides advice and guidelines that can reduce adverse effects on water bodies. Nutrient budgeting tools are also available.

4.3.10 To encourage the retention, maintenance, or planting of appropriate riparian vegetation.

Explanation
Riparian vegetation can have significant benefits in maintaining and enhancing water quality by stabilising the banks against erosion and by filtering and trapping the overland flow of sediment, phosphorous and faecal matter. Riparian vegetation also contributes to the maintenance of indigenous biological diversity by providing shade and keeping water cool and providing a source of food for aquatic life.

It is recognised that the establishment of riparian vegetation is not always appropriate if it enables the establishment or introduction of pest plants and animals, impedes public access or reduces the flood carrying capacity or causes adverse effects on the stability and performance of infrastructure. Information is available from the Council regarding guidelines and industry best practice for managing riparian vegetation.

4.4 Methods

4.4.1 In conjunction with resource users and other interested persons (e.g. Landcare groups, industry organisations, etc.), the Council will encourage the development of codes of practice and environmental management systems in order to support sustainable land management practices. Existing codes of practice will be recognised if they meet the requirements of the RMA.

4.4.2 In conjunction with resource users and interested parties develop a code of practice to reduce the risk of the spread of pest plants within the region. For example, the spreading of pest plants through earth moving machinery.

4.4.3 Seek government funding to undertake further investigation in relation to riparian margins.

6. WETLAND MANAGEMENT

6.1 Introduction

The management of wetlands is a critical biodiversity issue in many parts of New Zealand. Some regions have only 10-15% of their natural wetlands remaining, compared to wetland extent during pre-human times. As with other regions there have been losses of wetlands, but a higher proportion remains in the West Coast region than the New Zealand average. In addition to the quantity that remain, these wetlands are also diverse in terms of their types and values.

The sustainable management of wetlands is an important issue due to a range of values and attributes of wetlands. Wetlands provide important areas of indigenous habitat for many birds, plants and amphibians, sustaining the indigenous biodiversity of the West Coast

One value derived from the functions and attributes of wetlands is known as 'ecosystem services'. The term 'ecosystem services' refers to the benefits society derived by society. These are wide ranging and include flood storage and retention, groundwater recharge and discharge, the regulation of surface water flows, erosion protection, sediment trapping, nutrient assimilation and toxicant removal, and also as carbon sinks.

Quite separately, wetlands have other economic values such as commercial fisheries, and for peat extraction and plant harvesting. Wetlands also have recreational, educational, cultural and spiritual values.

Wetlands are vulnerable to a number of activities and threats including:

- Earthworks (including deposition of substances), excavation, reclamation, vehicle crossings, trampling by animals or people, fire or cultivation;
- Introduction or removal of vegetation and grazing of wetland vegetation;
- Taking, damming (resulting in inundation of wetlands), or diversion of water (including that for land drainage), discharge of water or contaminants (including sediment); and
- Installation and erection of structures.

Due to the higher proportion of wetland areas remaining on the West Coast, a priority is to protect those wetlands in the region that are significant as determined by the ecological criteria in Schedule 3. This is achieved through:

- Schedule 1 which identifies wetlands that are ecologically significant;
- Schedule 2 which identifies wetlands that either are, or are likely to be, ecologically significant; and
- When a resource consent is required for an activity affecting a wetland not on Schedules 1 or 2, consideration of whether the wetland is ecologically significant.

The wetlands identified in Schedules 1 and 2 have been arrived at using two separate processes and no hierarchical importance is to be accorded to one Schedule over the other.

Wetlands in Schedule 1 have been verified and include some of the significant wetlands in the region. Their values need to be identified in any resource consent process. Specified activities within Schedule 1 wetlands are non-complying activities, and require a resource consent.

Wetlands in Schedule 2 either are, or are likely to be, ecologically significant. Specified activities within Schedule 2 wetlands are discretionary activities and also require a resource consent.

Wetlands in Schedule 1 and 2 require an ecological assessment using the Schedule 3 criteria. This is to be undertaken by an appropriately qualified ecologist during any resource consent process. There may also be other wetlands not in Schedules 1 and 2 that meet the ecological criteria in Schedule 3 and are ecologically significant. An assessment of ecological significance is also to be provided by an applicant for activities in or affecting a wetland not on Schedule 1 and 2 but which may contain an area of ecological significance.

It is intended that over time as ecological assessments are undertaken wetlands identified as meeting the Schedule 3 criteria will all be included in Schedule 1. Where an assessment demonstrates that the

ecological criteria in Schedule 3 are met, those wetlands will be included in the regional plan by way of a plan change. Equally, where the criteria are not met, those wetlands should be removed from Schedule 2 by way of a plan change.

In addition to the resource consent requirements in this Plan, activities undertaken on public conservation land must also comply with any concession requirements of the Department of Conservation.

For any activity affecting a wetland, also refer to other provisions in the Plan, including Chapters 4 and 5. Where provisions in the Plan dealing with wetlands are at variance with those in Chapters 4 and 5, the provisions in Chapter 6 take precedence.

6.2 Objective

6.2.1. To recognise and provide for the protection of the natural character, indigenous biodiversity and other values of wetlands in the region.

Explanation
Part 2 of the RMA establishes a regime within which wetlands are to be managed in order to protect their natural character, indigenous biodiversity and other values. The objective provides a basis for provisions within the Plan which promote the sustainable management of wetlands in the region. The values present in the remaining wetlands on the West Coast include intrinsic values, natural character, and significant indigenous vegetation and significant habitats of indigenous fauna.

6.3 Policies

6.3.1 To recognise the significant wetlands in Schedule 1 and to identify and protect their values by controlling activities in those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.

6.3.2 To recognise the significant wetlands in Schedule 2 that are shown to meet any one of the ecological criteria in Schedule 3, and to identify and protect their values by controlling activities in those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.

6.3.3 To recognise that there is no hierarchy of significance between wetlands included in Schedule 1, and wetlands included in Schedule 2 that meet any one of the ecological criteria in Schedule 3.

6.3.4 To provide protection for any wetlands not in Schedule 1 or 2 that are shown to meet any one of the ecological criteria in Schedule 3, and to identify and protect the values of those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.

6.3.5 To recognise and provide for the protection of wetlands by promoting the maintenance and enhancement of the natural values of all wetlands in the region and by managing adverse effects of activities on the values present, including natural character, ecosystems (including ecosystem functions and habitats), aesthetic values or amenity values.

Explanations

Policy 6.3.1
Wetlands in Schedule 1 have been verified as ecologically significant and therefore are to be protected. Any wetland modification is likely to result in the degradation or loss of the values of the wetlands or the wetlands themselves.

Policy 6.3.2
Schedule 2 contains a list of wetlands that either are, or are likely to be, ecologically significant. Some of these areas and the particular values present have not been verified and therefore will be subject to an assessment of significance through the resource consent process.

Mapping of Schedule 2 wetlands has taken into account possible adverse effects of adjoining activities on the hydrology of a wetland (including those in Schedule 1). Mapping included sufficient margins where necessary to control adjoining land drainage activities that might otherwise affect the natural water level within the wetland itself and have adverse effects on the values present.

Policy 6.3.3
Policy 6.3.3 makes it clear that there is no hierarchy between the significance of wetlands in Schedule 1 and 2. The wetlands identified in Schedules 1 and 2 have been arrived at using two separate processes and no hierarchical importance is to be accorded to one Schedule over the other.

Policy 6.3.4
Due to the geographic extent and diversity of the West Coast region it is possible that not all wetlands with significant ecological values are identified in either Schedule 1 or Schedule 2. This Policy recognises and provides for the identification and protection of the values of those unidentified wetlands.

This Policy recognises the need to manage all wetlands sustainably, not just those listed in Schedule 1 and 2. This Policy is intended to provide guidance during the resource consent process if a wetland not identified in Schedule 1 or 2 is shown to have significant ecological values.

Policy 6.3.5
Policy 6.3.5 recognises the need to manage all wetlands sustainably, not just those in Schedule 1 and 2 and other with significant ecological values, and these are to be managed for a wide range of values. This Policy is intended to provide guidance during the resource consent process for wetlands and wetland values not covered in the preceding Chapter 6 policies. It is also relevant to non-regulatory methods like providing information on planting or otherwise enhancing wetland areas to improve their natural, amenity or aesthetic values.

National Direction – National Policy Statement for Freshwater Management 2020 (NPSFM)
Part 1 Preliminary provision 1.7(1) of the NPSFM provides that Implementation Requirement 3.22(1) (Natural inland wetlands) must be added to regional plans without using the public consultation process in Schedule 1 of the Resource Management Act 1991 (the RMA).

Under Section 55(2A) of the RMA, Implementation Requirement 3.22(1) (Natural inland wetlands) is accordingly included in this Plan as Policy 6.3.6 below.

6.3.6 The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

- **(a) the loss of extent or values arises from any of the following:**
  - **(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori**
  - **(ii) restoration activities**
  - **(iii) scientific research**
  - **(iv) the sustainable harvest of sphagnum moss**
  - **(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)**
  - **(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020**
  - **(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or**

(b) The West Coast Regional Council is satisfied that:

(i) the activity is necessary for the construction or upgrade of specified infrastructure; and

(ii) the specified infrastructure will provide significant national or regional benefits; and

(iii) there is a functional need for the specified infrastructure in that location; and

(iv) the effects of the activity are managed through applying the effects management hierarchy.

Note: The terms "natural inland wetlands", "restoration", "loss of….values", "functional need", and "effects management hierarchy", are defined in clause 3.21 of the NPSFM. These definitions as used in the above policy relate only to Policy 6.3.6 and do not apply to the rest of the Plan.

6.4 Methods

6.4.1 To promote the enhancement and remediation of wetlands by encouraging land-owners to remove/exclude stock from these areas, control any weed growth, or manage any other activities that adversely affects their natural character.

6.4.2 To work with the Department of Conservation to facilitate land purchase or land exchange agreements that will enable protection of high value wetlands, while also providing access to areas of lower biodiversity value on land currently administered by the Department of Conservation for private sector use and development.

6.4.3 To assist land owners of wetland areas to gain funding for enhancement or remediation works by facilitating access to funding sources (e.g. biodiversity funds) and by liaising with the QEII National Trust and other agencies to assist landowners to formally covenant wetlands so their values are protected in perpetuity.

6.4.4 To liaise with District Councils to facilitate rates relief for any Schedule 1 or 2 wetland the landowner has placed under formal protection.

6.4.5 To provide advice to landowners who are interested in enhancing wetlands. This advice covers preparing planting plans, advice on funding sources, contacts for covenanting, identification and advice on pest and weed management, and advice on consents needed. The Regional Pest Management Strategy is relevant to the management of pest plant species within wetlands.

6.4.6 Where assessment of any wetland (whether in Schedule 1 or 2, or not yet identified in the Plan) is required under the Plan for a plan change, variation or resource consent, it shall be carried out in accordance with the ecological criteria set out in Schedule 3.

6.4.7 Schedule 1 and Schedule 2 were derived from two different planning processes. Where assessments of the wetlands in Schedule 2 demonstrate that the ecological criteria in Schedule 3 are met those wetlands should be included in Schedule 1. Equally, where the criteria are not met, those wetlands should be removed from Schedule 2. Changes to Schedule 1 and 2 to either include or remove wetlands will be the subject of a plan change process.

6.4.8 To avoid duplication of process, Council will encourage district councils to provide in their district plans that no consent is required for vegetation disturbance in a Schedule 1 or 2 wetland, if consent has been granted by the Regional Council for that activity.

7. SURFACE WATER QUANTITY

7.1 Introduction

This Chapter deals with resource use conflicts related to the quantity of water in surface water bodies. Out-of-stream uses involving the taking, damming and diversion of water can change the quantity of water in these water bodies, impacting on flow regimes and water levels. This can affect the people and communities who are reliant on this water, its life supporting capacity, water quality, and in stream values.

The West Coast generally receives frequent and plentiful rainfall. Annual rainfall increases as one moves south down the West Coast due to the influence of the Southern Alps. The upper Grey River valley and Reefton areas are noted as receiving the least rainfall during Summer, and have a number of catchments where groundwater contributes little to the base flows during Summer. Seasonally, for the northern half of the region, rainfall and river flows are highest during Spring and lowest during Summer. Conversely for South Westland, rainfall and river flows are highest during Summer and lowest during Winter. The high and intense rainfall produces frequent flash floods in the regions rivers which usually contain relatively high base flows. Flows that are affected by large lakes or are mainly spring fed are more stable, and generally have smaller floods.

Note: The provisions in this chapter are in addition to those in Chapter 3, which seek to maintain or enhance the natural and human use values supported by lakes and rivers.

7.2 Objectives

7.2.1 To retain flows and water levels in water bodies sufficient to maintain their in stream values, natural character, and life supporting capacity.

Explanation

This Objective seeks to maintain sufficient flows and water levels in rivers and other water bodies to provide for in stream values, natural character, and life supporting capacity.

7.2.2 To provide for the water needs of the West Coast's industries, network utility operators, and community water supplies.

Explanation

The economic, social and cultural wellbeing of the West Coast's people and communities rely on their access to securing suitable quantities of water. Network utility operators also require access to water to ensure the continued maintenance and operation of infrastructural networks thereby providing for the economic, social, and cultural wellbeing of the West Coast's people and communities. The present and reasonably foreseeable needs for water will need to be met, provided any adverse effects are sustainably managed. This includes existing users who rely on current takes of water, as well as future users.

7.2.3 To promote the efficient use of water.

Explanation

Efficient use of water occurs when the volume of water taken is sufficient to meet the needs of the use, with the least possible wastage, or overestimation of need.

7.2.4 To avoid, remedy or mitigate adverse effects on the quality of source and receiving water, including its ecology and mauri, where such water is subject to any inter-stream or inter-catchment transfer.

Explanation

New transfers may result in changes to receiving and source water quality, or the introduction of species to areas where they are not already present and the loss of values associated with the source water body.

7.2.5 To avoid, remedy or mitigate any adverse effects of managed flows in rivers, or from fluctuating levels of controlled lakes.

Explanation
Modified flows from activities including damming, diversion from rivers, and flow augmentation can cause adverse effects where the flows or variations in flows may not provide for the requirements of natural and human use values, existing lawful uses, or may adversely affect bed or bank stability. Levels in controlled lakes are subject to fluctuations due to the active management of the lake. Lake levels are altered through a control structure such as a dam. The management of flows and controlled lake levels may be required to ensure that any adverse effect of fluctuating lake levels is avoided, remedied or mitigated.

7.3 Policies

Note: General Policies for the management of flows are outlined in Policies 7.3.1 – 7.3.7, while specific Policies for the management of flows associated with run of the river dams are outlined in Policies 7.3.8 – 7.3.14. For other dam schemes, Policies 7.3.1 – 7.3.7 may apply as well.

Policies Applying to the Taking of Water

7.3.1 Takes from rivers where the total volume of water allocated is less than 20% of the river's mean annual low flow will require no minimum flow.

Explanation
Water in a river may already be allocated to a number of uses including lawfully established takes, takes that are permitted under the Rules of this Plan, and takes provided for under Section 14 of the RMA. When only a small proportion of the available water in a river is taken, there is little need for a consent condition restricting use at low flows because of the low risk of adverse effects due to the taking. The costs of administering minimum flows are high, and it is not cost effective to set minimum flows on takes that have a low risk of causing effects.

The need for gaugings to determine mean annual low flow (MALF) will be at the discretion of Council staff. MALF is determined at the point of take, but needs to take account of the cumulative water takes at other points in the catchment. Once calculated, the MALF for a river will be fixed for the duration of the plan. For smaller streams with high in stream values the location and rate of take and the seasonal timing of the take can be controlled by conditions on the consent.

Note: General policies for the management of flows are outlined in Policies 7.3.1-7.3.7, while specific Policies for the management of flows associated with the run of the river dams are outlined in Policies 7.3.8-7.3.14. For other dam schemes, Policies 7.3.1-7.3.7 may apply as well.

7.3.2 Where Policy 7.3.1 does not apply, a minimum flow based on 75% of the mean annual low flow will be applied as a consent condition.

Explanation
Where more than 20% of any stream has been allocated, a minimum flow will be applied to any new consent for taking water. In the absence of detailed hydrological information, minimum flow assessments can be based on a percentage of the MALF. A minimum flow of 75% of MALF will provide for the natural character, and life supporting capacity of the aquatic ecosystem. In small streams (less than 250l/s MALF) with documented significant trout spawning values, Fish and Game New Zealand may be considered an affected party. Where multiple takes occur, rationing may need to occur before minimum flow is reached.

7.3.3 To consider granting an application for a resource consent to take water from a river, subject to a minimum flow lower than that specified in Policy 7.3.2, on a case-by-case basis, provided:

(a) Any adverse effects on in stream values or natural character of the source water body or any other connected water body are avoided, remedied or mitigated; and

(b) Any adverse effects on lawfully existing takes of water are no more than minor; and

(c) The application if granted, together with the cumulative effect of other existing lawful takes, avoids, remedies or mitigates adverse effects on the life supporting capacity of any waterbody.

Explanation

This Policy provides criteria for the granting of consents to take water as an exception to the requirements of Policy 7.3.2. This will generally require the applicant to undertake assessment methods on a site specific basis to determine a flow regime that provides for all in stream values including ecological and human use values. Scientific assessments are the most accurate method of determining low flow habitat requirements. However, it is recognised that scientific assessments will not always be appropriate or practical. The cumulative effects of multiple takes will also be considered.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated or to be appropriately compensated for. This Policy is adopted to enable consideration of applications for the taking of water as an exception to the requirements of Policy 7.3.2 where such a take will have no more than a minor effect.

7.3.4 Minimum flows required by Policies 7.3.2 or 7.3.3 will not apply to existing community water supply takes identified in Schedule 7B.

Explanation

Under low flow conditions, priority is given to protecting takes for existing community water supply. This policy exempts scheduled existing community water supplies from restriction in terms of the minimum flow requirements applied to other takes. New community takes and any increase in the current level of take will be considered under Policies 7.3.1 to 7.3.3.

This Policy is adopted to enable continued operation of Schedule 7B existing community water supplies. Human health and safety are dependent on a reasonable supply of water and imposing minimum flows on existing takes may compromise human health and safety unnecessarily.

7.3.5 To suspend the taking of water when minimum flows have been reached.

Explanation

When the flow in any river is at or below that minimum flow, all takes that are subject to that minimum flow will be suspended. Conditions relating to minimum flows and suspension will be placed on resource consents for water takes. Permitted activity takes are not restricted by any minimum flows.

7.3.6 To promote the efficient use of water and to consider the need to cap the overall allocation from any water body.

Explanation

The efficient use of water will be assessed on a case by case basis as it is not possible to establish a definition of efficiency that is appropriate or applicable for all potential water. For irrigation applications rate of take should be determined based on area to be irrigated, soil type, and vegetation.

In the future, demand for water may necessitate a cap on further allocation. If this is deemed necessary, the Council will formally resolve that no further permits to take water will be granted in that catchment.

7.3.7 To monitor the taking and use of water, requiring the volume and rate of take to be measured as or where appropriate.

Monitoring water use enables better management of the resource. For significant takes, Council may require the instantaneous rate and weekly volume to be monitored. Monitoring is unlikely to be useful for short term or non-consumptive takes.

7.3.8 To approve an application to transfer a consent holder's interest in a resource consent to take and use water in terms of Section 136(2)(b)(ii) of the Resource Management Act, providing:

(a) The transfer is within the same catchment as the original consent; and

(b) The total take from the water body following transfer does not exceed that occurring prior to the transfer, as a result of the transfer; and

(c) There are no more than minor adverse effects on any other take or on any in stream values, as a result of the transfer.

Explanation

Section 136(2)(b) of the Resource Management Act provides for the transfer of the whole or any part of a consent holder's interest in a consent for the taking and use of water to another person on another site, or to another site, if both sites are in the same catchment (either upstream or downstream). Rule 40 allows takes to transfer downstream as a permitted activity, subject to conditions. If a consent holder wishes to transfer upstream or to a tributary a resource consent is needed and this policy will apply, in order that any potential adverse effects can be properly assessed.

National Direction – National Policy Statement for Freshwater Management 2020 (NPSFM)

Part 1 Preliminary provision 1.7(1) of the NPSFM provides that Implementation Requirement 3.24(1) (Rivers) must be added to regional plans without using the public consultation process in Schedule 1 of the Resource Management Act 1991 (the RMA).

Under Section 55(2A) of the RMA, Implementation Requirement 3.24(1) (Rivers) is accordingly included in this Plan as Policy 7.3.8A below.

7.3.8A The loss of river extent and values is avoided, unless the Council is satisfied:

(a) That there is a functional need for the activity in that location; and

(b) The effects of the activity are managed by applying the effects management hierarchy.

Note: The terms "loss of….values", "functional need", and "effects management hierarchy", are defined in clause 3.21 of the NPSFM. These definitions as used in the above policy relate only to Policy 7.3.8A and do not apply to the rest of the Plan.

Policies for Lake Levels, Damming, Diversion, and Augmentation

7.3.9 Where lake levels are already controlled, to recognise and provide for the purpose of that control if limits are to be placed on operating levels.

Explanation

Some of the West Coast's lakes are controlled through the use of dams for specific purposes. The purposes of existing controls are to be recognised and provided for when considering resource consents that affect lake levels. Limits on operating levels may be imposed, where necessary, in accordance with Policy 7.3.9. This Policy ensures that the purpose of controlling any lake where such control already exists is not unduly compromised. Given the investment in dams and associated structures, it would be inappropriate to prevent the use of the dammed water for the purpose for which it was dammed.

7.3.10 To limit the operating levels of any controlled lake, where appropriate, to avoid or mitigate adverse effects on:

(a) The matters referred to in Policy 3.3.1, 3.3.2 and 3.3.7;

(b) Riparian values;

(c) Lakeshores and public access;

(d) Bed stability; and

(e) The needs of the West Coast's people and communities.

Explanation

Changes in the levels of lakes and the rate of change can adversely affect the matters identified in (a) to (e) of the Policy. It is important to consider new proposals to manage lake levels and new consents for existing dams, in order that appropriate conditions can be set to avoid or mitigate these adverse effects. These conditions will address extremes in lake levels, and the rates of change of such levels.

7.3.11 In regulating the management of controlled flows, other than in association with a small dam or any dam designed to contain contaminants, to have regard to:

(a) The matters identified in Policy 3.3.1, 3.3.2 and 3.3.7;

(b) The periodic release of water at appropriate flow rates, where necessary to remove excess algal growth or accumulated sediment;
(c) The existing needs of consumptive users of water; and
(d) The extent to which the water body has been modified by resource use and development.

Explanation
This Policy identifies the measures that may be required in managing controlled flows, to avoid or mitigate adverse effects. Dams designed to contain contaminants and small dams permitted by this plan are excluded. Where the controlled flow conditions could lead to the river's natural and human use values identified in Chapter 6, or uses of that water, being compromised, discharge flows can be modified to avoid or mitigate those effects. This may be achieved through setting maximum and minimum levels of flow, and through control of the range or rate of change of flows. The natural and human use values downstream of any existing dam not designed to pass water will be maintained by continuing the existing operating regime. The measures identified in the Policy would be introduced upon conditions on the relevant resource consents.

7.3.12 To require, where necessary, desirable and practicable, provision for fish migration.

Explanation
Where the Council requires a resource consent for damming or diversion of water, it will consider requiring the person to provide means for the upstream and downstream passage of fish including eels. There are situations where passage may not be necessary, if fish are not present; or desirable, if a dam is preventing upstream migration of predatory trout into a threatened native fish habitat, for example. These need to be assessed on a case-by-case basis. In cases where retrofitting a fish pass to a dam is impracticable, alternative remedial measures that enable migration will be considered.

7.3.13 In considering resource consents for flow augmentation proposals involving any transfer of water between streams or catchments, regard will be had to avoiding, remedying or mitigating effects on:
(a) Flora or fauna, including the introduction of new species;
(b) Water quantity and quality; and
(c) Tangata whenua cultural values;
in the source and receiving waters.

Explanation
Augmentation of surface water flows for the purposes of this policy occurs where water is brought into a catchment or stream for subsequent release. When considering any relevant resource consents required for new augmentation schemes, regard must be had to avoiding the adverse effects identified in this policy. In relation to pest species preference will be given to avoiding their introduction.

7.3.14 When considering diversions associated with disturbance of riverbeds, priority will be given to avoiding, in preference to remedying or mitigating, adverse effects on surface flows.

Explanation
When considering diversion associated with riverbed disturbance, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them. The avoidance of adverse effects on the quantity of surface flows will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated, or appropriate financial contribution made.

The West Coast has a history of diversions associated with mining of riverbeds, where subsequent to the re-instatement of the river to its original course, post-mining, flows disappear into gravels.

7.3.15 Financial contributions, works or services may be required to offset, remedy or mitigate any unavoidable adverse effect of the taking, damming or diversion of water.

Explanation
The taking, damming or diversion of water can result in unavoidable adverse effects on the natural and human use values supported by a water body. Where such effects occur, financial contributions, works or services may be required as a condition of a resource consent to offset, remedy or mitigate the effects.

7.3A Transitional Policies – National Policy Statement on Freshwater Management
The National Policy Statement for Freshwater Management 2011 (NPS) contains four objectives and seven policies in relation to freshwater quantity.

Policy B7 of the NPS, and direction under section 55(2A) of the Resource Management Act 1991 (RMA), requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy B7 of the NPS.

Policy B7 of the NPS is accordingly included in this Plan as Policies 7.3A.1 to 7.3A.3 below.

7.3A.1 When considering any application the consent authority must have regard to the following matters:
(a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem; and
(b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

7.3A.2 Policy 7.3A.1 applies to:
(a) any new activity; and
(b) any change in character, intensity or scale of any established activity –
that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

7.3A.3 Policy 7.3A.1 does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management took effect on 1 July 2011.

7.4 Methods

7.4.1 The Council will seek to ensure that the effects of stormwater and drainage from new subdivisions is considered at the planning stage, at the same time as waste disposal, water supply and natural hazards.

7.4.2 Where the cumulative volume allocated from a river for permitted and/or consented takes reaches or exceeds 15% of MALF the Council will review the application of Rules 37, 38, and 39 to the affected river, and a plan change may be required to address the issue.

8. SURFACE WATER QUALITY

8.1 Introduction

Water quality can be adversely affected by discharges of contaminants resulting from human activities. There are two main types of discharge that can affect water quality, namely "point source", those that occur at a definable place, often through a pipe or drain, and "non-point source", those that enter a water body from a diffuse source, such as land runoff or infiltration.

This Chapter addresses point source discharges to surface water only. In the region many discharges are directly to water, including treated dairy effluent, municipal sewage discharges, and industrial effluent (mining, ports, and dairy companies).

Where water quality is adversely affected by these discharges, this reduces the ability of lakes and rivers to support the needs of people and communities, and aquatic life. There is a particular concern in relation to discharges of human sewage to water, which Poutini Ngäi Tahu find culturally offensive.

Sometimes water quality can be affected by a large water take, where that take reduces the assimilative capacity of the water body. Adverse effects due to a contaminant discharge should be mitigated in the first instance by reducing the level of contaminant being discharged, rather than by managing takes to alter the assimilative capacity of the water body.

Note: The provisions in this Chapter are in addition to those in Chapter 5, which seek to maintain or enhance the natural and human use values supported by surface water bodies.

8.2 Objectives

8.2.1 To maintain or enhance the quality of the West Coast's water.

8.3 Policies

8.3.1. The West Coast Regional Council will manage the swimming areas identified in Schedule 9 for contact recreation purposes (Class CR) and all other surface water bodies in the region for aquatic ecosystem purposes (Class AE).

Explanation

Aquatic ecosystem and contact recreation standards are set in the Third Schedule of the RMA (see below). Contact recreation water bodies are identified in Schedule 9, and all other water bodies will be managed for aquatic ecosystem purposes. AE and CR classes do not exclude other water quality classes being applied if identified as appropriate through the resource consent process.

- Class AE Water (being water managed for aquatic ecosystem purposes)
  (1) The natural temperature of the water shall not be changed by more than 3° Celsius.
  (2) The following shall not be allowed if they have an adverse effect on aquatic life:
  (a) Any pH change:
  (b) Any increase in the deposition of matter on the bed of the water body or coastal water;
  (c) Any discharge of a contaminant into the water.
  (3) The concentration of dissolved oxygen shall exceed 80% of saturation concentration
  (4) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water

- Class CR Water (being water managed for contact recreation purposes)
  (1) The visual clarity of the water shall not be so low as to be unsuitable for bathing.
  (2) The water shall not be rendered unsuitable for bathing by the presence of contaminants.
  (3) There shall be no biological growths as a result of any discharges of a contaminant into the water.

In some streams on the West Coast the AE standards are unable to be met due to high acidity (both naturally occurring and caused by historic mining activities). This is reflected in Policy 8.3.2.

8.3.2. Rivers which have acid drainage issues will be managed as follows:

(a) Activities that reduce pH of receiving waters must avoid, remedy or mitigate acidity effects and should achieve the natural pH level of the affected river wherever practicable; and

(b) Activities that increase dissolved iron concentrations or the concentration of any other metal or non-metal in the receiving water must avoid, remedy or mitigate adverse effects and the natural metal/non-metal concentration of the receiving water should be achieved wherever practicable.

Explanation
Acid drainage issues will be identified when a resource consent is applied for. Mining activities can cause or exacerbate acid drainage from certain rock types. Some rivers have naturally high acidity and elevated heavy metal levels due to geology. In addition to the requirements of Policies 8.3.3 to 8.3.7 and Chapter 6 Policies (and instead of Policy 8.2.1), this Policy identifies specific parameters that need particular attention if Objective 8.2.1 is to be met. In addition to acidity, contaminants such as iron and manganese; and acid soluble aluminium, zinc, arsenic, nickel, cadmium, chromium, copper, and lead; and sulphate, calcium, and magnesium can lead to serious and long term effects on the aquatic ecosystem. Where natural contaminant levels are high the aim is to require that mining activities avoid, remedy or mitigate effects to maintain water quality as close as practicable to natural conditions. The relevant guideline levels for metals are a developing science and ANZECC guidelines are not necessarily relevant if better localised information is available.

8.3.3 To encourage the remediation of orphan sites as a method to enhance existing water quality and offset adverse effects from new mining developments.

Explanation
This Policy provides a management framework for 'orphan' areas that have existing acid rock drainage issues.

8.3.4 When considering applications for new resource consents for existing discharges of contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Explanation
There is the opportunity, with new resource consents for existing discharges, to achieve an enhancement in water quality. This can occur when the consent holder re-examines the discharge activity and makes use of technological advances in the reduction, reuse, recycling, or treatment of contaminants. The Council will have regard to these opportunities when considering resource consents to discharge contaminants to water.

This Policy applies to any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

8.3.5 When considering applications for resource consents to discharge contaminants to water to have regard to:

(a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
(b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with other options;
(c) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;
(d) The cumulative effects of discharges of contaminants and the assimilative capacity of the water body and actual or potential effects in the coastal marine area;
(e) Any relevant industry codes of practice or guidelines relating to the management of potential discharges; and
(f) The best practicable option for the treatment and disposal of sewage effluent, including the use of land disposal or wetland treatment.

Explanation
When considering the avoidance, remedy, or mitigation of the adverse effects of the discharge of contaminants to land or water under a resource consent, the Council will consider matters identified in (a) to (f) in the Policy. This ensures the recognition of any environmental mitigation technology constraint upon the adoption of alternative treatment or discharge methods, and the best practicable option, cumulative effects and assimilative capacity, and downstream effects on the coastal marine area. With respect to (a) for example, discharges from alluvial mining operations are often temporary in nature. They can be constructed ponds which form part of the treatment system and can occur with minimal effect. Regarding clause (f), the term "wetland treatment" refers to either artificially developed or natural wetlands. A sewage effluent discharge into a Schedule 1 or 2 wetland requires a resource consent.

8.3.6 Mixing zones will be required for the discharge of contaminants to water. These will be limited to the extent necessary to take account of:

(a) Water quality classes;
(b) The size and sensitivity of the receiving environment;
(c) The matters identified in Policy 3.3.1;
(d) The physical processes acting on the area of discharge; and
(e) The particular discharge, including contaminant type, concentration, and volume.

Explanation
Discharges of contaminants authorised under resource consents must meet any water quality standard set in respect of receiving waters after "reasonable mixing". Reasonable mixing occurs in a mixing zone, an accepted area of non-compliance. Matters (a) to (e) of the Policy will be considered in the determination of the size of any mixing zone. In some cases devices may need to be installed to accelerate mixing.

8.3.7 The duration of any new resource consent for an existing discharge of contaminants will take account of the water quality class as listed in Policy 8.3.1 after reasonable mixing, and any anticipated adverse effects of the discharge on an affected water body, and:

(a) Will be up to 35 years where the discharge will meet the water quality class for the duration of the resource consent; or where the discharge achieves Polices 8.3.2 or 8.3.3 or 8.3.4. Or except where the purpose of the Act requires otherwise and/or where mitigation, remediation or offsetting achieves enhancement of water quality within the receiving water body or another water body in the Region;
(b) Will be no more than 15 years where the discharge does not meet the water quality class but will progressively meet that standard within the duration of the resource consent; and
(c) Will be no more than 5 years where the discharge does not meet the water quality class; No resource consent, subsequent to one issued under (c), will be issued if the discharge still does not meet the water quality class.

Explanation
Resource consents to discharge contaminants may be issued for up to 35 years under the RMA. The duration of new resource consents for existing discharges under this Plan will be set having regard to the effect of the matters listed in this Policy.

If a commitment is made to meet the water quality class progressively within the duration of the resource consent, the duration of such resource consents would not exceed 15 years, in accordance with (b). In recognition of any environmental mitigation technology constraints on those proposing to undertake the discharge, a short duration resource consent, which does not exceed 5 years, may be granted in accordance with (c), in which time they must comply with the water quality class. Discharges that do not comply by the time the resource consent has expired will not be granted a further resource consent for the discharge.

8.3.8 With respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, to require:

(a) The separation of sewage and stormwater;
(b) The prevention of contamination by industrial or trade waste; and
(c) The use of techniques to trap debris, sediments and nutrients present in runoff.

Explanation
In terms of the Plan's rules for permitted and discretionary activities for new discharges, or extensions to the catchment area of existing discharges from reticulated stormwater systems, the requirements of (a) to (c) will apply, as required.

8.3.9 To promote and enable the progressive upgrading of the quality of water discharged from existing stormwater reticulation systems where appropriate.

Explanation
The Council will encourage the operator of any existing stormwater reticulation system to improve the quality of stormwater discharged from the system where appropriate. Measures that can be taken to achieve this improvement include:
(a) The separation of sewage and stormwater;
(b) The prevention of contamination by industrial or trade waste; and
(c) The use of techniques to trap debris, sediments and nutrients present in runoff.

Priority will be given to improving discharges to those water bodies where water quality classes cannot be met and natural and human use values are adversely affected. Such measures may not be necessary where an existing discharge meets water quality classes or is having no more than a minor adverse effect on any natural or human use value supported by an affected water body. Resource consents for stormwater may be issued that allow time for water quality classes to be met. This recognises financial and technical constraints associated with these types of discharges.

8.3.10 To avoid the damming and subsequent inundation or diversion of water over contaminated land where it would result in an increased risk of contamination of water or, where avoidance is not practicable, to either require the removal or treatment of the contaminated land flow path management.

Explanation
There is the potential for adverse effects on water quality where land contaminated by hazardous substances comes into contact with water. Such effects may occur:
(a) Within a reservoir created by the damming of a water body;
(b) Within diverted water where the water passes over contaminated land; or
(c) Downstream of that reservoir or diverted water.

When considering any resource consent for new proposals for damming or diversion of water, the Council must be satisfied that the activity would not result in water being contaminated by its coming into contact with sites associated with hazardous substances. The Council maintains a register of these sites on the West Coast. Policy 8.3.10 does not apply to dams designed for the storage of contaminants.

8.3.11 To require the holder of any consent for a dam constructed for the purposes of storage of contaminants to completely remedy any adverse effect of the failure or overtopping of the dam structure, either during or after its construction.

Explanation
Where a resource consent is required for damming of water for the purpose of storing contaminants, the consent authority will require the person erecting the dam to plan for and provide measures, including bonds under Section 108 of the RMA, for the complete remediation of any loss or damage caused by the uncontrolled release of contaminants. There is a risk of such releases where the dam constructed to store the contaminants fails or is overtopped, either during or after its construction. The construction of dams is covered in Chapter 4.

8.3A Transitional Policies – National Policy Statement on Freshwater Management
The National Policy Statement for Freshwater Management 2011 (NPS) contains two objectives and four policies in relation to freshwater quality.

Policy A4 of the NPS, and direction under section 55(2A) of the Resource Management Act 1991 (RMA), requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy A4 of the NPS.

Policy A4 of the NPS is accordingly included in this Plan as Policies 8.3A.1 to 8.3A.3 below.

8.3A.1 When considering any application for a discharge the consent authority must have regard to the following matters:

(a) The extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and

(b) The extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

8.3A.2 Policy 8.3A.1 applies to the following discharges (including a diffuse discharge by any person or animal):

(a) a new discharge; or

(b) a change or increase in any discharge –

of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

8.3A.3 Policy 8.3A.1 does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management took effect on 1 July 2011.

8.4 Methods

8.4.1 The Council will encourage operators of existing stormwater reticulation systems to utilise techniques that will assist to reduce the level of contaminants discharged from the systems.

8.4.2 The Council will encourage district councils, communities and property owners to install reticulated systems for sewerage, where it is appropriate and feasible, in any site where the conditions are such that on-site waste treatment could result in an adverse effect on water bodies, particularly those specifically identified in this Plan.

10. GROUNDWATER

10.1 Introduction

Groundwater is water that occupies or moves through cavities and geological formations and permeable layers or porous material beneath the ground surface. It is an important resource to many West Coast communities, where it serves a number of recognised uses, including domestic and public water supply, stock drinking water, irrigation and industrial uses. This water is largely accessed from shallow aquifers. High rainfall on the West Coast assists recharge of these aquifers. The region also has groundwater in cave and karst systems, which have recreational, cultural, ecological, and aesthetic values.

There is often a hydrological connection between surface water and groundwater. Where the connection is significant, there needs to be recognition of the fact that the use of surface water can affect groundwater, and vice versa. Takes of groundwater can adversely affect other existing groundwater takes through bore interference, and impact on hydraulically linked surface water. Bore interference relates to groundwater takes that lower water levels in a neighbouring bore so that they may be unable to take the water they require, or their pumping costs may increase. Shallow bores that are adjacent to surface water bodies may share water through freely draining gravels. This connection means that lower groundwater levels prevents surface water users from taking their authorised amount of water, or damages the ecological values of the water body. The potential for interference between bores, or between a bore and a surface water body is related to the proximity of the bore to neighbouring bores or a surface water body, the transmissivity within the aquifer and the rate at which water is taken.

The effects of inappropriate land, water use and development on groundwater quantity and quality are often long term, and in some cases may be permanent. It is therefore important that particular consideration be given to the protection of aquifers for the continued benefit of present and future generations.

10.2 Objectives

10.2.1 To sustain existing uses of the West Coast's groundwater, by protecting water quantity and quality and avoiding depleting surface water flows.

Explanation

Groundwater is an important resource in certain areas of the West Coast as it provides water for domestic and public water supply, stock drinking water, industry and irrigation. This Objective seeks to sustain these consumptive uses for the continued benefit of present and future generations.

10.2.2 To minimise conflict between competing uses of groundwater.

Explanation

The taking of water through one bore can reduce the amount of water available at other nearby bores through reductions in groundwater levels. This creates the potential for conflict among users of groundwater bores. This Objective seeks to avoid such conflict by minimising the potential for bore interference.

10.2.3 To avoid, remedy or mitigate adverse effects on surface water bodies associated with groundwater takes.

Explanation

Hydraulically linked surface water bodies can be adversely affected by the taking of groundwater. Effects include contamination and the lowering of water levels. When considering groundwater takes, regard must be had to avoiding, remedying, or mitigating adverse effects.

10.3 Policies

10.3.1 In managing any activity involving the taking of groundwater to ensure that adverse effects are avoided, remedied, or mitigated.

Explanation
Groundwater and surface water can be adversely affected by the taking of groundwater. This requires consideration of connectivity and transmissivity between water bodies. When considering these activities, regard must be had to avoiding, remedying or mitigating adverse effects.

10.3.2 In managing the taking of water from any groundwater aquifer, priority will be given to the avoidance of:

(a) The total take from all bores exceeding the annual renewable yield of the aquifer; and

(b) Depletion of any surface water resource.

Explanation
The taking of groundwater can have adverse effects on both groundwater and surface water resources. When considering the taking of water from any groundwater aquifer, priority will be given to avoiding the adverse effects identified above. If the adverse effects of the taking are considered to be unavoidable, they must be remedied or mitigated. The way in which takes of groundwater affect surface water resources is influenced by the degree to which an aquifer allows water to pass through it (its transmissivity) and the degree to which it is connected to surface water.

10.3.3 In managing the taking of groundwater:

(a) To have regard to avoiding adverse effects on existing groundwater takes, unless the approval of affected persons has been obtained; and

(b) To give priority to avoiding adverse effects on community water takes listed in 7B.

Explanation
This Policy recognises that the taking of groundwater can result in the lowering of water levels in a neighbouring bore. Conditions on a resource consent to take groundwater may limit the instantaneous take of groundwater in order to maintain existing access to water in neighbouring bores. This access includes groundwater takes for community supply outlined in Schedule 7B.

10.3.4 To ensure that the quantity of water granted, under a resource consent for the taking of water, is no more than that required for the intended use of that water having regard to the local conditions.

Explanation
When considering applications for resource consents to take water, the actual quantity required for the intended use of the water taken must be reflected in any consent granted, to avoid over allocating the resource.

10.3.5 To manage the taking of water from any bore such that groundwater contamination by sea water intrusion is avoided.

Explanation
Where pumping from a bore near the coast reduces the water level in an aquifer so that sea water enters the aquifer, contamination occurs. This Policy envisages setting minimum water levels when considering resource consent applications to take groundwater from bores near the coast.

10.3.6 In granting resource consents to take water from any aquifer, to require the volume and rate of take to be accurately measured and groundwater quality to be monitored as or where appropriate.

Explanation
Monitoring groundwater use enables management of the resource for existing and potential users. Requiring the rate, weekly volume and quality of groundwater taken from any bore to be monitored will provide data to determine changes in water quantity or quality in each aquifer.

15. HAZARDOUS SUBSTANCES

15.1 Introduction

Hazardous substances have the ability to impair human, plant, or animal health, or may adversely affect the environment. Examples of hazardous substances include liquid fuels, agricultural sprays, paint strippers, solvents, batteries, transformer oils, asbestos, and timber treatment chemicals.

It is important for the protection of public health and environmental quality that hazardous substances are properly managed.

The transportation, storage and use of hazardous substances

Poor storage practices and spills of hazardous substances can create contaminated sites and can also have adverse effects on freshwater quality, air quality, human health, ecosystems and the coastal environment.

The primary concern with the use of hazardous substances is the unauthorised discharge of a hazardous substance to land and/or water. Planned discharges of hazardous substances where there is potential for significant adverse effects will be controlled through the resource consent process.

15.2 Objective

15.2.1 To ensure that the adverse effects from the discharge of hazardous substances into or onto land, on water and soil quality, social, cultural, and amenity values, indigenous flora and fauna, and human health are avoided, remedied, or mitigated.

15.3 Policy

15.3.1 To avoid inappropriate disposal or discharge of hazardous substances to land.

Explanation

The disposal of hazardous substances in the region is an issue of concern. Avoiding uncontrolled or inappropriate discharges of hazardous substances to land involves the provision of alternatives for safe collection, storage, treatment, and disposal. If not properly managed the discharge of hazardous substances may result in harmful environmental effects such as the contamination of the site where the activity is carried out, or contamination of water. This Policy reflects the need to ensure that any adverse effects can be avoided, remedied, or mitigated.

15.3.2 To recognise, where appropriate, relevant industry codes of practice or guidelines relating to the management of hazardous substances and potential associated discharges.

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Chapter 7 DUST

7.1 BACKGROUND

Dust can enter the air incidentally, through wind action, or directly through an activity itself, such as by operating machinery or equipment on unsealed areas or farmland. Effects include unwanted deposition of dust in property, reduced visibility, and health impairment from inhaling dust. Adverse health effects include aggravation of respiratory problems such as emphysema and bronchitis, asthma, and irritation of the eyes, nose, throat and lungs.

The sources of dust in the Region include land clearance, the manufacturing of fertiliser, roadworks, coal handling facilities and stockpiles, and quarrying.

One particular source of dust which has the potential to cause significant adverse effects is abrasive blasting using dry sand. The concerns relate to irritation to eyes and airways, soiling of property, loss of amenities, inconvenience, visual pollution and adverse human effects, such as those from leaded paint dusts. Alternatives to dry sand are available, such as low or zero free-silica rock grits and garnet sand, that have superior durability to silica sand and produce less dust.

Management of dust is often divided into two types:

- ***Deposited dust*** is dust that, because of its diameter and density, falls from the air. It consists of particles that are generally larger than 20 μm (microns) in size. The effects of deposited dust are largely of nuisance type, and damage and discolouration of property can occur.
- ***Suspended dust*** is dust that stays suspended in the atmosphere for significant periods. It consists of particles mostly smaller than 20 μm. These fine particles that fall within the respirable range can cause adverse health effects.

  The air quality indicator in the AAQG (and adopted in this Plan) for suspended particulate is measured as the portion of the particulate that is smaller than 10 μm in diameter. This is known as PM_{10}. This is a measure of particles that is associated with adverse effects on human health, namely those able to penetrate the upper respiratory tract.

For claims of offensive or objectionable effects, the following approach will be taken:

(a) An assessment of the situation will be made by one or more authorised Council officers taking into account the factors in Policy 7.4.3, the sensitivity of the receiving environment, and any relevant Codes of Practice for air discharges;
(b) If the discharge is deemed to be offensive or objectionable by the Council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.

7.2 ISSUE

7.2.1 Adverse effects on human health, property, structures and ecosystems from the discharge of dust into air.

7.3 OBJECTIVE

7.3.1 The protection of human health, property, structures and ecosystems from the adverse effects of discharges of dust to air.

7.4 POLICIES

7.4.1 Adverse effects of the deposition of dust will be avoided, remedied, or mitigated by ensuring that any discharge of dust does not occur at a volume, rate or in a manner that could cause an offensive or objectionable effect, including the significant restriction of visibility or the soiling of property.

Methods 7.5.1, 7.5.2, 7.5.4

Explanation
The aim of this policy is to avoid, remedy or mitigate adverse effects arising from the discharge of dust, including significant effects on visibility and the soiling of property. The presence of deposited dust can result in a loss of amenities, inconvenience, and disruption to outdoor activities.

7.4.2 Adverse effects of suspended dust will be avoided, remedied, or mitigated by ensuring that any discharge of dust does not occur at a volume, rate or in a manner that could cause an offensive or objectionable effect, including the impairment of human health.

Methods 7.5.1, 7.5.2, 7.5.4, 7.5.5

Explanation
This policy addresses the need to avoid problems associated with the discharge of suspended dust. The adverse effects of suspended dust may include acute and chronic effects on human health.

The indicator adopted in this Plan for management of suspended particulate measures the portion of particulate matter smaller than 10 microns in diameter, known as PM_{10}. PM_{10} has the potential to cause significant adverse health effects. Management of levels of PM10 and other dust contaminants in discharges to air is assessed on a case by case basis, according to the scale and risk of actual or potential adverse effects.

7.4.3 In assessing offensive or objectionable effects from discharges of dust, the Regional Council will take into account the following factors:

- **Frequency of dust discharges;**
- **Intensity of dust discharges;**
- **Duration of dust discharges;**
- **Offensiveness of the odour;**
- **Extent of dust discharges (suspended and deposited);**
- **Location of dust discharges.**

Method 7.5.1, 7.5.2, 7.5.5

Explanation

This policy provides guidance on the factors that will be taken into account when considering whether a dust discharge is offensive or objectionable. For example, the effects of the same discharge to air of dust may be different, depending on the location of the discharge and the sensitivity of the receiving environment. This policy provides for these factors to be considered, in relation to the management of adverse effects from dust.

7.4.4 To avoid, remedy or mitigate the adverse effects of the discharge of dust and materials on air and water quality and the seabed of the coastal environment, including during the transfer of materials from ship to shore or vice versa.

Methods 7.5.1, 7.5.2, 7.5.4

Explanation

This policy relates specifically to dust emissions in the coastal environment and the potential for adverse effects from activities such as the loading and unloading of cargo. These dusts may give rise to nuisance effects in the vicinity of such operations, or they may ultimately affect the health and vitality of aquatic life in nearby waters. By requiring the avoidance, remediation or mitigation of these adverse effects, this policy also makes provision for the protection of the public's enjoyment of the coast.

7.5 METHODS

SEE REGIONAL RULES - CHAPTER 10.0
Rule 3
Stockpiling, conveying and handling
Rule 4
Road and railway construction and maintenance
Rule5
Earthworks, quarrying, mining and cleanfill operations
Rule 6
Abrasive blasting, other than using a moveable source
Rule 7
Operation of moveable aggregate crushing and screening plants
Rule 13
Miscellaneous permitted activities
Rule 15
Abrasive blasting
Rule 16
General discretionary activities

7.5.1
The Council will apply Policies 7.4.1- 7.4.4 through the regional rules of this Plan and when making decisions on consent applications for the discharge of contaminants into air, to regulate the discharge of dust into air.

Policies 7.4.1-7.4.4

7.5.2
The Council will provide information and advice about techniques and practices to avoid or mitigate the discharge of dust into air.

Policies 7.4.1-7.4.4

7.5.3
The Council will ensure that the provisions of this Plan complement provisions in other regional plans.

Policies 7.4.1, 7.4.2, 7.4.4

7.5.4
The Council will utilise the enforcement provisions under the RMA where necessary, for breaches of resource consent conditions or unauthorised discharges.

7.5.5
For resource consent applications to discharge contaminants into air, the Council will consider applying the best practicable option for preventing or minimising any actual or likely adverse effects on the environment.

Policy 7.4.2

7.5.6
The Council will ensure that the principles of the Treaty of Waitangi are taken into account in any decisions.

PRINCIPAL REASONS

Method 7.5.1 established a consistent approach to the management of discharges of dust. Many of the rules in Chapter 10 include conditions for dust management. The principal reasons for adopting these rules can be found beneath each rule.

Method 7.5.2 recognises that the provision of information on how to achieve the policies in this Plan is important. The provision of information and advice provides a means of avoiding or mitigating adverse effects, by increasing awareness and understanding of the nature of these effects and the availability of options to prevent or minimise them.

The methods incorporating promotion, education and information provision will aid implementation of the rules in this Plan through this increased understanding of the effects of discharges to air.

7.6 ANTICIPATED ENVIRONMENTAL RESULTS

7.6.1
No significant adverse effects from dust discharges on the health of humans, animals and plants, property, amenity/cultural values and the values of Papatipu Runanga of Ngai Tahu.

7.6.2
A reduction in the generation of offensive or objectionable dust, including dust discharges within the coastal marine area.

7.6.3
Increased promotion of good practices to reduce adverse effects of dust discharges.

Chapter 8 PRODUCTS OF COMBUSTION

8.1 BACKGROUND

Burning material or waste can give rise to smoke, odour, incompletely burnt particulate matter, carbon, organic and other chemicals being discharged into air. These are collectively referred to as the products of combustion. As with dust, products of combustion can contain both particulate that will fall out (deposited) and finer matter that will remain suspended. These products of combustion, therefore, pose both nuisance and health effect potential.

The products of combustion arise from activities such as backyard fires, vegetation clearance, coal-fired boilers and other industrial sources, and domestic heating.

The adverse effects associated with discharges to air of products of combustion include the deposition of particulate matter, the creation of odour problems, a reduction in visibility, the emission of gases which are offensive, and adverse effects on human health.

Outside domestic fires are a very convenient method of waste "disposal" but have the potential to generate frequent nuisance complaints from neighbours. Burning green vegetation, plastic or rubber can generate thick smoke because of its high moisture content and low temperature combustion. Burning of some materials such as plastics may release toxic contaminants. In built-up areas, rubbish fires can result in frequent complaints.

There are no rules in this Plan controlling discharges from inside domestic fires or outside domestic fires, for reasons explained under Policy 8.4.3 and Rule 9. The Ministry of Health has issued a directive that where there are no rules in a regional plan, or where no resource consent has been granted, or Section 20 of the RMA does not apply, outside domestic fires should be controlled by territorial authorities under the Health Act 1956.

Outside domestic fire, when carried out in a manner, or with such frequency as to be injurious to health or offensive, is subject to provisions in the Health Act 1956. Sections 29-35 of this Act relate to nuisances and are particularly relevant. These provisions enable District Councils to take enforcement action where appropriate to abate the nuisance.

Co-ordination between the Regional Council, district councils and public health agencies is important to achieve integrated management of discharges of contaminants to air from inside domestic fires and outside domestic fires.

Residents of the West Coast use substantial amounts of coal and wood for home heating because these fuels are cheap and easily obtained in the Region. Observations on calm winter days indicate that West Coast towns have substantial smoke problems at or near ground level, attributable to smoke from household chimneys. Monitoring of air quality in Greymouth and Reefton in 1994 indicated that in calm weather air quality was affected by smoke and sulphur dioxide pollution from wood and coal fires.

The problem manifests itself visually by way of particulate deposits on property, smell of coal and wood smoke, and reduced visibility. The monitoring indicated that pollution on some days was at levels where adverse effects on people's health could be expected (Kingston Morrison, 1994). This may be a contributing factor in the Region's high incidence of hospitalisation due to respiratory disease. Research needs to be done on the possible health effects of air pollution in the Region. Further air quality monitoring will be carried out by the Regional Council.

Vegetation clearance by fire is subject to the Forest and Rural Fires Act 1977, which is designed to protect land and property from accidental fires and deliberate burnoffs. It does not control the discharge of contaminants to air. Measures for controlling the adverse effects associated with these discharges are made through provisions in this Plan.

Pollution from discharges from ships is not an issue of significance in the West Coast coastal marine area. Discharges from ships as part of their normal operation are controlled by the Resource Management (Marine Pollution) Regulations 1998 and cannot be dealt with by this Plan.

Likewise, motor vehicles, while a major cause of air pollution in cities, are unlikely to add significantly to pollution levels on the West Coast due to its low and scattered population. Central government initiatives to limit emissions from motor vehicles, such as the introduction of emission standards, will be supported.

8.2 ISSUE

8.2.1 Adverse effects on human health and the environment from the products of combustion.

8.3 OBJECTIVE

8.3.1 The protection of human health and the environment from the adverse effects of discharges of products of combustion.

8.4 POLICIES

8.4.1 To minimise or reduce where practicable the discharge of products of combustion to air at their source.

Methods 8.5.1, 8.5.2, 8.5.4, 8.5.8, 8.5.9

Explanation
This policy enables the reduction of adverse effects by requiring the reduction, where practicable, of emissions. Most discharges to air from products of combustion are 'wastes', in that they are unwanted by-products of a process. It is now commonly accepted that priority should be given to minimising wastes at their source.

8.4.2 To avoid, and where this is not possible, to remedy or mitigate any offensive or objectionable effect, including any adverse effects on human health, significant reduction of visibility or significant soiling of property, from the products of combustion.

Methods 8.5.1, 8.5.3, 8.5.5, 8.5.6, 8.5.9, 8.5.10

Explanation
This policy addresses the need to avoid offensive or objectionable effects associated with burning waste and other material. It is structured this way to reflect the fact that after discharges of these contaminants into air have occurred, significant adverse effects may be difficult or impossible to remedy or mitigate, and therefore avoidance at source is appropriate. However, since avoiding all discharges of contaminants is impracticable, the adverse effects from those discharges that cannot be avoided will need to be remedied or mitigated.

8.4.3 To promote, or where appropriate and practicable, require measures to avoid, remedy or mitigate the adverse effects of discharges to air from outside domestic fires and inside domestic fires.

Method 8.5.2, 8.5.3

Explanation
This policy recognises that because of the number of individual sources of discharge and their low individual effect, region-wide control of all sources through regulation is not appropriate, and other non-regulatory means are more appropriate in achieving the objective. However the policy also provides for the consideration of other methods that require adverse effects to be avoided, remedied or mitigated, if significant sources of contamination or cumulative effects arise. The gathering of monitoring information will be an important part of any such action.

8.5 METHODS

SEE REGIONAL RULES - CHAPTER 10.0
Rule 8
Combustion of organic waste
Rule 9
Discharges from small-scale fuel burning equipment
Rule 13
Miscellaneous permitted activities
Rule 14
Discharges from fuel burning equipment
Rule 16
General discretionary activities
Rule 17
Combustion of specified materials

8.5.1
The Council will apply Policies 8.4.1 and 8.4.2 through the regional rules of this Plan and when making decisions on consent applications for the discharge of contaminants into air.

Policy 8.4.1, 8.4.2

8.5.2
The Council will promote the use and correct operation of cleaner burning solid fuel heaters in place of less efficient forms of heating. Appropriate types of fuel for domestic heating purposes will also be promoted.

Policy 8.4.1, 8.4.3

8.5.3
In conjunction with Crown Public Health and other agencies, the Council may carry out research to determine whether there is any link between lung disease and the incidence of winter urban air pollution.

Policy 8.4.2, 8.4.3

8.5.4
The Council will educate and promote alternatives to burning of domestic rubbish, such as composting.

Policy 8.4.1

8.5.5
The Council will promote adherence to guidelines and codes of practice, such as the New Zealand Code of Practice for land clearance.

Policy 8.4.2

8.5.6
The Council will liaise with the rural fire authority regarding the need to take environmental matters into consideration when granting fire permits.

Policy 8.4.2

8.5.7
The Council will ensure the provisions of this Plan complement appropriate provisions in other regional plans.

8.5.8
The Council will support any national guidelines or initiatives to limit emissions from motor vehicle exhausts.

Policy 8.4.1

8.5.9
For resource consent applications to discharge contaminants into air, the Council will consider applying the best practicable option for preventing or minimising any actual or likely adverse effects on the environment.

Policies 8.4.1, 8.4.2

8.5.10
The Council will utilise the enforcement provisions under the RMA where appropriate and necessary, for breaches of resource consent conditions.

Policy 8.4.2

8.5.11
The Council will ensure that the principles of the Treaty of Waitangi are taken into account in any decisions.

8.5.12
The Council will liaise with territorial authorities and other relevant agencies when it receives complaints about discharges from inside domestic fires and outside domestic fires.

PRINCIPAL REASONS

Method 8.5.1 establishes a consistent approach to the management of discharges of products of combustion that require resource consent under this Plan. Many of the rules in Chapter 10 include conditions for management of the adverse effects of products of combustion. The principal reasons for adopting these rules can be found beneath each rule.

Non-regulatory methods are adopted in the Plan to encourage a reduction in products of combustion from domestic heating. The approach taken to this issue reflects the provisions of the RMA. Education and promotion is preferred, rather than a 'do-nothing' option, which would fail to address the identified issue and objective.

Method 8.5.2, providing for information dissemination about potential effects and promotion of alternatives and good practice, is the most equitable and efficient option for dealing with discharges from domestic fires. In the absence of monitoring information, a region-wide approach which would impose additional costs on domestic resource users is not supported.

Chapter 5.0 provides for the gathering of information to assess the nature of this issue. Method 8.5.3 also provides for this type of investigation. When further monitoring is undertaken, other measures in addition to promotion and education may be adopted where necessary.

The Council considers that, in many cases, reduction in discharges to air from products of combustion can be promoted by the use of non-regulatory methods. These include information dissemination about good management practices and alternatives to burning, and promotion of appropriate Codes of Practice.

Method 8.5.6 provides for the minimisation of duplication, in allowing for the consideration of environmental matters when fire permits are issued by rural fire authorities. Adverse effects on the environment may thus be considered through this mechanism, where a discharge to air permit is not required.

The RMA adopts a permissive approach to discharges from mobile sources such as motor vehicle emissions. This is supported in the Plan, given that the likely adverse effects of such emissions on the Coast are relatively minor. The promotion of a national approach in Method 8.5.8 recognises that the issue is not specific to this region and therefore more effective management through a coordinated approach is supported.

8.6 ANTICIPATED ENVIRONMENTAL RESULTS

8.6.1
No significant adverse effects from discharges of products of combustion on the health of people, animals and plants, property, amenity/cultural values, and values of Papatipu Runanga Ngai Tahu.

8.6.2
Increased promotion amongst the community of methods for preventing or minimising cumulative adverse effects arising from discharges from domestic fires and home heating appliances.

8.6.3
Increased promotion amongst industries in the region, of cleaner production practices for air discharges.

9.1.2 THE DISCHARGE OF GREENHOUSE GASES INTO AIR

The principal greenhouse gases are water vapour, carbon dioxide, methane, nitrous oxide, ozone and chlorofluorocarbons. Over the past thirty years it has been evident that humans have increased the quantity of carbon dioxide and other "greenhouse gases" in the atmosphere. The gases emitted from motor vehicles contribute to the greenhouse effect. New Zealand is one of the few developed countries that does not yet have emission standards for motor vehicles.

The emission of these gases affects the earth by changing the atmospheric chemistry in ways that either allow more of the sun's radiation to reach the surface of the earth, or increase the ability of the atmosphere to retain heat, trapping heat in the earth's atmosphere.

The adverse effects associated with this "greenhouse effect" include a rise in sea level and the associated risk of coastal erosion and inundation in low lying areas. A precautionary approach should be adopted towards development in the coastal environment. Such downstream effects are covered in the Regional Coastal Plan.

In ratifying the UN Framework Convention on Climate Change, New Zealand accepted a commitment to enhance greenhouse gas sinks, as well as reduce greenhouse gas emissions, and to promote other greenhouse gas reductions.

9.2 ISSUES

9.2.1 The adverse effects on the environment from the discharge of ozone depleting substances into air.

9.2.2 The adverse effects of the emission of greenhouse gases on climate change.

9.3 OBJECTIVE

9.3.1 The reduction and minimisation of adverse effects from discharges of contaminants to air of global significance, such as ozone depleting substances or greenhouse gases.

9.4 POLICIES

9.4.1 To promote the reduction of discharges of ozone depleting substances.

Methods 9.5.1-9.5.7

Explanation
New Zealand has ratified an international agreement to reduce emission of ozone depleting substances. This policy reflects that it is desirable to minimise them wherever possible.

9.4.2 To promote the reduction of emissions of greenhouse gases.

Methods 9.5.8-9.5.12

Explanation
As it is widely accepted that greenhouse gases are detrimental to the environment, it is desirable to reduce their emission wherever possible. This would include promotion to help reduce greenhouse gas emissions from motor vehicles and combustion of fossil fuels. This policy aligns with the Government's commitment to stabilise net carbon dioxide emissions at 1990 levels by the year 2000.

9.5 METHODS

9.5.1
The Council will advocate that New Zealand and overseas sources of information on ozone layer thickness and UVB radiation levels make their information publicly available.

Policy 9.4.1

9.5.2
The Council will promote the recovery, reuse and recycling of ozone depleting substances and encourage the use of alternative technologies where appropriate.

Policy 9.4.1

9.5.3
The Council will liaise with the Ministry of Commerce and the Ministry for the Environment to ensure consistency with central government initiatives.

Policy 9.4.1

9.5.4
The Council will promote and advocate the establishment of a West Coast collection facility of ozone-depleting refrigerants in conjunction with territorial authorities, industry and the Ministry for the Environment.

Policy 9.4.1

9.5.5
The Council will support any national and international initiatives to limit emissions of ozone depleting substances.

Policy 9.4.1

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National Policy Statement for Freshwater Management 2020

February 2023

Ministry for the Environment
Manatū Mō Te Taiao

Te Kāwanatanga o Aotearoa
New Zealand Government

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 3 August 2020, and is published by the Minister for the Environment under section 54 of that Act.

This National Policy Statement replaces the National Policy Statement for Freshwater Management 2014 (as amended in 2017), which came into force on 7 September 2017.

This version of the National Policy Statement incorporates the following amendments:

1. amendments made by the Minister for the Environment under section 53(1) of the Resource Management Act 1991 and notified in the New Zealand Gazette on 8 December 2022 as the National Policy Statement for Freshwater Management 2020 Amendment No 1

2. amendments made by the Minister for the Environment under section 53(2)(a) of the Resource Management Act 1991 to correct a minor error to Appendix 6 and Appendix 7 on 23 February 2023.

Contents

Part 1: Preliminary provisions

1.1 Title

(1) This is the National Policy Statement for Freshwater Management 2020.

1.2 Commencement

(1) This National Policy Statement comes into force on 3 September 2020.

(2) *See* Part 4 for provisions about the timing of the implementation of this National Policy Statement.

1.3 Fundamental concept – Te Mana o te Wai

Concept

(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

(2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

(3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.

(4) The 6 principles are:

(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) *Kaitiakitanga*: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) *Stewardship*: the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

(5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

1.4 Interpretation

(1) In this National Policy Statement:

Act means the Resource Management Act 1991

attribute means a measurable characteristic (numeric, narrative, or both) that can be used to assess the extent to which a particular value is provided for

baseline state, in relation to an attribute, means the best state out of the following:

(a) the state of the attribute on the date it is first identified by a regional council under clause 3.10(1)(b) or (c)

(b) the state of the attribute on the date on which a regional council set a freshwater objective for the attribute under the National Policy Statement for Freshwater Management 2014 (as amended in 2017)

(c) the state of the attribute on 7 September 2017

commencement date means the date on which this National Policy Statement comes into force (ie, 3 September 2020)

compulsory value means the 4 values described in Appendix 1A, being: ecosystem health, human contact, mahinga kai, and threatened species

degraded, in relation to an FMU or part of an FMU, means that as a result of something other than a naturally occurring process:

(a) a site or sites in the FMU or part of the FMU to which a target attribute state applies:

(i) is below a national bottom line; or

(ii) is not achieving or is not likely to achieve a target attribute state; or

(b) the FMU or part of the FMU is not achieving or is not likely to achieve an environmental flow and level set for it; or

(c) the FMU or part of the FMU is less able (when compared to 7 September 2017) to provide for any value described in Appendix 1A or any other value identified for it under the NOF

degrading, in relation to an FMU or part of an FMU, means that any site or sites to which a target attribute state applies is experiencing, or is likely to experience, as a result of something other than a naturally occurring process, a deteriorating trend (as assessed under clause 3.19)

environmental outcome means, in relation to a value that applies to an FMU or part of an FMU, a desired outcome that a regional council identifies and then includes as an objective in its regional plan (*see* clause 3.9)

freshwater management unit, or FMU, means all or any part of a water body or water bodies, and their related catchments, that a regional council determines under clause 3.8 is an

appropriate unit for freshwater management and accounting purposes; and **part of an FMU** means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body

kaitiakitanga has the meaning given in the Act but includes the principle referred to in clause 1.3(4)(b)

limit means either a limit on resource use or a take limit

limit on resource use means the maximum amount of resource use that is permissible while still achieving a relevant target attribute state or a nutrient outcome needed to achieve a target attribute state (*see* clauses 3.12 and 3.14)

long-term vision means a long-term vision developed under clause 3.3 and included as an objective in a regional policy statement

Māori freshwater values means the compulsory value of mahinga kai and any other value (whether or not identified in Appendix 1A or 1B) identified for a particular FMU or part of an FMU through collaboration between tangata whenua and the relevant regional council

national bottom line means an attribute state identified as such in Appendix 2A or 2B

National Objectives Framework, or **NOF**, means the framework for managing freshwater as described in subpart 2 of Part 3

natural inland wetland has the meaning in clause 3.21

naturally occurring process means a process that occurs, or would occur, in the absence of human activity

nutrient outcomes needed to achieve target attribute states means the instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus, adopted under clause 3.13(4)

outstanding water body means a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values

over-allocation, or **over-allocated**, in relation to both the quantity and quality of freshwater, means the situation where:

(a) resource use exceeds a limit; or

(b) if limits have not been set, an FMU or part of an FMU is degraded or degrading; or

(c) an FMU or part of an FMU is not achieving an environmental flow or level set for it under clause 3.16

primary contact site means a site identified by a regional council that it considers is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities such as swimming, paddling, boating, or watersports, and particularly for activities where there is a high likelihood of water or water vapour being ingested or inhaled

publish, in relation to an obligation on a local authority to publish material, means to make the material freely available to the public on the local authority's internet website or another web-based platform

receiving environment includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries)

take limit means a limit on the volume, rate, or both volume and rate, of water that can be taken or diverted from, or dammed in, an FMU or part of an FMU, as set under clause 3.17

Te Mana o te Wai has the meaning set out in clause 1.3

threatened species means any indigenous species of flora or fauna that:

(a) relies on water bodies for at least part of its life cycle; and

(b) meets the criteria for nationally critical, nationally endangered, or nationally vulnerable species in the *New Zealand Threat Classification System Manual* (*see* clause 1.8).

(2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, except as otherwise specified.

(3) Terms defined in the National Planning Standards issued under section 58E of the Act and used in this National Policy Statement have the meanings in those Standards, unless otherwise specified.

(4) A reference in this National Policy Statement to a zone is:

(a) a reference to a zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standards; or

(b) for local authorities that have not yet implemented the Zone Framework Standard of the National Planning Standards, a reference to the nearest equivalent zone.

1.5 Application

(1) This National Policy Statement applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

1.6 Best information

(1) In giving effect to this National Policy Statement, local authorities must use the best information available at the time, which means, if practicable, using complete and scientifically robust data.

(2) In the absence of complete and scientifically robust data, the best information may include information obtained from modelling, as well as partial data, local knowledge, and information obtained from other sources, but in this case local authorities must:

(a) prefer sources of information that provide the greatest level of certainty; and

(b) take all practicable steps to reduce uncertainty (such as through improvements to monitoring or the validation of models used).

(3) A local authority:

(a) must not delay making decisions solely because of uncertainty about the quality or quantity of the information available; and

(b) if the information is uncertain, must interpret it in the way that will best give effect to this National Policy Statement.

1.7 Application of section 55(2A) of Act

(1) The changes to regional policy statements and regional plans required by the following provisions of this National Policy Statement are amendments referred to in section 55(2) of the Act (which, because of section 55(2A) of the Act, means that the changes must be made without using a process in Schedule 1 of the Act):

(a) clause 3.22(1) (Natural inland wetlands)

(b) clause 3.24(1) (Rivers)

(c) clause 3.26(1) (Fish passage)

(d) clause 3.34 (Urban development in the Bay of Plenty).

(2) *See* clause 4.3(3) about changes that merely update wording or terminology.

1.8 Incorporation by reference

(1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy Statement.

(2) However, clause 2(1) of Schedule 1AA of the Act does apply to the SmartGrowth Urban Form and Transport Initiative Connected Centres Programme.

(3) All material incorporated by reference in this National Policy Statement is available at: https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-freshwater-management/#material-incorporated-by-reference.

Part 2: Objective and policies

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

Part 3: Implementation

3.1 Overview of Part

(1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the objective and policies in Part 2 of this National Policy Statement, but nothing in this Part limits the general obligation under the Act to give effect to the objective and policies in Part 2 of this National Policy Statement.

(2) Nothing in this Part:

(a) prevents a local authority adopting more stringent measures than required by this National Policy Statement; or

(b) limits a local authority's functions and duties under the Act in relation to freshwater.

(3) In this Part:

(a) subpart 1 sets out how local authorities must implement this National Policy Statement, particularly in relation to giving effect to Te Mana o te Wai

(b) subpart 2 sets out the National Objectives Framework for managing freshwater

(c) subpart 3 sets out additional specific requirements on regional councils relating to freshwater management.

Subpart 1 Approaches to implementing the National Policy Statement

3.2 Te Mana o te Wai

(1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.

(2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:

(a) actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and

(b) engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and

(c) apply the hierarchy of obligations, as set out in clause 1.3(5):

(i) when developing long-term visions under clause 3.3; and

(ii) when implementing the NOF under subpart 2; and

(iii) when developing objectives, policies, methods, and criteria for any purpose under subpart 3 relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and

(d) enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and

(e) adopt an integrated approach, ki uta ki tai, to the management of freshwater (*see* clause 3.5).

(3) Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.

(4) In addition to subclauses (1) to (3), Te Mana o te Wai must inform the interpretation of:

(a) this National Policy Statement; and

(b) the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.

3.3 Long-term visions for freshwater

(1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.

(2) Long-term visions:

(a) may be set at FMU, part of an FMU, or catchment level; and

(b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and

(c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).

(3) Every long-term vision must:

(a) be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and

(b) be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and

(c) express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.

(4) Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.

3.4 Tangata whenua involvement

(1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:

(a) identifying the local approach to giving effect to Te Mana o te Wai

(b) making or changing regional policy statements and regional and district plans so far as they relate to freshwater management

(c) implementing the NOF (*see* subclause (2))

(d) developing and implementing mātauranga Māori and other monitoring.

(2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:

(a) identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and

(b) be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.

(3) Every regional council must work with tangata whenua to investigate the use of mechanisms available under the Act, to involve tangata whenua in freshwater management, such as:

(a) transfers or delegations of power under section 33 of the Act

(b) joint management agreements under section 36B of the Act

(c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.

(4) To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.

3.5 Integrated management

(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

(a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and

(b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and

(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and

(d) encourage the co-ordination and sequencing of regional or urban growth.

(2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:

(a) the use and development of land on freshwater; and

(b) the use and development of land and freshwater on receiving environments.

(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

(4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

3.6 Transparent decision-making

(1) This clause applies to all decisions made by regional councils in giving effect to this National Policy Statement, including but not limited to decisions relating to clauses 3.4 and 3.15.

(2) Every regional council must:

(a) record matters considered and all decisions reached; and

(b) specify the reasons for each decision reached; and

(c) publish the matters considered, decisions reached, and the reasons for each decision, as soon as practicable after the decision is reached, unless publication would be contrary to any other legal obligation.

(3) In this clause, **decision** includes a decision not to decide on, or to postpone deciding, any substantive issue and, in relation to decisions about mechanisms to involve tangata whenua in freshwater management, includes a decision to use or not use a mechanism.

(4) The obligation in this clause is in addition to any other requirement under the Act relating to processes for making or changing regional policy statements or regional plans; but where the requirements of this clause are already met by complying with the requirements under the Act (for example, by publishing a report under section 32 of the Act), no additional action is required by this clause.

Subpart 2 National Objectives Framework

3.7 NOF process

(1) At each step of the NOF process, every regional council must:

(a) engage with communities and tangata whenua; and

(b) apply the hierarchy of obligations set out in clause 1.3(5), as required by clause 3.2(2)(c).

(2) By way of summary, the NOF process requires regional councils to undertake the following steps:

(a) identify FMUs in the region (clause 3.8)

(b) identify values for each FMU (clause 3.9)

(c) set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)

(d) identify attributes for each value and identify baseline states for those attributes (clause 3.10)

(e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)

(f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).

(3) The NOF also requires that regional councils:

(a) monitor water bodies and freshwater ecosystems (clauses 3.18 and 3.19); and

(b) take action if degradation is detected (clause 3.20).

3.8 Identifying FMUs and special sites and features

(1) Every regional council must identify FMUs for its region.

(2) Every water body in the region must be located within at least one FMU.

(3) Every regional council must also identify the following (if present) within each FMU:

(a) sites to be used for monitoring

(b) primary contact sites

(c) the location of habitats of threatened species

(d) outstanding water bodies

(e) natural inland wetlands.

(4) Monitoring sites for an FMU must be located at sites that are either or both of the following:

(a) representative of the FMU or relevant part of the FMU

(b) representative of one or more primary contact sites in the FMU.

(5) Monitoring sites relating to Māori freshwater values:

(a) need not comply with subclause (4), but may instead reflect one or more Māori freshwater values; and

(b) must be determined in collaboration with tangata whenua.

3.9 Identifying values and setting environmental outcomes as objectives

(1) The compulsory values listed in Appendix 1A apply to every FMU, and the requirements in this subpart relating to values apply to each of the 5 biophysical components of the value Ecosystem health.

(2) A regional council may identify other values applying to an FMU or part of an FMU, and must in every case consider whether the values listed in Appendix 1B apply.

(3) The regional council must identify an environmental outcome for every value that applies to an FMU or part of an FMU.

(4) The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan.

(5) The environmental outcomes must:

(a) describe the environmental outcome sought for the value in a way that enables an assessment of the effectiveness of the regional policy statement and plans (including limits and methods) and action plans in achieving the environmental outcome; and

(b) when achieved, fulfil the relevant long-term visions developed under clause 3.3 and the objective of this National Policy Statement.

3.10 Identifying attributes and their baseline states, or other criteria for assessing achievement of environmental outcomes

(1) For each value that applies to an FMU or part of an FMU, the regional council:

(a) must use all the relevant attributes identified in Appendix 2A and 2B for the compulsory values listed (except where specifically provided otherwise); and

(b) may identify other attributes for any compulsory value; and

(c) must identify, where practicable, attributes for all other applicable values; and

(d) if attributes cannot be identified for a value, or if attributes are insufficient to assess a value, must identify alternative criteria to assess whether the environmental outcome of the value is being achieved.

(2) Any attribute identified by a regional council under subclause (1)(b) or (c) must be specific and, where practicable, be able to be assessed in numeric terms.

(3) Every regional council must identify the baseline state of each attribute.

(4) Attribute states and baseline states may be expressed in a way that accounts for natural variability and sampling error.

3.11 Setting target attribute states

(1) In order to achieve the environmental outcomes included as objectives under clause 3.9, every regional council must:

(a) set a target attribute state for every attribute identified for a value; and

(b) identify the site or sites to which the target attribute state applies.

(2) The target attribute state for every value with attributes (except the value human contact) must be set at or above the baseline state of that attribute.

(3) The target attribute state for the value human contact must be set above the baseline state of that attribute, unless the baseline state is already within the A band of Tables 9 or 10 in Appendix 2A, as applicable.

(4) If the baseline state of an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line (*see* clauses 3.31, 3.32, and 3.33 for exceptions to this).

(5) Every target attribute state must:

(a) specify a timeframe for achieving the target attribute state or, if the target attribute state has already been achieved, state that it will be maintained as from a specified date; and

(b) for attributes identified in Appendix 2A or 2B, be set in the terms specified in the relevant Appendix; and

(c) for any other attribute, be set in any way appropriate to the attribute.

(6) Timeframes for achieving target attribute states may be of any length or period but, if timeframes are long term:

(a) they must include interim target attribute states (set for intervals of not more than 10 years) to be used to assess progress towards achieving the target attribute state in the long term; and

(b) if interim target attribute states are set, references in this National Policy Statement to achieving a target attribute state can be taken as referring to achieving the next interim target attribute state.

(7) Every regional council must ensure that target attribute states are set in such a way that they will achieve the environmental outcomes for the relevant values, and the relevant long-term vision.

(8) When setting target attribute states, every regional council must:

(a) have regard to the following:

(i) the environmental outcomes and target attribute states of any receiving environments

(ii) the connections between water bodies

(iii) the connection of water bodies to receiving environments; and

(b) take into account results or information from freshwater accounting systems (*see* clause 3.29).

3.12 How to achieve target attribute states and environmental outcomes

(1) In order to achieve target attribute states for the attributes in Appendix 2A, and the nutrient outcomes needed to achieve target attribute states (*see* clause 3.13), every regional council:

(a) must identify limits on resource use that will achieve:

(i) the target attribute states; and

(ii) any nutrient outcomes needed to achieve target attribute states; and

(b) must include those limits as rules in its regional plan; and

(c) may prepare an action plan; and

(d) may impose conditions on resource consents to achieve target attribute states or any nutrient outcomes needed to achieve target attribute states.

(2) In order to achieve target attribute states for the attributes in Appendix 2B, every regional council:

(a) must prepare an action plan for achieving the target attribute states within a specified timeframe; and

(b) may identify limits on resource use and include them as rules in its regional plan; and

(c) may impose conditions on resource consents to achieve target attribute states.

(3) In order to achieve any other target attribute states or otherwise support the achievement of environmental outcomes, a regional council must do at least one of the following:

(a) identify limits on resource use and include them as rules in its regional plan

(b) prepare an action plan

(c) impose conditions on resource consents to achieve target attribute states.

(4) Where the same attribute provides for more than one value, it is the most stringent target attribute state applying to those values that must be achieved.

3.13 Special provisions for attributes affected by nutrients

(1) To achieve a target attribute state for any nutrient attribute, and any attribute affected by nutrients, every regional council must, at a minimum, set appropriate instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus.

(2) Where there are nutrient-sensitive downstream receiving environments, the instream concentrations and exceedance criteria, or the instream loads, for nitrogen and phosphorus for the upstream contributing water bodies must be set so as to achieve the environmental outcomes sought for the nutrient-sensitive downstream receiving environments.

(3) In setting instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus under this clause, the regional council must determine the most appropriate form(s) of nitrogen and phosphorus to be managed for the receiving environment.

(4) Every regional council must adopt the instream concentrations and exceedance criteria, or instream loads, set under subclauses (1) and (2) as nutrient outcomes needed to achieve target attribute states.

(5) Examples of attributes affected by nutrients include periphyton, dissolved oxygen (Appendix 2A, Tables 2 and 7 and Appendix 2B, Tables 17, 18, and 19), submerged plants (invasive species) (Appendix 2B, Table 12), fish (rivers) (Appendix 2B, Table 13), macroinvertebrates (Appendix 2B, Tables 14 and 15), and ecosystem metabolism (Appendix 2B, Table 21).

3.14 Setting limits on resource use

(1) Limits on resource use may:

(a) apply to any activity or land use; and

(b) apply at any scale (such as to all or any part of an FMU, or to a specific water body or individual property); and

(c) be expressed as any of the following:

(i) a land-use control (such as a control on the extent of an activity)

(ii) an input control (such as an amount of fertiliser that may be applied)

(iii) an output control (such as a volume or rate of discharge); and

(d) describe the circumstances in which the limit applies.

(2) In setting limits on resource use, every regional council must:

(a) have regard to the following:

(i) the long-term vision set under clause 3.3

(ii) the foreseeable impacts of climate change; and

(b) take into account results or information from freshwater accounting systems.

3.15 Preparing action plans

(1) Action plans prepared for the purpose of this National Policy Statement may:

(a) be prepared for whole FMUs, parts of FMUs, or multiple FMUs; and

(b) set out a phased approach to achieving environmental outcomes; and

(c) be 'prepared' by adding to, amending, or replacing an existing action plan.

(2) An action plan may describe both regulatory measures (such as proposals to amend regional policy statements and plans, and actions taken under the Biosecurity Act 1993 or other legislation) and non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community groups).

(3) If an action plan is prepared for the purpose of achieving a specific target attribute state or otherwise supporting the achievement of environmental outcomes it must:

(a) identify the environmental outcome that the target attribute state is aimed at achieving; and

(b) set out how the regional council will (or intends) to achieve the target attribute state.

(4) Action plans:

(a) must be published as soon as practicable; and

(b) may be published either by appending them to a regional plan or by publishing them separately.

(5) Before preparing an action plan, or amending an action plan other than in a minor way, the regional council must consult with communities and tangata whenua.

(6) Every action plan, or part of an action plan, prepared for the purpose of this National Policy Statement must be reviewed within 5 years after the action plan or part of the action plan is published.

3.16 Setting environmental flows and levels

(1) Every regional council must include rules in its regional plan that set environmental flows and levels for each FMU, and may set different flows and levels for different parts of an FMU.

(2) Environmental flows and levels:

(a) must be set at a level that achieves the environmental outcomes for the values relating to the FMU or relevant part of the FMU and all relevant long-term visions; but

(b) may be set and adapted over time to take a phased approach to achieving those environmental outcomes and long-term visions.

(3) Environmental flows and levels must be expressed in terms of the water level and flow rate, and may include variability of flow (as appropriate to the water body) at which:

(a) for flows and levels in rivers: any taking, damming, diversion, or discharge of water meets the environmental outcomes for the river, any connected water body, and receiving environments

(b) for levels of lakes: any taking, damming, diversion or discharge of water meets the environmental outcomes for the lake, any connected water body, and receiving environments

(c) for levels of groundwater: any taking, damming, or diversion of water meets the environmental outcomes for the groundwater, any connected water body, and receiving environments.

(4) When setting environmental flows and levels, every regional council must:

(a) have regard to the foreseeable impacts of climate change; and

(b) take into account results or information from freshwater accounting systems.

3.17 Identifying take limits

(1) In order to meet environmental flows and levels, every regional council:

(a) must identify take limits for each FMU; and

(b) must include the take limits as rules in its regional plan; and

(c) must state in its regional plan whether (and if so, when and which) existing water permits will be reviewed to comply with environmental flows and levels; and

(d) may impose conditions on resource consents.

(2) Take limits must be expressed as a total volume, a total rate, or both a total volume and a total rate, at which water may be:

(a) taken or diverted from an FMU or part of an FMU; or

(b) dammed in an FMU or part of an FMU.

(3) Where a regional plan or any resource consent allows the taking, damming, diversion or discharge of water, the plan or resource consent must identify the flows and levels at which:

(a) the allowed taking, damming, or diversion will be restricted or no longer allowed; or

(b) a discharge will be required.

(4) Take limits must be identified that:

(a) provide for flow or level variability that meets the needs of the relevant water body and connected water bodies, and their associated ecosystems; and

(b) safeguard ecosystem health from the effects of the take limit on the frequency and duration of lowered flows or levels; and

(c) provide for the life cycle needs of aquatic life; and

(d) take into account the environmental outcomes applying to relevant water bodies and any connected water bodies (such as aquifers and downstream surface water bodies), whether in the same or another region.

3.18 Monitoring

(1) Every regional council must establish methods for monitoring progress towards achieving target attributes states and environmental outcomes.

(2) The methods must include measures of:

(a) mātauranga Māori; and

(b) the health of indigenous flora and fauna.

(3) Monitoring methods must recognise the importance of long-term trends, and the relationship between results and their contribution to evaluating progress towards achieving long-term visions and environmental outcomes for FMUs and parts of FMUs.

3.19 Assessing trends

(1) In order to assess trends in attribute states (that is, whether improving or deteriorating), every regional council must:

(a) determine the appropriate period for assessment (which must be the period specified in the relevant attribute table in Appendix 2A or 2B, if given); and

(b) determine the minimum sampling frequency and distribution of sampling dates (which must be the frequency and distribution specified in the relevant attribute table in Appendix 2A or 2B, if given); and

(c) specify the likelihood of any trend.

(2) If a deteriorating trend is more likely than not, the regional council must:

(a) investigate the cause of the trend; and

(b) consider the likelihood of the deteriorating trend, the magnitude of the trend, and the risk of adverse effects on the environment.

(3) If a deteriorating trend that is the result of something other than a naturally occurring process is detected, any part of an FMU to which the attribute applies is degrading and clause 3.20 applies.

(4) If a trend assessment cannot identify a trend because of insufficient monitoring, the regional council must make any practicable changes to the monitoring regime that will or are likely to help detect trends in that attribute state.

3.20 Responding to degradation

(1) If a regional council detects that an FMU or part of an FMU is degraded or degrading, it must, as soon as practicable, take action to halt or reverse the degradation (for example, by making or changing a regional plan, or preparing an action plan).

(2) Any action taken in response to a deteriorating trend must be proportionate to the likelihood and magnitude of the trend, the risk of adverse effects on the environment, and the risk of not achieving target attribute states.

(3) Every action plan prepared under this clause must include actions to identify the causes of the deterioration, methods to address those causes, and an evaluation of the effectiveness of the methods.

Subpart 3 Specific requirements

3.21 Definitions relating to wetlands and rivers

(1) In clauses 3.21 to 3.24, and 3.34:

biosecurity means activities to eliminate or manage pests and unwanted organisms (as those terms are defined in the Biosecurity Act 1993)

effects management hierarchy, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then

(e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then

(f) if aquatic compensation is not appropriate, the activity itself is avoided

functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

loss of value, in relation to a natural inland wetland or river, means the wetland or river is less able to provide for the following existing or potential values:

(a) any value identified for it under the NOF process

(b) any of the following values, whether or not they are identified under the NOF process:

(i) ecosystem health

(ii) indigenous biodiversity

(iii) hydrological functioning

(iv) Māori freshwater values

(v) amenity values

natural inland wetland means a wetland (as defined in the Act) that is not:

(a) in the coastal marine area; or

(b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or

(c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or

(d) a geothermal wetland; or

(e) a wetland that:

(i) is within an area of pasture used for grazing; and

(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the *National List of Exotic Pasture Species* using the *Pasture Exclusion Assessment Methodology* (*see* clause 1.8)); unless

(iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

restoration, in relation to a natural inland wetland, means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning

ski area infrastructure means infrastructure necessary for the operation of a ski area and includes: transport mechanisms (such as aerial and surface lifts, roads, and tracks); facilities for the loading or unloading of passengers or goods; facilities or systems for water, sewerage, electricity, and gas; communications networks; and snowmaking and snow safety systems

specified infrastructure means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)

(b) regionally significant infrastructure identified as such in a regional policy statement or regional plan

(c) any water storage infrastructure

(d) any public flood control, flood protection, or drainage works carried out:

(i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

(ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908

(e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990

(f) ski area infrastructure

wetland maintenance means activities (such as weed control) which prevent the deterioration, or preserve the existing state, of a wetland's ecosystem health, indigenous biodiversity or hydrological functioning

(2) For the purpose of the definition of **effects management hierarchy**:

aquatic compensation means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied

aquatic offset means a measurable conservation outcome resulting from actions that are intended to:

(a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and

(b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:

(i) **no net loss** means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and

(ii) **net gain** means that the measurable positive effects of actions exceed the point of no net loss.

3.22 Natural inland wetlands

(1) Every regional council must include the following policy (or words to the same effect) in its regional plan:

"The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

(a) the loss of extent or values arises from any of the following:

(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori

(ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)

(iii) scientific research

(iv) the sustainable harvest of sphagnum moss

(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)

(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or

(b) the regional council is satisfied that:

(i) the activity is necessary for the purpose of the construction or upgrade of specified infrastructure; and

(ii) the specified infrastructure will provide significant national or regional benefits; and

(iii) there is a functional need for the specified infrastructure in that location; and

(iv) the effects of the activity are managed through applying the effects management hierarchy; or

(c) the regional council is satisfied that:

(i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development); and

(ii) the urban development will provide significant national, regional or district benefits; and

(iii) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and

(iv) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and

(v) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(vi) the effects of the activity will be managed through applying the effects management hierarchy; or

(d) the regional council is satisfied that:

(i) the activity is necessary for the purpose of quarrying activities; and

(ii) the extraction of the aggregate will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy; or

(e) the regional council is satisfied that:

(i) the activity is necessary for the purpose of:

(A) the extraction of minerals (other than coal) and ancillary activities; or

(B) the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and

(ii) the extraction of the mineral will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy; or

(f) the regional council is satisfied that:

(i) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and

(ii) the landfill or cleanfill area:

(A) will provide significant national or regional benefits; or

(B) is required to support urban development as referred to in paragraph (c); or

(C) is required to support the extraction of aggregates as referred to in paragraph (d); or

(D) is required to support the extraction of minerals as referred to in paragraph (e); and

(iii) there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy."

(2) Subclause (3) applies to an application for a consent for an activity that:

(a) is for a purpose referred to in subclause (1)(a) to (f), other than the purpose referred to in paragraph (1)(a)(i); and

(b) would result (directly or indirectly) in the loss of extent or values of a natural inland wetland.

(3) Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless:

(a) the council is satisfied that:

(i) the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and

(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and

(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and

(b) any consent granted is subject to:

(i) conditions that apply the effects management hierarchy; and

(ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and

(iii) conditions that specify how the requirements in (a)(iii) will be achieved.

(4) Every regional council must make or change its regional plan to include objectives, policies, and methods that provide for and promote the restoration of natural inland wetlands in its region, with a particular focus on restoring the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values.

3.23 Mapping and monitoring natural inland wetlands

(1) Every regional council must identify and map every natural inland wetland in its region that is:

(a) 0.05 hectares or greater in extent; or

(b) of a type that is naturally less than 0.05 hectares in extent (such as an ephemeral wetland) and known to contain threatened species.

(2) However, a regional council need not identify and map natural inland wetlands located in public conservation lands or waters (as that term is defined in the Conservation General Policy 2005 issued under the Conservation Act 1987).

(3) In case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional council must have regard to the *Wetland Delineation Protocols* (*see* clause 1.8).

(4) The mapping of natural inland wetlands must be completed within 10 years of the commencement date, and the regional council must prioritise its mapping, for example by:

(a) first, mapping any wetland at risk of loss of extent or values; then

(b) mapping any wetland identified in a farm environment plan, or that may be affected by an application for, or review of, a resource consent; then

(c) mapping all other natural inland wetlands of the kind described in subclause (1).

(5) Every regional council must establish and maintain an inventory of all natural inland wetlands mapped under this clause, and the inventory:

(a) must include, at a minimum, the following information about each wetland:

(i) identifier and location

(ii) area and GIS polygon

(iii) classification of wetland type

(iv) any existing monitoring information; and

(b) may include any other information (such as an assessment of the values applying to the wetland and any new information obtained from monitoring).

(6) Every regional council must:

(a) develop and undertake a monitoring plan that:

(i) monitors the condition of its natural inland wetlands (including, if the council chooses, wetlands referred to in subclause (2)); and

(ii) contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of those wetlands; and

(b) have methods to respond if loss of extent or values is detected.

3.24 Rivers

(1) Every regional council must include the following policy (or words to the same effect) in its regional plan:

"The loss of river extent and values is avoided, unless the council is satisfied that:

(a) there is a functional need for the activity in that location; and

(b) the effects of the activity are managed by applying the effects management hierarchy."

(2) Subclause (3) applies to an application for a consent for an activity:

(a) that falls within the exception to the policy described in subclause (1); and

(b) would result (directly or indirectly) in the loss of extent or values of a river.

(3) Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless:

(a) the council is satisfied that:

(i) the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and

(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and

(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and

(b) any consent granted is subject to:

(i) conditions that apply the effects management hierarchy; and

(ii) conditions that specify how the requirements in (a)(iii) will be achieved.

(4) Every regional council must:

(a) develop and undertake a monitoring plan:

(i) to monitor the condition of its rivers; and

(ii) that contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of the rivers; and

(b) have methods to respond if loss of extent or values is detected.

3.25 Deposited sediment in rivers

(1) If a site to which a target attribute state for deposited fine sediment applies (*see* Table 16 in Appendix 2B) is soft-bottomed, the regional council must determine whether the site is naturally soft-bottomed or is naturally hard-bottomed.

(2) If a regional council determines that a site that is currently soft-bottomed is naturally hard-bottomed, the council must:

(a) monitor deposited sediment at the site using the SAM2 method at least once a year (instead of at the frequency required by Table 16 in Appendix 2B); and

(b) monitor freshwater habitat in a manner suitable to the current state of the site (that is, as soft-bottomed); and

(c) determine whether, having regard to the relevant long-term vision, it is appropriate to return the site to a hard-bottomed state; and

(d) if it is appropriate to return the site to a hard-bottomed state, prepare an action plan for how to do that.

(3) In this clause:

soft-bottomed means a site where the bed has a greater than 50% coverage of deposited fine sediment (grain size less than 2 mm in diameter) as determined using the SAM2 method

hard-bottomed means a site that is not soft-bottomed

naturally, in relation to a site, means its state before the arrival of humans in New Zealand

SAM2 method means the method described at p 17 – 20 of Clapcott JE, Young RG, Harding JS, Matthaei CD, Quinn JM, and Death RG. 2011. *Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values*. Cawthron Institute: Nelson, New Zealand (*see* clause 1.8).

3.26 Fish passage

(1) Every regional council must include the following fish passage objective (or words to the same effect) in its regional plan:

> "The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats."

(2) Every regional council must make or change its regional plan to include policies that:

(a) identify the desired fish species, and their relevant life stages, for which instream structures must provide passage; and

(b) identify the undesirable fish species whose passage can or should be prevented; and

(c) identify rivers and receiving environments where desired fish species have been identified; and

(d) identify rivers and receiving environments where fish passage for undesirable fish species is to be impeded in order to manage their adverse effects on fish populations upstream or downstream of any barrier.

(3) When developing the policies required by subclause (2) a regional council must:

(a) take into account any Freshwater Fisheries Management Plans and Sports Fish and Game Management Plans approved by the Minister of Conservation under the Conservation Act 1987; and

(b) seek advice from the Department of Conservation and statutory fisheries managers regarding fish habitat and population management.

(4) Every regional council must make or change its regional plan to require that regard is had to at least the following when considering an application for a consent relating to an instream structure:

(a) the extent to which it provides, and will continue to provide for the foreseeable life of the structure, for the fish passage objective in subclause (1)

(b) the extent to which it does not cause a greater impediment to fish movements than occurs in adjoining river reaches and receiving environments

(c) the extent to which it provides efficient and safe passage for fish, other than undesirable fish species, at all their life stages

(d) the extent to which it provides the physical and hydraulic conditions necessary for the passage of fish

(e) any proposed monitoring and maintenance plan for ensuring that the structure meets the fish passage objective in subclause (1) now and in the future.

(5) Every regional council must make or change its regional plan to promote the remediation of existing structures and the provision of fish passage (other than for undesirable fish species) where practicable.

(6) Every regional council must prepare an action plan to support the achievement of the fish passage objective in subclause (1), and the action plan must, at a minimum:

(a) set out a work programme to improve the extent to which existing instream structures achieve the fish passage objective; and

(b) set targets for remediation of existing instream structures; and

(c) achieve any environmental outcomes and target attribute states relating to the abundance and diversity of fish.

(7) The work programme in an action plan must, at a minimum:

(a) identify instream structures in the region by recording, for each structure:

(i) all the information in Part 1 of Appendix 4; and

(ii) any other information about the structure, such as the information in Part 2 of Appendix 4; and

(b) evaluate the risks that instream structures present as an undesirable barrier to fish passage; and

(c) prioritise structures for remediation, applying the ecological criteria described in table 5.1, of the *New Zealand Fish Passage Guidelines* (*see* clause 1.8); and

(d) document the structures or locations that have been prioritised, the remediation that is required to achieve the desired outcome, and how and when this will be achieved; and

(e) identify the structures that have been remediated since the commencement date; and

(f) specify how the ongoing performance of remediated structures will be monitored and evaluated, including the effects of the structure on the abundance and diversity of desired fish species.

(8) An action plan for fish passage may be part of, or separate from, an action plan prepared for any purpose under this Part, but clause 3.15, about preparing action plans, applies in either case.

3.27 Primary contact sites

(1) Every regional council must monitor primary contact sites for:

(a) their risk to human health; and

(b) their suitability for the activities that take place in them (for example, by monitoring whether there is slippery or unpleasant weed growth, and the visual clarity of the water).

(2) For every primary contact site in an FMU, the regional council must identify one or more monitoring sites representative of the primary contact site or a number of primary contact sites.

(3) Every regional council must identify, for each primary contact site in its region, a time period (a **bathing season**) during the year when the regional council considers that the site is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities.

(4) During the bathing season for primary contact sites, every regional council must undertake weekly sampling for *E. coli* at each relevant monitoring site.

(5) However, if a single sample taken during the bathing season from a monitoring site is greater than 260 *E. coli* per 100 mL, the regional council must (unless the council is satisfied that the elevated result is temporary or the cause is being addressed):

(a) increase sampling frequency to daily, where practicable; and

(b) take all practicable steps to identify potential causes of microbial contamination.

(6) If a single sample from a monitoring site is greater than 540 *E. coli* per 100 mL, the regional council must, as soon as practicable, take all practicable steps to notify the public and keep the public informed that the site is unsuitable for primary contact, until further sampling shows a result of 540 *E. coli* per 100 mL or less.

(7) A regional council may comply with subclause (6) by, for example, erecting signs and publicising the situation, or liaising with an environmental health officer or other relevant body or person to co-ordinate how to inform the public about the situation.

3.28 Water allocation

(1) Every regional council must make or change its regional plan to include criteria for:

(a) deciding applications to approve transfers of water take permits; and

(b) deciding how to improve and maximise the efficient allocation of water (which includes economic, technical, and dynamic efficiency).

(2) Every regional council must include methods in its regional plan to encourage the efficient use of water.

3.29 Freshwater accounting systems

(1) Every regional council must operate and maintain, for every FMU:

(a) a freshwater quality accounting system; and

(b) a freshwater quantity accounting system.

(2) The purpose of the accounting systems is to provide the baseline information required:

(a) for setting target attribute states, environmental flows and levels, and limits; and

(b) to assess whether an FMU is, or is expected to be, over-allocated; and

(c) to track over time the cumulative effects of activities (such as increases in discharges and changes in land use).

(3) The accounting systems must be maintained at a level of detail commensurate with the significance of the water quality or quantity issues applicable to each FMU or part of an FMU.

(4) Every regional council must publish information from those systems regularly and in a suitable form.

(5) The freshwater quality accounting system must (where practicable) record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated:

(a) loads and concentrations of relevant contaminants; and

(b) where a contaminant load has been set as part of a limit on resource use, or identified as necessary to achieve a target attribute state, the proportion of the contaminant load that has been allocated; and

(c) sources of relevant contaminants; and

(d) the amount of each contaminant attributable to each source.

(6) The freshwater quantity accounting system must record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated:

(a) amount of freshwater take; and

(b) the proportion of freshwater taken by each major category of use; and

(c) where a take limit has been set, the proportion of the take limit that has been allocated.

(7) In this clause, **freshwater take** refers to all takes and forms of water consumption, whether metered or not, whether subject to a consent or not, and whether authorised or not.

3.30 Assessing and reporting

(1) Every regional council must publish the following annually:

(a) actual data, or a link to those data, about each component of the value ecosystem health and the value human contact, as obtained from monitoring sites for the relevant attributes; and if no data has been collected in relation to any attribute, this must be identified

(b) actual data, or a link to those data, from any other monitoring done for the purpose of freshwater management

(c) a description of any uncertainties associated with the data.

(2) As part of each review required by section 35(2A) of the Act (which is required at least every 5 years), every regional council must prepare and publish the following:

(a) an assessment of the extent to which, in the region:

(i) the long-term visions, as identified under clause 3.3, are being achieved; and

(ii) this National Policy Statement is being given effect to

(b) a comparison of the current state of attributes as compared with target attribute states

(c) an assessment of whether the target attribute states and environmental outcomes for each FMU or part of an FMU in the region are being achieved and, if not, whether and when they are likely to be

(d) if monitoring shows that an FMU or part of an FMU is degraded or degrading, information on the known or likely causes

(e) a description of the environmental pressures on each FMU (such as water takes, sources of contaminants, or water body modification) as indicated by information from the freshwater accounting systems referred to in clause 3.29

(f) an assessment of the cumulative effect of changes across multiple sites within an FMU and multiple attributes during the period covered by the assessment

(g) predictions of changes, including the foreseeable effects of climate change, that are likely to affect water bodies and freshwater ecosystems in the region

(h) an assessment of the actions taken over the past 5 years in the region, whether regulatory or non-regulatory and whether by local authorities or others, that contribute to the implementation of this National Policy Statement.

(3) At the same time that a regional council publishes the review required by section 35(2A) of the Act, the regional council must publish an ecosystem health scorecard that:

(a) reports on and gives a score for the state of each component of the value ecosystem health (as described in Appendix 1A) in each FMU in the region; and

(b) identifies where any data or information is missing; and

(c) provides a single overall score for ecosystem health for each FMU in the region.

(4) The ecosystem health scorecard must:

(a) be written and presented in a way that members of the public are likely to understand easily; and

(b) include specific data, or a link to where those data may be viewed.

3.31 Large hydro-electric generation schemes

(1) This clause applies to the following 5 hydro-electricity generation schemes (referred to as **Schemes**):

(a) Waikato Scheme

(b) Tongariro Scheme

(c) Waitaki Scheme

(d) Manapouri Scheme

(e) Clutha Scheme.

(2) When implementing any part of this National Policy Statement as it applies to an FMU or part of an FMU affected by a Scheme, a regional council must have regard to the importance of the Scheme's:

(a) contribution to meeting New Zealand's greenhouse gas emission targets; and

(b) contribution to maintaining the security of New Zealand's electricity supply; and

(c) generation capacity, storage, and operational flexibility.

(3) Subclause (4) applies if:

(a) an FMU or part of an FMU is adversely affected by an existing structure that forms part of a Scheme; and

(b) the baseline state of an attribute in the FMU or part of the FMU is below the national bottom line for the attribute; and

(c) achieving the national bottom line for the attribute would have a significant adverse effect on the Scheme, having regard to the matters in subclause (2).

(4) When this subclause applies, the regional council:

(a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but

(b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state to the extent practicable without having a significant adverse effect on the Scheme, having regard to the matters in subclause (2).

(5) In this clause, **existing structure** means a structure that was operational on or before 1 August 2019, and includes any structure that replaces it, provided the effects of the replacement are the same or similar in character, intensity and scale, or have a lesser impact.

3.32 Naturally occurring processes

(1) If all or part of a water body is affected by naturally occurring processes that mean that the current state is below the national bottom line, and a target attribute state at or above the national bottom line cannot be achieved, the regional council:

(a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but

(b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state, to the extent practicable given the naturally occurring processes.

(2) In any dispute about whether this exception should apply, the onus is on the relevant regional council to demonstrate that it is naturally occurring processes that prevent the national bottom line being achieved.

3.33 Specified vegetable growing areas

(1) This clause applies only to the 2 **specified vegetable growing areas** identified in Part 1 of Appendix 5.

(2) When implementing any part of this National Policy Statement as it applies to an FMU or part of an FMU that is in, or includes, all or part of a specified vegetable growing area, a regional council must have regard to the importance of the contribution of the specified growing area to:

(a) the domestic supply of fresh vegetables; and

(b) maintaining food security for New Zealanders.

(3) Subclause (4) applies if:

(a) an FMU or part of an FMU is adversely affected by vegetable growing in a specified vegetable growing area; and

(b) the baseline state of an attribute specified in Part 2 of Appendix 5 in the FMU or part of the FMU where all or part of the specified vegetable growing area is located is below the national bottom line for the attribute; and

(c) achieving the national bottom line for the attribute would compromise the matters in subclause (2).

(4) When this subclause applies, the regional council:

(a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but

(b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state without compromising the matters in subclause (2).

(5) When implementing clauses 3.12 to 3.14 in relation to FMUs that include all or part of a specified vegetable growing area, a regional council must ensure that vegetable growers in the area are not exempt from any requirements (such as in limits on resource use, action plans, and conditions on resource consents) aimed at achieving target attribute states.

(6) This clause ceases to apply to a specified vegetable growing area on the earlier of the following dates:

(a) 10 years after the commencement date; or

(b) the date National Environmental Standards (or other regulations under the Act) come into force that:

(i) apply to the specified vegetable growing area; and

(ii) are made for the purpose of avoiding, remedying, or mitigating the adverse effects of vegetable growing on freshwater.

3.34 Urban development in the Bay of Plenty

(1) When including the policy described in clause 3.22(1) (about natural inland wetlands) in its regional plan, the Bay of Plenty Regional Council must include the following instead of the content of paragraph (c) under clause 3.22(1):

(c) the regional council is satisfied that:

(i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development); and

(ii) the urban development will provide significant national, regional or district benefits; and

(iii) either:

(A) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and

(B) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle;

or

(C) for 5 years from 8 December 2022, the activity is necessary for the purpose of urban development in areas specifically identified as planned urban growth areas in the SmartGrowth Urban Form and Transport Initiative Connected Centres Programme (*see* clause 1.8); and

(iv) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(v) the effects of the activity will be managed through applying the effects management hierarchy; or

Part 4: Timing and transitionals

4.1 Timing

(1) Every local authority must give effect to this National Policy Statement as soon as reasonably practicable.

(2) Local authorities must publicly notify any changes to their regional policy statements, regional plans, and district plans that are necessary to give effect to this National Policy Statement as required under the Act.

4.2 Keeping policy statements and plans up to date

(1) Once a local authority has made the changes required by clause 4.1, it must continue to make whatever changes to its regional policy statement, regional plan, or district plan are necessary to respond to changes over time in the state of water bodies and freshwater ecosystems in its region or district.

4.3 Existing policy statements and plans

(1) To the extent that regional policy statements and regional and district plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.

(2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement.

(3) However, if a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule).

Appendices

Appendix 1A – Compulsory values

1 Ecosystem health

This refers to the extent to which an FMU or part of an FMU supports an ecosystem appropriate to the type of water body (for example, river, lake, wetland, or aquifer).

There are 5 biophysical components that contribute to freshwater ecosystem health, and it is necessary that all of them are managed. They are:

Water quality – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants

Water quantity – the extent and variability in the level or flow of water

Habitat – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater

Aquatic life – the abundance and diversity of biota including microbes, invertebrates, plants, fish and birds

Ecological processes – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.

In a healthy freshwater ecosystem, all 5 biophysical components are suitable to sustain the indigenous aquatic life expected in the absence of human disturbance or alteration (before providing for other values).

2 Human contact

This refers to the extent to which an FMU or part of an FMU supports people being able to connect with the water through a range of activities such as swimming, waka, boating, fishing, mahinga kai, and water skiing, in a range of different flows or levels.

Matters to take into account include pathogens, water clarity, deposited sediment, plant growth (from macrophytes to periphyton to phytoplankton), cyanobacteria, other toxicants, and litter.

3 Threatened species

This refers to the extent to which an FMU or part of an FMU that supports a population of threatened species has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species. All the components of ecosystem health must be managed, as well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species.

4 Mahinga kai

Mahinga kai – kai is safe to harvest and eat.

Mahinga kai generally refers to freshwater species that have traditionally been used as food, tools, or other resources. It also refers to the places those species are found and to the act of catching or harvesting them. Mahinga kai provide food for the people of the rohe and these sites give an indication of the overall health of the water. For this value, kai would be safe to harvest and eat. Transfer of knowledge is able to occur about the preparation, storage and cooking of kai. In FMUs or parts of FMUs that are used for providing mahinga kai, the desired species are plentiful enough for long-term harvest and the range of desired species is present across all life stages.

Mahinga kai – Kei te ora te mauri (the mauri of the place is intact).

In FMUs or parts of FMUs that are valued for providing mahinga kai, customary resources are available for use, customary practices are able to be exercised to the extent desired, and tikanga and preferred methods are able to be practised.

Appendix 1B – Other values that must be considered

1 Natural form and character

The FMU or part of the FMU has particular natural qualities that people value. Natural qualities may include exceptional, natural, or iconic aesthetic features.

Matters contributing to the natural form and character of an FMU are its biological, visual and physical characteristics that are valued by the community, including:

a) its biophysical, ecological, geological, geomorphological and morphological aspects

b) the natural movement of water and sediment including hydrological and fluvial processes

c) the natural location of a water body and course of a river

d) the relative dominance of indigenous flora and fauna

e) the presence of culturally significant species

f) the colour of the water

g) the clarity of the water.

2 Drinking water supply

The FMU or part of the FMU can meet people's drinking water needs. Water quality and quantity is sufficient for water to be taken and used for drinking water supply.

Matters affecting the suitability of water for drinking include:

a) physical, chemical, and microbiological contamination (for example, bacteria and cyanotoxins, viruses, protozoa and other pathogens)

b) any other contaminants identified in drinking water standards issued under the Health Act 1956 or any other legislation

c) the effects of contamination on drinking water treatment processes and the safety of drinking water, and its aesthetic value (that is, appearance, taste, and smell).

3 Wai tapu

Wai tapu represent the places in an FMU or part of an FMU where rituals and ceremonies are performed, or where there is special significance to tangata whenua.

Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations).

In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.

4 Transport and tauranga waka

The FMU or part of the FMU is navigable for identified means of transport.

Transport and tauranga waka generally refers to places to launch waka and water craft, and appropriate places for waka to land (tauranga waka).

5 Fishing

The FMU or part of the FMU supports fisheries of species allowed to be caught and eaten.

For FMUs or parts of FMUs valued for fishing, the numbers of fish are sufficient and suitable for human consumption. In some areas, fish abundance and diversity provide a range in species and size of fish, and algal growth, water clarity and safety are satisfactory for fishers. Attributes will need to be specific to fish species such as salmon, trout, tuna, lamprey, or whitebait.

6 Hydro-electric power generation

The FMU or part of the FMU is suitable for hydro-electric power generation.

Water quality and quantity and the physical qualities of the FMU or part of the FMU, including hydraulic gradient and flow rate, can provide for hydro-electric power generation.

7 Animal drinking water

The FMU or part of the FMU meets the needs of farmed animals.

Water quality and quantity meets the needs of farmed animals, including whether it is palatable and safe.

8 Irrigation, cultivation, and production of food and beverages

The FMU or part of the FMU meets irrigation needs for any purpose.

Water quality and quantity is suitable for irrigation needs, including supporting the cultivation of food crops, the production of food from farmed animals, non-food crops such as fibre and timber, pasture, sports fields and recreational areas. Attributes will need to be specific to irrigation and food production requirements.

9 Commercial and industrial use

The FMU or part of the FMU provides economic opportunities for people, businesses and industries.

Water quality and quantity can provide for commercial and industrial activities. Attributes will need to be specific to commercial or industrial requirements.

Appendix 2A – Attributes requiring limits on resource use

Table 1 – Phytoplankton (trophic state)

Value (and component)	Ecosystem health (Aquatic Life)	
Freshwater body type	Lakes	
Attribute unit	mg chl-*a*/ m^3 (milligrams chlorophyll-*a* per cubic metre)	
Attribute band and description	**Numeric attribute state**	
	Annual median	**Annual maximum**
A Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤2	≤10
B Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.	>2 and ≤5	>10 and ≤25
C Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions. Reduced water clarity is likely to affect habitat available for native macrophytes.	>5 and ≤12	>25 and ≤60
National bottom line	**12**	**60**
D Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>12	>60
For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.		

Table 2 – Periphyton (trophic state)

Value (and component)	Ecosystem health (Aquatic Life)	
Freshwater body type	Rivers	
Attribute unit	mg chl-*a*/m^2 (milligrams chlorophyll-*a* per square metre)	
Attribute band and description	**Numeric attribute state (default class)**	**Numeric attribute state (productive class)**
	Exceeded no more than 8% of samples	Exceeded no more than 17% of samples
A Rare blooms reflecting negligible nutrient enrichment and/or alteration of the natural flow regime or habitat.	≤50	≤50
B Occasional blooms reflecting low nutrient enrichment and/or alteration of the natural flow regime or habitat.	>50 and ≤120	>50 and ≤120
C Periodic short-duration nuisance blooms reflecting moderate nutrient enrichment and/or moderate alteration of the natural flow regime or habitat.	>120 and ≤200	>120 and ≤200
National bottom line	**200**	**200**
D Regular and/or extended-duration nuisance blooms reflecting high nutrient enrichment and/or significant alteration of the natural flow regime or habitat.	>200	>200

At low risk sites monitoring may be conducted using visual estimates of periphyton cover. Should monitoring based on visual cover estimates indicate that a site is approaching the relevant periphyton abundance threshold, monitoring should then be upgraded to include measurement of chlorophyll-*a*.

Classes are streams and rivers defined according to types in the River Environment Classification (REC). The Productive periphyton class is defined by the combination of REC "Dry" Climate categories (that is, Warm-Dry (WD) and Cool-Dry (CD)) and REC Geology categories that have naturally high levels of nutrient enrichment due to their catchment geology (that is, Soft-Sedimentary (SS), Volcanic Acidic (VA) and Volcanic Basic (VB)). Therefore the productive category is defined by the following REC defined types: WD/SS, WD/VB, WD/VA, CD/SS, CD/VB, CD/VA. The Default class includes all REC types not in the Productive class.

Based on a monthly monitoring regime. The minimum record length for grading a site based on periphyton (chlorophyll-*a*) is 3 years.

Table 3 – Total nitrogen (trophic state)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Lakes	
Attribute unit	mg/m^3 (milligrams per cubic metre)	
Attribute band and description	**Numeric attribute state**	
	Annual median	**Annual median**
	Seasonally stratified and brackish	Polymictic
A Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤160	≤300
B Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.	>160 and ≤350	>300 and ≤500
C Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.	>350 and ≤750	>500 and ≤800
National bottom line	**750**	**800**
D Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>750	>800
For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.		

Table 4 – Total phosphorus (trophic state)

Value (and component)	Ecosystem health (Water quality)
Freshwater body type	Lakes
Attribute unit	mg/m^3 (milligrams per cubic metre)
Attribute band and description	**Numeric attribute state**
	Annual median
A Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤10
B Lake ecological communities are slightly impacted by additional algal and plant growth arising from nutrient levels that are elevated above natural reference conditions.	>10 and ≤20
C Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.	>20 and ≤50
National bottom line	**50**
D Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>50
For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.	

Table 5 – Ammonia (toxicity)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers and lakes	
Attribute unit	mg NH_4-N/L (milligrams ammoniacal-nitrogen per litre)	
Attribute band and description	**Numeric attribute state**	
	Annual median	Annual 95th percentile
A 99% species protection level: No observed effect on any species tested.	≤0.03	≤0.05
B 95% species protection level: Starts impacting occasionally on the 5% most sensitive species.	>0.03 and ≤0.24	>0.05 and ≤0.40
National bottom line	**0.24**	**0.40**
C 80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	>0.24 and ≤1.30	>0.40 and ≤2.20
D Starts approaching acute impact level (that is, risk of death) for sensitive species.	>1.30	>2.20
Numeric attribute state is based on pH 8 and temperature of 20°C. Compliance with the numeric attribute states should be undertaken after pH adjustment.		

Table 6 – Nitrate (toxicity)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers	
Attribute unit	mg NO_3 – N/L (milligrams nitrate-nitrogen per litre)	
Attribute band and description	**Numeric attribute state**	
	Annual median	Annual 95th percentile
A High conservation value system. Unlikely to be effects even on sensitive species.	≤1.0	≤1.5
B Some growth effect on up to 5% of species.	>1.0 and ≤2.4	>1.5 and ≤3.5
National bottom line	**2.4**	**3.5**
C Growth effects on up to 20% of species (mainly sensitive species such as fish). No acute effects.	>2.4 and ≤6.9	>3.5 and ≤9.8
D Impacts on growth of multiple species, and starts approaching acute impact level (that is, risk of death) for sensitive species at higher concentrations (>20 mg/L).	>6.9	>9.8
This attribute measures the toxic effects of nitrate, not the trophic state. Where other attributes measure trophic state, for example periphyton, freshwater objectives, limits and/or methods for those attributes may be more stringent.		

Table 7 – Dissolved oxygen

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers (below point sources only)	
Attribute unit	mg/L (milligrams per litre)	
Attribute band and description	**Numeric attribute state**	
	7-day mean minimum	1-day minimum
A No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	≥8.0	≥7.5
B Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	≥7.0 and <8.0	≥5.0 and <7.5
C Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	≥5.0 and <7.0	≥4.0 and <5.0
National bottom line	**5.0**	**4.0**
D Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.	<5.0	<4.0

The 7-day mean minimum is the mean value of seven consecutive daily minimum values.

The 1-day minimum is the lowest daily minimum across the whole summer period (1 November to 30 April).

Table 8 – Suspended fine sediment

Value (and component)	Ecosystem health (Water quality)			
Freshwater body type	Rivers			
Attribute unit	Visual clarity (metres)			
Attribute band and description	**Numeric attribute state by suspended sediment class**			
	Median			
	1	2	3	4
A Minimal impact of suspended sediment on instream biota. Ecological communities are similar to those observed in natural reference conditions.	≥1.78	≥0.93	≥2.95	≥1.38
B Low to moderate impact of suspended sediment on instream biota. Abundance of sensitive fish species may be reduced.	<1.78 and ≥1.55	<0.93 and ≥0.76	<2.95 and ≥2.57	<1.38 and ≥1.17
C Moderate to high impact of suspended sediment on instream biota. Sensitive fish species may be lost.	<1.55 and >1.34	<0.76 and >0.61	<2.57 and >2.22	<1.17 and >0.98
National bottom line	**1.34**	**0.61**	**2.22**	**0.98**
D High impact of suspended sediment on instream biota. Ecological communities are significantly altered and sensitive fish and macroinvertebrate species are lost or at high risk of being lost.	<1.34	<0.61	<2.22	<0.98

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

Councils may monitor turbidity and convert the measures to visual clarity.

See Appendix 2C Tables 23 and 26 for the definition of suspended sediment classes and their composition.

The following are examples of **naturally occurring processes** relevant for suspended sediment:

- naturally highly coloured brown-water streams
- glacial flour affected streams and rivers
- selected lake-fed REC classes (particularly warm climate classes) where low visual clarity may reflect autochthonous phytoplankton production.

Table 9 – *Escherichia coli* (*E. coli*)

Value	Human contact			
Freshwater body type	Lakes and rivers			
Attribute unit	*E. coli*/100 mL (number of *E. coli* per hundred millilitres)			
Attribute band and description	**Numeric attribute state**			
Description of risk of *Campylobacter* infection (based on *E. coli* indicator)	% exceedances over 540/100 mL	% exceedances over 260/100 mL	Median concentration /100 mL	95th percentile of *E. coli*/100 mL
A (Blue) For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk). The predicted average infection risk is 1%.	<5%	<20%	≤130	≤540
B (Green) For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk). The predicted average infection risk is 2%.	5-10%	20-30%	≤130	≤1000
C (Yellow) For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk). The predicted average infection risk is 3%.	10-20%	20-34%	≤130	≤1200
D (Orange) 20-30% of the time the estimated risk is ≥50 in 1,000 (>5% risk). The predicted average infection risk is >3%.	20-30%	>34%	>130	>1200
E (Red) For more than 30% of the time the estimated risk is ≥50 in 1,000 (>5% risk). The predicted average infection risk is >7%.	>30%	>50%	>260	>1200

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

Attribute band must be determined by satisfying all four numeric attribute states (ie, all four columns in any one row) or, if that is not possible, according to the worst numeric attribute state.

The predicted average infection risk is the overall average infection to swimmers based on a random exposure on a random day, ignoring any possibility of not swimming during high flows or when a surveillance advisory is in place (assuming that the *E. coli* concentration follows a lognormal distribution). Actual risk will generally be less if a person does not swim during high flows.

Table 10 – Cyanobacteria (planktonic)

Value	Human contact
Freshwater body type	Lakes and lake fed rivers
Attribute unit	Biovolume mm^3/L (cubic millimetres per litre)
Attribute band and description	**Numeric attribute state**
	80th percentile
A (Blue) Risk exposure from cyanobacteria is no different to that in natural conditions (from any contact with freshwater).	≤0.5 mm^3/L biovolume equivalent for the combined total of all cyanobacteria
B (Green) Low risk of health effects from exposure to cyanobacteria (from any contact with freshwater).	>0.5 and ≤1.0 mm^3/L biovolume equivalent for the combined total of all cyanobacteria
C (Yellow) Moderate risk of health effects from exposure to cyanobacteria (from any contact with freshwater).	>1.0 and ≤1.8 mm^3/L biovolume equivalent of potentially toxic cyanobacteria OR >1.0 and ≤10 mm^3/L total biovolume of all cyanobacteria
National bottom line	**1.8 mm^3/L biovolume equivalent of potentially toxic cyanobacteria** **OR** **10 mm^3/L total biovolume of all cyanobacteria**
D (Orange/Red) High health risks (for example, respiratory, irritation and allergy symptoms) exist from exposure to cyanobacteria (from any contact with freshwater).	>1.8 mm^3/L biovolume equivalent of potentially toxic cyanobacteria OR >10 mm^3/L total biovolume of all cyanobacteria
The 80th percentile must be determined using a minimum of 12 samples collected over 3 years. Thirty samples collected over 3 years is recommended.	

Appendix 2B – Attributes requiring action plans

Table 11 – Submerged plants (natives)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Lakes
Attribute unit	Lake Submerged Plant (Native Condition Index)
Attribute band and description	**Numeric attribute state**
	(% of maximum potential score)
A Excellent ecological condition. Native submerged plant communities are almost completely intact.	>75%
B High ecological condition. Native submerged plant communities are largely intact.	>50 and ≤75%
C Moderate ecological condition. Native submerged plant communities are moderately impacted.	≥20 and ≤50%
National bottom line	**20%**
D Poor ecological condition. Native submerged plant communities are largely degraded or absent.	<20%
Monitoring to be conducted, and numeric attribute state to be determined, following the method described in Clayton J, and Edwards T. 2006. *LakeSPI: A method for monitoring ecological condition in New Zealand lakes. User Manual Version 2*. National Institute of Water & Atmospheric Research: Hamilton, New Zealand. (*see* clause 1.8) Lakes in a devegetated state receive scores of 0.	

Table 12 – Submerged plants (invasive species)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Lakes
Attribute unit	Lake Submerged Plant (Invasive Impact Index)
Attribute band and description	**Numeric attribute state**
	(% of maximum potential score)
A No invasive plants present in the lake. Native plant communities remain intact.	0%
B Invasive plants having only a minor impact on native vegetation. Invasive plants will be patchy in nature co-existing with native vegetation. Often major weed species not present or in early stages of invasion.	>1 and ≤25%
C Invasive plants having a moderate to high impact on native vegetation. Native plant communities likely displaced by invasive weed beds particularly in the 2 – 8 m depth range.	>25 and ≤90%
National bottom line	**90%**
D Tall dense weed beds exclude native vegetation and dominate entire depth range of plant growth. The species concerned are likely hornwort and Egeria.	>90%
Monitoring to be conducted, and numeric attribute state to be determined, following the method described in Clayton J, and Edwards T. 2006. *LakeSPI: A method for monitoring ecological condition in New Zealand lakes. User Manual Version 2*. National Institute of Water & Atmospheric Research: Hamilton, New Zealand. (*see* clause 1.8)	

Table 13 – Fish (rivers)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Wadeable rivers
Attribute unit	Fish Index of Biotic Integrity (F-IBI)
Attribute band and description	**Numeric attribute state (average)**
A High integrity of fish community. Habitat and migratory access have minimal degradation.	≥34
B Moderate integrity of fish community. Habitat and/or migratory access are reduced and show some signs of stress.	<34 and ≥28
C Low integrity of fish community. Habitat and/or migratory access is considerably impairing and stressing the community.	<28 and ≥18
D Severe loss of fish community integrity. There is substantial loss of habitat and/or migratory access, causing a high level of stress on the community.	<18
Sampling is to occur at least annually between December and April (inclusive) following the protocols for at least one of the backpack electrofishing method, spotlighting method, or trapping method in Joy M, David B, and Lake M. 2013. *New Zealand Freshwater Fish Sampling Protocols (Part 1): Wadeable rivers and streams*. Massey University: Palmerston North, New Zealand. (*see* clause 1.8) The F-IBI score is to be calculated using the general method defined by Joy, MK, and Death RG. 2004. Application of the Index of Biotic Integrity Methodology to New Zealand Freshwater Fish Communities. *Environmental Management*, 34(3), 415-428. (*see* clause 1.8)	

Table 14 – Macroinvertebrates (1 of 2)

Value (and component)	Ecosystem health (Aquatic life)	
Freshwater body type	Wadeable rivers	
Attribute unit	Macroinvertebrate Community Index (MCI) score; Quantitative Macroinvertebrate Community Index (QMCI) score	
Attribute band and description	**Numeric attribute states**	
	QMCI	MCI
A Macroinvertebrate community, indicative of pristine conditions with almost no organic pollution or nutrient enrichment.	≥6.5	≥130
B Macroinvertebrate community indicative of mild organic pollution or nutrient enrichment. Largely composed of taxa sensitive to organic pollution/nutrient enrichment.	≥5.5 and <6.5	≥110 and <130
C Macroinvertebrate community indicative of moderate organic pollution or nutrient enrichment. There is a mix of taxa sensitive and insensitive to organic pollution/nutrient enrichment.	≥4.5 and <5.5	≥90 and <110
National bottom line	**4.5**	**90**
D Macroinvertebrate community indicative of severe organic pollution or nutrient enrichment. Communities are largely composed of taxa insensitive to inorganic pollution/nutrient enrichment.	<4.5	<90

MCI and QMCI scores to be determined using annual samples taken between 1 November and 30 April with either fixed counts with at least 200 individuals, or full counts, and with current state calculated as the five-year median score. All sites for which the deposited sediment attribute does not apply, whether because they are in river environment classes shown in Table 25 in Appendix 2C or because they require alternate habitat monitoring under clause 3.25 are to use soft sediment sensitivity scores and taxonomic resolution as defined in table A1.1 in Clapcott et al. 2017 *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson, New Zealand. (*see* clause 1.8)

MCI and QMCI to be assessed using the method defined in Stark JD, and Maxted, JR. 2007 *A user guide for the Macroinvertebrate Community Index*. Cawthron Institute: Nelson, New Zealand (*See* Clause 1.8), except for sites for which the deposited sediment attribute does not apply, which require use of the soft-sediment sensitivity scores and taxonomic resolution defined in table A1.1 in Clapcott et al. 2017 *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson, New Zealand. (*see* clause 1.8)

Table 15 – Macroinvertebrates (2 of 2)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Wadeable rivers
Attribute unit	Macroinvertebrate Average Score Per Metric (ASPM)
Attribute band and description	**Numeric attribute states ASPM score**
A Macroinvertebrate communities have high ecological integrity, similar to that expected in reference conditions.	≥0.6
B Macroinvertebrate communities have mild-to-moderate loss of ecological integrity.	<0.6 and ≥0.4
C Macroinvertebrate communities have moderate-to-severe loss of ecological integrity.	<0.4 and ≥0.3
National bottom line	**0.3**
D Macroinvertebrate communities have severe loss of ecological integrity.	<0.3

ASPM scores to be determined using annual samples taken between 1 November and 30 April with either fixed counts with at least 200 individuals, or full counts, and with current state calculated as the five-year median score. All sites for which the deposited sediment attribute does not apply, whether because they are in river environment classes shown in Table 25 in Appendix 2C or because they require alternate habitat monitoring under clause 3.25, are to use soft-sediment sensitivity scores and taxonomic resolution as defined in table A1.1 in Clapcott et al. 2017. *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson, New Zealand. (*see* clause 1.8)

When normalising scores for the ASPM, use the following minimums and maximums: %EPT-abundance (0-100), EPT-richness (0-29), MCI (0-200) using the method of Kevin J Collier (2008). Average score per metric: An alternative metric aggregation method for assessing wadeable stream health. *New Zealand Journal of Marine and Freshwater Research*, 42:4, 367-378, DOI: 10.1080/00288330809509965. (*see* clause 1.8)

Table 16 – Deposited fine sediment

Value (and component)	Ecosystem health (Physical habitat)			
Freshwater body type	Wadeable rivers			
Attribute unit	% fine sediment cover			
Attribute band and description	**Numeric attribute state by deposited sediment class**			
	Median			
	1	2	3	4
A Minimal impact of deposited fine sediment on instream biota. Ecological communities are similar to those observed in natural reference conditions.	≤7	≤10	≤9	≤13
B Low to moderate impact of deposited fine sediment on instream biota. Abundance of sensitive macroinvertebrate species may be reduced.	>7 and ≤14	>10 and ≤19	>9 and ≤18	>13 and ≤19
C Moderate to high impact of deposited fine sediment on instream biota. Sensitive macroinvertebrate species may be lost.	>14 and <21	>19 and <29	>18 and <27	>19 and <27
National bottom line	**21**	**29**	**27**	**27**
D High impact of deposited fine sediment on instream biota. Ecological communities are significantly altered and sensitive fish and macroinvertebrate species are lost or at high risk of being lost.	>21	>29	>27	>27

The indicator score is percentage cover of the streambed in a run habitat determined by the instream visual method, SAM2 as defined in p. 17-20 of Clapcott JE, Young RG, Harding JS., Matthaei CD, Quinn JM. and Death RG. 2011. *Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values*. Cawthron Institute: Nelson, New Zealand. (*see* clause 1.8)

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

See Tables 24 and 26 in Appendix 2C for deposited sediment classes and their composition.

This attribute does not apply in river environment classes shown in Table 25 in Appendix 2C, or where clause 3.25 requires freshwater habitat monitoring.

Table 17 – Dissolved oxygen

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers	
Attribute unit	mg/L (milligrams per litre)	
Attribute description band and description	**Numeric attribute state**	
	7-day mean minimum	**1-day minimum**
A No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	≥8.0	≥7.5
B Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	≥7.0 and <8.0	≥5.0 and <7.5
C Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	≥5.0 and <7.0	≥4.0 and <5.0
National bottom line	**5.0**	**4.0**
D Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.	<5.0	<4.0

The 7-day mean minimum is the mean value of 7 consecutive daily minimum values.

The 1-day minimum is the lowest daily minimum across the summer period (1 November to 30 April).

Table 18 – Lake-bottom dissolved oxygen

Value (and component)	Ecosystem health (Water quality)
Freshwater body type	Lakes
Attribute unit	mg/L (milligrams per litre)
Attribute description band and description	**Numeric attribute state**
	Measured or estimated annual minimum
A No risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥7.5
B Minimal risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥2.0 and < 7.5
C Risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥0.5 and < 2.0
National bottom line	**0.5**
D Likelihood from lake-bottom dissolved oxygen of biogeochemical conditions resulting in nutrient release from sediments.	<0.5
To be measured less than 1 metre above sediment surface at the deepest part of the lake using either continuous monitoring sensors or discrete dissolved oxygen profiles.	

Table 19 – Mid-hypolimnetic dissolved oxygen

Value (and component)	Ecosystem health (Water quality)
Freshwater body type	Seasonally stratifying lakes
Attribute unit	mg/L (milligrams per litre)
Attribute description band and description	**Numeric attribute state**
	Measured or estimated annual minimum
A No stress caused to any fish species by low dissolved oxygen.	≥7.5
B Minor stress on sensitive fish seeking thermal refuge in the hypolimnion. Minor risk of reduced abundance of sensitive fish and macro-invertebrate species.	≥ 5.0 and <7.5
C Moderate stress on sensitive fish seeking thermal refuge in the hypolimnion. Risk of sensitive fish species being lost.	≥ 4.0 and <5 .0
National bottom line	**4.0**
D Significant stress on a range of fish species seeking thermal refuge in the hypolimnion. Likelihood of local extinctions of fish species and loss of ecological integrity.	< 4.0
To be measured using either continuous monitoring sensors or discrete dissolved oxygen profiles.	

Table 20 – Dissolved reactive phosphorus

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers	
Attribute unit	DRP mg/L (milligrams per litre)	
Attribute band and description	**Numeric attribute state**	
	Median	95th percentile
A Ecological communities and ecosystem processes are similar to those of natural reference conditions. No adverse effects attributable to dissolved reactive phosphorus (DRP) enrichment are expected.	≤ 0.006	≤ 0.021
B Ecological communities are slightly impacted by minor DRP elevation above natural reference conditions. If other conditions also favour eutrophication, sensitive ecosystems may experience additional algal and plant growth, loss of sensitive macroinvertebrate taxa, and higher respiration and decay rates.	> 0.006 and ≤0.010	> 0.021 and ≤0.030
C Ecological communities are impacted by moderate DRP elevation above natural reference conditions. If other conditions also favour eutrophication, DRP enrichment may cause increased algal and plant growth, loss of sensitive macro-invertebrate and fish taxa, and high rates of respiration and decay.	> 0.010 and ≤ 0.018	> 0.030 and ≤ 0.054
D Ecological communities impacted by substantial DRP elevation above natural reference conditions. In combination with other conditions favouring eutrophication, DRP enrichment drives excessive primary production and significant changes in macroinvertebrate and fish communities, as taxa sensitive to hypoxia are lost.	>0.018	>0.054
Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.		

Table 21 – Ecosystem metabolism (both gross primary production and ecosystem respiration)

Value (and component)	Ecosystem health (Ecosystem processes)
Freshwater body type	Rivers
Attribute unit	g O_2 m^{-2} d^{-1} (grams of dissolved oxygen per square metre per day)
Derived from at least 7 days of continuous dissolved oxygen monitoring to be collected at least once during the summer period (1 November to 30 April), using the method of Young RG, Clapcott JE, Simon K. 2016. Ecosystem functions and stream health. *Advances in New Zealand Freshwater Science*. NZ Freshwater Sciences Society, NZ Hydrological Society. (*see* clause 1.8)	

Table 22 – *Escherichia coli* (*E. coli*) (primary contact sites)

Value	Human contact
Freshwater body Type	Primary contact sites in lakes and rivers (during the bathing season)
Attribute unit	95th percentile of *E. coli*/100 mL (number of *E. coli* per hundred millilitres)
Attribute band and description	**Numeric attribute state**
Excellent Estimated risk of *Campylobacter* infection has a < 0.1% occurrence, 95% of the time.	≤ 130
Good Estimated risk of *Campylobacter* infection has a 0.1 – 1.0% occurrence, 95% of the time.	> 130 and ≤ 260
Fair Estimated risk of *Campylobacter* infection has a 1 – 5% occurrence, 95% of the time.	> 260 and ≤ 540
National bottom line	**540**
Poor Estimated risk of *Campylobacter* infection has a > 5% occurrence, at least 5% of the time.	> 540
The narrative attribute state description assumes "% of time" equals "% of samples".	

Appendix 2C – Sediment classification tables

In this Appendix, **REC groups** refers to the classes and categories described in the New Zealand River Environment Classification User Guide (*see* clause 1.8), except where those REC groups are further clustered according to table 26.

Table 23 Suspended sediment class composition

Suspended sediment class	Suspended sediment clustered River Environment Classification groups
1	CD_Low_HS; WW_Low_VA; WW_Hill_VA; CD_Low_Al; CW_Hill_SS; CW_Mount_SS; CW_Hill_VA; CD_Hill_SS; CD_Hill_VA; CD_Low_VA; CW_Low_VA; CW_Mount_VA; CW_Mount_HS; CD_Mount_Al; CW_Hill_Al; CW_Mount_Al; WD_Low_Al
2	CD_Low_SS; WW_Low_HS; WW_Low_SS; WW_Hill_HS; WW_Hill_SS; WW_Low_Al; WD_Low_SS; WD_Lake_Any; WD_Low_HS; WD_Low_VA
3	CW_Hill_HS; CW_Lake_Any; CD_Lake_Any; WW_Lake_Any; CW_Low_HS; CW_Low_Al; CD_Hill_HS; CD_Hill_Al; CD_Mount_HS; CD_Mount_SS; CD_Mount_VA
4	CW_Low_SS

Table 24 – Deposited sediment class composition

Deposited sediment class	Deposited sediment clustered River Environment Classification groups
1	WD_Low_HS; WW_Lake_Any
2	CD_Hill_Al; CD_Low_HS; CD_Low_VA; WW_Low_HS; WW_Low_VA; CD_Hill_SS; CD_Lake_Any; CW_Lake_Any; CW_Low_Al; CD_Hill_HS; CW_Hill_VA; CW_Low_SS; CW_Low_VA
3	CD_Low_Al; CD_Low_SS; WW_Hill_SS; WW_Low_SS
4	CD_Hill_VA; CW_Mount_VA; WW_Hill_HS; CW_Mount_SS; CD_Mount_Al; CD_Mount_HS; CD_Mount_SS; CD_Mount_VA; CW_Hill_Al; CW_Hill_HS; CW_Hill_SS; CW_Low_HS; CW_Mount_Al; CW_Mount_HS; WW_Hill_VA

Table 25 – Clustered River Environment Classification groups that are naturally soft-bottomed

WD_Low_Al; WD_Low_VA; WD_Lake_Any; WD_Low_SS; WW_Low_Al

Table 26 – Further clustering of River Environment Classification groups specific to this appendix

REC variable	REC groups	Clustered REC groups
Climate	Warm-Wet	Warm-Wet (WW)
	Warm-Extremely Wet	
	Warm-Dry	Warm-Dry (WD)
	Cold-Wet	Cold-Wet (CW)
	Cold-Extremely Wet	
	Cold-Dry	Cold-Dry (CD)
Topography (Source of flow)	Lowland	Lowland (Low)
	Lakefed	Lakefed (Lake)
	Hill	Hill (Hill)
	Mountain	Mountain (Mount)
	Glacial Mountain	
Geology	Soft Sedimentary	Soft Sedimentary (SS)
	Plutonic Volcanic	
	Miscellaneous	
	Hard Sedimentary	Hard Sedimentary (HS)
	Alluvium	Alluvium (Al)
	Volcanic Basic	Volcanic (VA)
	Volcanic Acidic	

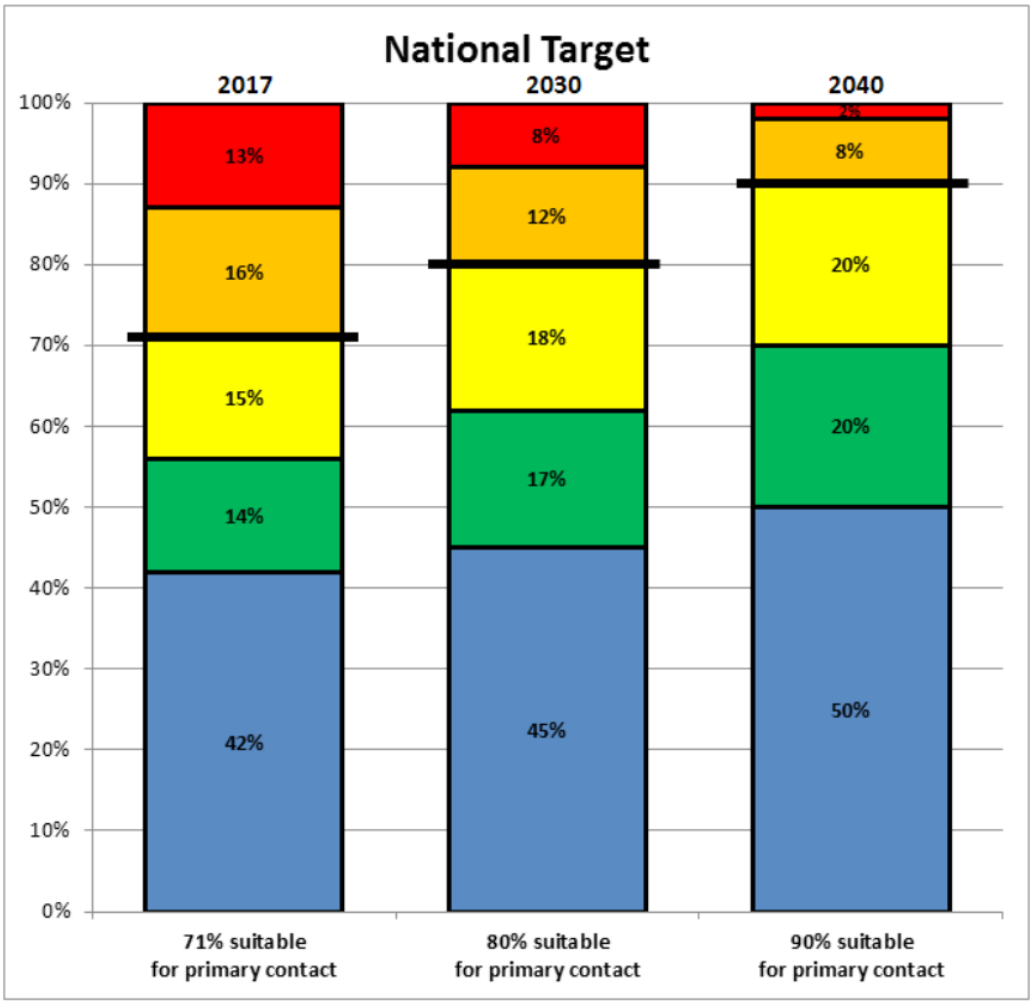
Appendix 3 – National target for primary contact

The national target is to increase proportions of specified rivers and lakes that are suitable for primary contact (that is, that are in the blue, green and yellow categories) to at least 80% by 2030, and 90% no later than 2040, but also to improve water quality across all categories.

In this Appendix, **specified rivers and lakes** means:

a) rivers that are fourth order or greater, using the methods outlined in the River Environment Classification System, National Institute of Water and Atmospheric Research, Version 1 (*see* clause 1.8); and

b) lakes with a perimeter of 1.5 km or more.



The categories above represent combined improvements in all regions. For each region, this means reducing the length of specified rivers and lakes in the red and orange categories, and increasing the length of specified rivers and lakes in the yellow, green and blue categories.

The categories are based on water quality in terms of the 2 human contact attributes, *E. coli* and *cyanobacteria* (planktonic), in tables 9 and 10 in Appendix 2A.

For rivers and lakes, the target categories are same as the *E. coli* table attribute states. However, the categories do not include the 95th percentile of *E. coli*/100 mL numeric attribute state if there is insufficient monitoring data to establish the 95th percentile.

For lakes, the categories are also based on the cyanobacteria (planktonic) attribute states. However, to provide additional granularity for tracking improvements over time, the D band has been split into 2 categories (orange and red) as follows:

a) **orange** means the lake has between 1.8 and 3.0 mm^3/L biovolume of cyanobacteria (planktonic), using an 80th percentile

b) **red** means the lake has more than 3.0 mm^3/L biovolume of cyanobacteria (planktonic), using an 80th percentile.

For lakes, the lowest category for either *E. coli* or cyanobacteria (planktonic) applies.

Appendix 4 – Details for instream structures

Part 1: Required information

For all structures

a) geographical co-ordinates of the structure

b) date and time of survey

c) flow when survey was completed (no flow, low, normal, high, unknown)

d) whether the stream is tidal where structure is located (yes, no, unknown)

e) the width of the river at the water's surface and the width of the bed of the river

f) structure type

g) photos viewed upstream and downstream at both ends of the structure

For all culverts

a) number of culvert barrels

b) culvert shape, length, width and height or diameter

c) mean water velocity through the culvert

d) whether low velocity recirculation zones are present (yes, no, unknown)

e) culvert water depth

f) culvert substrate

g) whether wetted margins present in the culvert

h) structure outlet drop height

i) structure outlet undercut length (if applicable)

j) whether add-ons present and add-on type

For all weirs

a) weir type

b) weir crest shape

c) weir height

d) weir substrate

e) whether wetted margins present

f) weir slope (degrees)

g) whether add-ons present and add-on type

For all fords

a) ford drop height

b) ford substrate

c) whether add-ons present and add-on type

For all dams

a) dam height

b) whether spillway present

c) whether add-ons present and add-on type

For all aprons

a) apron drop height

b) apron water depth

c) apron substrate type

For all ramps

a) ramp surface

b) ramp length

c) ramp slope (degrees)

d) whether wetted margins present on the ramp

For all flap gates

a) gate type

b) number of flap gates on the structure

c) whether add-ons present and add-on type

Part 2: Additional optional information

For all structures

a) owner of the structure (NZTA, KiwiRail, Department of Conservation, regional council, territorial authority, private, other, or unknown)

b) asset ID (if known)

c) any fish passage observations (for example, does the structure protect desired species or their habitats)

d) effectiveness of fish passage remediation if fish passage improvement present (for example, rock ramp, artificial ramp, fish passage)

e) risk of structure to fish passage class (if known) (very low, low, medium, high risk, very high risk, not assessed)

For all culverts

a) structure slope

b) structure alignment with the stream

c) structure material

d) number of flap gates (if present)

e) flap gate type and material

For all weirs

a) weir width

b) backwater distance

c) weir material

For all fords

a) ford width

b) ford length

c) ford material

For all aprons

a) apron material

b) apron length

c) apron water velocity

For all flap gates

a) gate height and width

b) gate material

Appendix 5 – Specified vegetable growing areas

Part 1 – Description of specified vegetable growing areas

Pukekohe specified vegetable growing area:

Western boundary

From the point that the Waiuku River meets the Waiuku Stream at NZTM2000 1753472 5876259, up the Waiuku Stream to Waiuku Road to the boundary at NZTM2000 1755854 5875779.

Southern boundary

The north bank of the Waikato River, from the end of Crouch Road at NZTM2000 1756420 5868522 to the end of Bluff Road at NZTM2000 1778986 5871955.

Eastern boundary

From the arm of the Pahurehure inlet at NZTM2000 1771949 5896064, eastwards along Elliot Street until it becomes Broadway, along Clevedon Road which becomes Papakura-Clevedon Road until the point at which the national grid transmission lines cross the road at NZTM2000 1778853, 5900012. Following in a southward direction the transmission line to the Auckland Council and Waikato Regional Council regional boundary at NZTM2000 1788858, 5882363.

Northern boundary

From the mouth of the Waiuku river NZTM2000 1753472 5876259 to the north following the coastline of the Manukau Harbour to the eastern most arm of Pahurehure Inlet at NZTM2000 1771949 5896064.

Horowhenua specified vegetable growing area:

Lake Horowhenua (Hoki_1a) Water Management Subzone

Whole lake catchment above Lake Horowhenua outlet (at approx. NZTM2000 1789400 5502450). From the lake outlet, crossing Moutere Road to the north-west, and as far west as the eastern edge of the Waitarere Forest, and as far north as Waitarere Beach Road. As far east as Gladstone Road, near Gladstone Reserve, crossing Roslyn Road, Denton Road. To the south as far as Tararua Road, and crossing Kimberley Road, Buller Road, Hokio Sand Road, then north to Lake Horowhenua outlet.

Hoki (Hoki_1b) Water Management Subzone

Hokio Stream catchment downstream of Lake Horowhenua outlet (approx. NZTM2000 1789400 5502450). Extending north to cross the Moutere Road, north of the bridge that crosses the Hokio Stream, and extending south to south of the landfill off Hokio Beach Road. Excluding the mainstem of the Hokio Stream from the cross-river Coastal Marine Area boundary at NZTM2000 1784949 5504086, at the western end of Muaupoko Street, and seawards.

Part 2 – Attributes

Attributes for the purpose of clause 3.33:

(a) phytoplankton (Appendix 2A, Table 1)

(b) periphyton (Appendix 2A, Table 2)

(c) total nitrogen (trophic state) (Appendix 2A, Table 3)

(d) ammonia (toxicity) (Appendix 2A, Table 5)

(e) nitrate (toxicity) (Appendix 2A, Table 6)

(f) dissolved oxygen (Appendix 2A, Table 7, Appendix 2B, Tables 17, 18 and 19)

(g) cynobacteria (Appendix 2A, Table 10)

(h) macroinvertebrates (Appendix 2B, Tables 14 and 15)

Appendix 6 – Principles for aquatic offsetting

These principles apply to the use of aquatic offsets for the loss of extent or values of natural inland wetlands and rivers ("extent or values" below).

1. **Adherence to effects management hierarchy:** An aquatic offset is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.

2. **When aquatic offsetting is not appropriate:** Aquatic offsets are not appropriate in situations where, in terms of conservation outcomes, the extent or values cannot be offset to achieve no net loss, and preferably a net gain, in the extent and values. Examples of an offset not being appropriate would include where:

   (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the extent or values affected:

   (b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:

   (c) there are no technically feasible options by which to secure proposed no net loss and preferably a net gain outcome within an acceptable timeframe.

3. **No net loss and preferably a net gain:** This is demonstrated by a like-for-like quantitative loss/gain calculation, and is achieved when the extent or values gained at the offset site (measured by type, amount and condition) are equivalent to or exceed those being lost at the impact site.

4. **Additionality:** An aquatic offset achieves gains in extent or values above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

5. **Leakage:** Aquatic offset design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the offset site).

6. **Long-term outcomes:** An aquatic offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.

7. **Landscape context:** An aquatic offset action is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial and hydrological connections, and ecosystem function.

8. **Time lags:** The delay between loss of extent or values at the impact site and the gain or maturity of extent or values at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

9. **Science and mātauranga Māori:** The design and implementation of an aquatic offset is a documented process informed by science where available, and mātauranga Māori at place.

10. **Tangata whenua or stakeholder participation:** Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning aquatic offsets, including their evaluation, selection, design, implementation, and monitoring.

11. **Transparency:** The design and implementation of an aquatic offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Appendix 7 – Principles for aquatic compensation

These principles apply to the use of aquatic compensation for the loss of extent or values of natural inland wetlands and rivers ("extent or values" below).

1. **Adherence to effects management hierarchy:** Aquatic compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.
2. **When aquatic compensation is not appropriate:** Aquatic compensation is not appropriate where, in terms of conservation outcomes, the extent or values are not able to be compensated for. Examples of aquatic compensation not being appropriate would include where:
    (a) the affected part of the natural inland wetland or river bed, or its values, including species, are irreplaceable or vulnerable:
    (b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:
    (c) there are no technically feasible options by which to secure gains within an acceptable timeframe.
3. **Scale of aquatic compensation:** The extent or values to be lost through the activity to which the aquatic compensation applies are addressed by positive effects that outweigh the adverse effects.
4. **Additionality:** Aquatic compensation achieves gains in extent or values above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.
5. **Leakage:** Aquatic compensation design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the compensation site).
6. **Long-term outcomes:** Aquatic compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.
7. **Landscape context:** An aquatic compensation action is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial and hydrological connections, and ecosystem function.
8. **Time lags:** The delay between loss of extent or values at the impact site and the gain or maturity of extent or values at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).
9. **Trading up:** When trading up forms part of aquatic compensation, the proposal demonstrates that the aquatic extent or values gained are demonstrably of greater or higher value than those lost. The proposal also shows the values lost are not to Threatened or At Risk/Declining species or to species considered vulnerable or irreplaceable.

10. **Financial contribution:** A financial contribution is only considered if it directly funds an intended aquatic gain or benefit that complies with the rest of these principles.
11. **Science and mātauranga Māori:** The design and implementation of aquatic compensation is a documented process informed by science where available, and mātauranga Māori at place.
12. **Tangata whenua or stakeholder participation:** Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning aquatic compensation, including its evaluation, selection, design, implementation, and monitoring.
13. **Transparency:** The design and implementation of aquatic compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.

Section E
National Environmental Standards for Freshwater Management
Index

Quarrying activities

Heading: inserted, on 5 January 2023, by regulation 20 of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

45A Discretionary activities

(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of quarrying activities.

(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of quarrying activities.

(3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it—

(a) is for the purpose of quarrying activities; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.

(4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the activity is for the purpose of quarrying activities; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the discharge is for the purpose of quarrying activities; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

(6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the quarrying activity will provide significant national or regional benefits; and

(b) satisfied itself that there is a functional need for the quarrying activity in that location; and

(c) applied the effects management hierarchy.

Regulation 45A: inserted, on 5 January 2023, by regulation 20 of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

(a) the urban development will be of significant national, regional, or district benefit; and

(b) the activity contributes to a well-functioning urban environment; and

(c) there is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland; and

(d) an alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and

(e) the effects of the activity will be managed through applying the effects management hierarchy.

Regulation 45C: inserted, on 5 January 2023, by regulation 20 of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Extraction of minerals and ancillary activities

Heading: inserted, on 5 January 2023, by regulation 20 of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

45D Discretionary activities

(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of the extraction of minerals and ancillary activities.

(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of the extraction of minerals and ancillary activities.

(3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it—

(a) is for the purpose of the extraction of minerals and ancillary activities; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.

(4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the activity is for the purpose of the extraction of minerals and ancillary activities; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the discharge is for the purpose of the extraction of minerals and ancillary activities; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

(6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the extraction of the minerals will provide significant national or regional benefits; and

(b) satisfied itself that there is a functional need for the extraction of minerals and ancillary activities in that location; and

(c) applied the effects management hierarchy.

(7) In relation to the extraction of coal and ancillary activities, no person may apply for a consent to carry out any activity under subclauses (1) to (5) unless the activity is for the purpose of the extraction of coal or ancillary activities as part of operating or extending a coal mine that was lawfully established before 5 January 2023.

(8) At the close of 31 December 2030, the extraction of coal (other than coking coal) is excluded from the purposes for which consent may be obtained under this regulation.

Regulation 45D: inserted, on 5 January 2023, by regulation 20 of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Maintenance and operation of specified infrastructure and other infrastructure

46 Permitted activities

(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—

(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and

(b) complies with the conditions.

(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—

(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and

(b) complies with the conditions.

(d) if the activity is earthworks or land disturbance, erosion and sediment control measures must,—

(i) during and after the earthworks, be applied and maintained at the site of the activity to minimise adverse effects of sediment on the natural inland wetland; and

(ii) include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and

(e) as soon as practicable (but no later than 3 months) after the activity ends,—

(i) debris, materials, and equipment relating to the activity must be removed from the site; and

(ii) the site must be free from litter.

Regulation 51(2): amended, on 5 January 2023, by regulation 26(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 51(3): amended, on 5 January 2023, by regulation 26(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 51(4): replaced, on 5 January 2023, by regulation 26(2) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 51(5)(a)(ii): amended, on 5 January 2023, by regulation 26(3) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 51(5)(c): amended, on 5 January 2023, by regulation 26(3) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 51(5)(d)(i): amended, on 5 January 2023, by regulation 26(3) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Drainage of natural inland wetlands

Heading: replaced, on 5 January 2023, by regulation 27 of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

52 Non-complying activities

(1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—

(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and

(b) does not have another status under any of regulations 38 to 51.

(2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—

(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and

(b) does not have another status under any of regulations 38 to 51.

Regulation 52(1): amended, on 5 January 2023, by regulation 28(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 52(1)(a): amended, on 5 January 2023, by regulation 28(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 52(2): amended, on 5 January 2023, by regulation 28(2)(a) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 52(2): amended, on 5 January 2023, by regulation 28(2)(b) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 52(2)(a): amended, on 5 January 2023, by regulation 28(2)(b) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

53 Prohibited activities

(1) Earthworks within a natural inland wetland is a prohibited activity if it—

(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and

(b) does not have another status under any of regulations 38 to 51.

(2) The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it—

(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and

(b) does not have another status under any of regulations 38 to 51.

Regulation 53(1): amended, on 5 January 2023, by regulation 29(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 53(1)(a): amended, on 5 January 2023, by regulation 29(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 53(2): amended, on 5 January 2023, by regulation 29(2)(a) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 53(2): amended, on 5 January 2023, by regulation 29(2)(b) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 53(2)(a): amended, on 5 January 2023, by regulation 29(2)(b) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Other activities

54 Non-complying activities

The following activities are non-complying activities if they do not have another status under this subpart:

(a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland:

(b) earthworks within, or within a 10 m setback from, a natural inland wetland:

(c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—

(i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:

(d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—

(i) there is a hydrological connection between the discharge and the wetland; and

(ii) the discharge will enter the wetland; and

(iii) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Regulation 54(a): amended, on 5 January 2023, by regulation 30(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 54(b): amended, on 5 January 2023, by regulation 30(1) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 54(c): replaced, on 5 January 2023, by regulation 30(2) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

Regulation 54(d): inserted, on 5 January 2023, by regulation 30(2) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

General matters

55 General conditions on natural inland wetland activities

(1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.

Section F
National Policy Statement for Indigenous Biodiversity 2023
Index

National Policy Statement for Indigenous Biodiversity

2023

Ministry for the Environment
Manatū Mō Te Taiao

Te Kāwanatanga o Aotearoa
New Zealand Government

Authority

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 31 May 2023 and is published by the Minister for the Environment under section 54 of that Act on 7 July 2023.

Contents

Part 1: Preliminary provisions

1.1 Title

(1) This is the National Policy Statement for Indigenous Biodiversity 2023.

1.2 Commencement

(1) This National Policy Statement comes into force on the day that is 28 days after notification in the New Zealand Gazette.

1.3 Application

(1) This National Policy Statement applies to indigenous biodiversity in the terrestrial environment throughout Aotearoa New Zealand.

(2) However:

(a) geothermal ecosystems are covered by this National Policy Statement, whether or not they are in the terrestrial environment (but excluding any within the coastal marine area) (see clause 3.13); and

(b) specified highly mobile fauna are covered by this National Policy Statement, whether or not they use areas outside the terrestrial environment (such as the coastal marine area or water bodies) for part of their life cycle (see clause 3.20); and

(c) provisions relating to promoting restoration and increasing indigenous vegetation cover extend to include natural inland wetlands (see clauses 3.21 and 3.22); and

(d) regional biodiversity strategies may extend to include areas outside the terrestrial environment, including the coastal marine area and water bodies (see clause 3.23); and

(e) if an SNA (significant natural area) contains a natural inland wetland, the wetland may be treated as part of the SNA it is located in.

(3) Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.

1.4 Relationship with other national directions and iwi participation legislation

(1) Both the New Zealand Coastal Policy Statement and this National Policy Statement apply in the terrestrial coastal environment.

(2) If there is a conflict between the provisions of this National Policy Statement and the New Zealand Coastal Policy Statement 2010 (or any later New Zealand Coastal Policy Statement issued under the Act), the New Zealand Coastal Policy Statement prevails.

(3) If there is a conflict between the provisions of this National Policy Statement and the National Policy Statement for Freshwater Management 2020 or the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, the latter prevail.

(4) To avoid doubt, nothing in this National Policy Statement limits any relevant provision of any iwi participation legislation (as defined in section 58L of the Act).

1.5 Decision-making principles

(1) This National Policy Statement prioritises the mauri and intrinsic value of indigenous biodiversity and recognises people's connections and relationships with indigenous biodiversity.

(2) It recognises that the health and wellbeing of people and communities are dependent on the health and wellbeing of indigenous biodiversity and that in return people have a responsibility to care for and nurture it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level.

(3) Consistent with this, the decision-making principles that must inform the implementation of this National Policy Statement are as follows:

(a) prioritise the mauri, intrinsic value and wellbeing of indigenous biodiversity:

(b) take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):

(c) recognise the bond between tangata whenua and indigenous biodiversity based on whakapapa relationships:

(d) recognise the obligation and responsibility of care that tangata whenua have as kaitiaki of indigenous biodiversity:

(e) recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity:

(f) enable the application of te ao Māori and mātauranga Māori:

(g) form strong and effective partnerships with tangata whenua.

1.6 Interpretation

(1) In this National Policy Statement:

acknowledged taonga means indigenous species, populations, or ecosystems that tangata whenua have identified as taonga under clause 3.19 but that are not, or not yet, identified in a plan

Act means the Resource Management Act 1991

biodiversity compensation means a conservation outcome that meets the requirements in Appendix 4 and results from actions that are intended to compensate for any more

than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied

biodiversity offset means a measurable conservation outcome that meets the requirements in Appendix 3 and results from actions that are intended to:

(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

(b) achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.

buffer refers to a defined space between core areas of ecological value and the wider landscape that helps to reduce external pressures; and **buffering** has a corresponding meaning

commencement date means the date on which this National Policy Statement comes into force

connectivity refers to the structural or functional links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats or ecosystems

decision-making principles means the seven decision-making principles in clause 1.5(3)

ecological district means:

(a) in relation to geothermal ecosystems in the Taupō Volcanic Zone, the Taupō Volcanic Zone; and

(b) for all other areas, the ecological districts as shown in McEwen, W Mary (ed), 1987. *Ecological regions and districts of New Zealand*. Wellington: Department of Conservation.

ecological integrity means the extent to which an ecosystem is able to support and maintain its:

(a) composition (being its natural diversity of indigenous species, habitats, and communities); and

(b) structure (being its biotic and abiotic physical features); and

(c) functions (being its ecological and physical processes).

ecosystem means the complexes of organisms and their associated physical environment within an area (and comprise: a biotic complex, an abiotic environment or complex, the interactions between the biotic and abiotic complexes, and a physical space in which these operate)

ecosystem function means the abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem

ecosystem services are the benefits obtained from ecosystems such as:

(a) supporting services, (eg, nutrient cycling, soil formation, habitat creation):

(b) provisioning services, (eg, food, freshwater, wood, fibre, fuel):

(c) regulating services, (eg, water purification, climate regulation, flood regulation, disease regulation):

(d) cultural services, (eg, aesthetic, spiritual, educational, recreational).

effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then

(e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

(f) if biodiversity compensation is not appropriate, the activity itself is avoided.

electricity transmission network means the electricity transmission network that**:**

(a) comprises the network of transmission lines, cables, stations, substations and works used to connect grid injection points and grid exit points used to convey electricity in New Zealand; and

(b) is owned by Transpower New Zealand Limited; and

(c) is commonly known as the National Grid.

electricity transmission network assets means the physical components of the electricity transmission network, along with all access roads and tracks required to operate and maintain those assets

fragmentation, in relation to indigenous biodiversity, refers to the fragmentation of habitat that results in a loss of connectivity and an altered spatial configuration of habitat for a given amount of habitat loss

functional need means the need for a proposed activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

geothermal ecosystem means a dynamic life-supporting system made up of a group of living organisms that are located within a geothermal system and are adapted to, and reliant on, geothermal resources

geothermal SNA means an SNA that includes one or more geothermal ecosystems

geothermal system means a system, defined by scientific investigation, that:

(a) comprises:

(i) geothermal energy, stored as water or steam; and

(ii) the rocks confining it; and

(iii) associated water, steam, and gas emissions; and

(iv) the geothermal surface features resulting from those emissions; and

(b) is believed to have no hydrological connection to another system.

habitat means the area or environment where an organism or ecological community lives or occurs naturally for some or all of its life cycle, or as part of its seasonal feeding or breeding pattern; but does not include built structures or an area or environment where an organism is present only fleetingly

highly mobile fauna area means an area outside an SNA that is identified under clause 3.20 as an area used intermittently by specified highly mobile fauna

identified taonga means acknowledged taonga that are identified in a district plan (as provided for in clause 3.19)

indigenous biodiversity means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats

indigenous vegetation means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located

maintenance, in relation to indigenous biodiversity, has the meaning in clause 1.7

mātauranga Māori means Māori customary knowledge, traditional knowledge, or intergenerational knowledge and is held by tangata whenua at place

mosaic means a pattern of two or more interspersed ecosystems, communities, or habitats that contribute to the cumulative value of ecosystems in a landscape

natural inland wetland has the meaning in the National Policy Statement for Freshwater Management 2020

natural range, in relation to a species, refers to the geographical area within which that species can be expected to be found naturally (without human intervention)

operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints

plantation forest has the meaning in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

policy statements and plans includes regional policy statements and proposed regional policy statements, and regional plans, district plans, and proposed plans

publish, in relation to an obligation on a local authority to publish material, means to make the material freely available to the public on the local authority's internet website or another web-based platform

reconstruction means reintroducing and maintaining appropriate biota to recreate an ecosystem that would not regenerate or recolonise even with best practice restoration interventions

renewable electricity generation assets means the physical components required for renewable electricity generation, along with the assets and infrastructure (such as cabling, access roads, and tracks) required to store the generated electricity and connect it to transmission or distribution networks or direct to end users

resilience, in relation to an ecosystem, means the ability of the ecosystem to recover from and absorb disturbances, and its capacity to reorganise into similar ecosystems

restoration means the active intervention and management of modified or degraded habitats, ecosystems, landforms, and landscapes in order to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities

sequence means a series of ecosystems or communities, often physically connected, that replace one another through space

SNA, or **significant natural area**, means:

(a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and

(b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

species means a group of living organisms consisting of similar individuals capable of freely exchanging genes or interbreeding, including subspecies, varieties and organisms that are indeterminate.

specified covenant or kawenata means a covenant or kawenata that is:

(a) registered against the record of title or lease agreement (as relevant), under any of the following:

  (i) section 22 of the Queen Elizabeth the Second National Trust Act 1977:

  (ii) Section 27 or section 27A of the Conservation Act 1987:

  (iii) Section 76 and 77 of the Reserves Act 1977; and

(b) is identified, with the agreement of the relevant landowner or lessee and the prior written consent of the covenantee, by the relevant local authority as a specified covenant or kawenata

specified highly mobile fauna means the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2

specified infrastructure means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002):

(b) regionally or nationally significant infrastructure identified as such in a National Policy Statement, the New Zealand Coastal Policy Statement, or a regional policy statement or plan:

(c) infrastructure that is necessary to support housing development, that is included in a proposed or operative plan or identified for development in any relevant strategy document (including a future development strategy or spatial strategy) adopted by a local authority, in an urban environment (as defined in the National Policy Statement on Urban Development 2020):

(d) any public flood control, flood protection, or drainage works carried out:

(i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

(ii) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908:

(e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990.

specified Māori land means land that is any of the following:

(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):

(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:

(c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:

(d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:

(e) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):

(f) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:

(g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):

(i) as part of redress for the settlement of Treaty of Waitangi claims; or

(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.

suitably qualified ecologist means a professional ecologist with a background and expertise in conducting terrestrial ecological assessments

terrestrial environment means land and associated natural and physical resources above mean high-water springs, excluding land covered by water, water bodies and freshwater ecosystems (as those terms are used in the National Policy Statement for Freshwater Management 2020) and the coastal marine area

Threatened or **At Risk**, and **Threatened or At Risk (declining)** have, at any time, the meanings given in the *New Zealand Threat Classification System Manual* (Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Miskelly, Janice Molloy and David A Norton, 2008. Science & Technical Publishing, Department of Conservation, Wellington), available at: https://www.doc.govt.nz/globalassets/documents/science-and-technical/sap244.pdf, or its current successor publication

urban environment has the meaning in clause 1.4 of the National Policy Statement on Urban Development 2020.

(2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, except as otherwise specified.

(3) Terms defined in the National Planning Standard issued under section 58E of the Act and used in this National Policy Statement have the meanings in that Standard, unless otherwise specified.

1.7 Maintaining indigenous biodiversity

(1) Maintaining indigenous biodiversity requires:

(a) the maintenance and at least no overall reduction of all the following:

(i) the size of populations of indigenous species:

(ii) indigenous species occupancy across their natural range:

(iii) the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:

(iv) the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:

(v) connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:

(vi) the resilience and adaptability of ecosystems; and

(b) where necessary, the restoration and enhancement of ecosystems and habitats.

1.8 Incorporation by reference

(1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy Statement.

(2) All material incorporated by reference in this National Policy Statement is available at https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-for-indigenous-biodiversity/.

Part 2: Objective and policies

2.1 Objective

(1) The objective of this National Policy Statement is:

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

(b) to achieve this:

(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

2.2 Policies

Policy 1: Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.

Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

(a) managing indigenous biodiversity on their land; and

(b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and

(c) actively participating in other decision-making about indigenous biodiversity.

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.

Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.

Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach.

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 9: Certain established activities are provided for within and outside SNAs.

Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.

Policy 11: Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.

Policy 12: Indigenous biodiversity is managed within plantation forestry while providing for plantation forestry activities.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.

Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.

Policy 17: There is improved information and regular monitoring of indigenous biodiversity.

Part 3: Implementation

3.1 Overview of Part 3

(1) This Part sets out a non-exhaustive list of things that must be done to give effect to the Objective and Policies in Part 2 of this National Policy Statement, but nothing in this Part limits the general obligation under the Act to give effect to that Objective and those Policies.

(2) Nothing in this Part limits a local authority's functions and duties under the Act in relation to indigenous biodiversity.

(3) In this Part:

(a) Subpart 1 sets out general approaches to implementing this National Policy Statement:

(b) Subpart 2 sets out provisions relating to the identification of SNAs, the management of adverse effects on SNAs, and the general management of indigenous biodiversity outside SNAs:

(c) Subpart 3 sets out additional specific requirements relating to indigenous biodiversity.

Subpart 1 – Approaches to implementing this National Policy Statement

3.2 Role of decision-making principles

(1) Local authorities must engage with tangata whenua, people and communities (including landowners) to ensure that the decision-making principles inform, and are given effect to, when implementing this National Policy Statement in their regions and districts.

3.3 Tangata whenua as partners

(1) Every local authority must involve tangata whenua (to the extent they wish to be involved) as partners in the management of indigenous biodiversity and, in particular:

(a) when identifying the local approach to giving effect to the decision-making principles; and

(b) in the processes (including decision-making processes) for managing the implementation of this National Policy Statement; and

(c) when making or changing policy statements and plans that relate to indigenous biodiversity or give effect to this National Policy Statement; and

(d) in developing Regional Biodiversity Strategies, including setting the vision for landscape-scale restoration of indigenous biodiversity; and

(e) in determining how to identify and manage the indigenous species, populations and ecosystems of those species that are taonga; and

(f) in enabling mātauranga Māori to be applied at all stages of management of indigenous biodiversity.

(2) When involving tangata whenua as required by subclause (1), and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement, local authorities must:

(a) ensure that engagement with tangata whenua:

(i) is early, meaningful, and in accordance with tikanga Māori; and

(ii) has regard to the different levels of whānau, hapū, and iwi decision-making structures; and

(b) in managing indigenous biodiversity, recognise and value the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(c) provide specific opportunities for tangata whenua to exercise kaitiakitanga in accordance with tikanga Māori; and

(d) allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga.

(3) Local authorities must work with tangata whenua to investigate the use of mechanisms available under the Act to involve tangata whenua in the management of, and decision-making about, indigenous biodiversity, such as:

(a) transfers or delegations of power under section 33 of the Act:

(b) joint management agreements under section 36B of the Act:

(c) Mana Whakahono ā Rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.

(4) When a local authority considers the use of mechanisms to involve tangata whenua in the management of indigenous biodiversity the local authority must:

(a) record the matters considered and the reasons for any decisions reached, or for not making a decision; and

(b) publish those matters and reasons as soon as practicable after the consideration, unless publication would be contrary to any legal obligation.

(5) Local authorities must, with the consent of tangata whenua, enable the application of mātauranga Māori relating to indigenous biodiversity when implementing this National Policy Statement.

(6) Local authorities must actively involve tangata whenua in developing processes for managing information provided by tangata whenua (including providing for how it may remain confidential if appropriate), particularly in relation to the identification and management of species, populations, and ecosystems as taonga (in accordance with clause 3.19).

3.4 Integrated approach

(1) Local authorities must manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:

(a) recognising the interconnectedness of the whole environment and the interactions between the terrestrial environment, freshwater, and the coastal marine area; and

(b) providing for the coordinated management and control of subdivision, use and development, as it affects indigenous biodiversity across administrative boundaries; and

(c) working towards aligning strategies and other planning tools required or provided for in legislation that are relevant to indigenous biodiversity.

3.5 Social, economic, and cultural wellbeing

(1) Local authorities must consider:

(a) that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities; and

(b) that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms; and

(c) the exercise of kaitiakitanga by tangata whenua in protecting, maintaining, and restoring indigenous biodiversity within their rohe; and

(d) the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity; and

(e) the role of people and communities, particularly landowners, as stewards of indigenous biodiversity; and

(f) the value of supporting people and communities in understanding, connecting to, and enjoying indigenous biodiversity.

3.6 Resilience to climate change

(1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by:

(a) allowing and supporting the natural adjustment of habitats and ecosystems to the changing climate; and

(b) considering the effects of climate change when making decisions on:

(i) restoration proposals; and

(ii) managing and reducing new and existing biosecurity risks; and

(c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes.

(2) Local authorities must recognise the role of indigenous biodiversity in mitigating the effects of climate change.

3.7 Precautionary approach

(1) Local authorities must adopt a precautionary approach toward proposed activities where:

(a) the effects on indigenous biodiversity are uncertain, unknown, or little understood; but

(b) those effects could cause significant or irreversible damage to indigenous biodiversity.

Subpart 2 – Significant natural areas (SNAs)

3.8 Assessing areas that qualify as SNAs

(1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs.

(2) The assessment must be done using the assessment criteria in Appendix 1 and in accordance with the following principles:

(a) **partnership**: territorial authorities engage early with tangata whenua and landowners and share information about indigenous biodiversity, potential management options, and any support and incentives that may be available:

(b) **transparency**: territorial authorities clearly inform tangata whenua and landowners about how any information gathered will be used and make existing information, draft assessments and other relevant information available to tangata whenua and relevant landowners for review:

(c) **quality**: wherever practicable, the values and extent of natural areas are verified by physical inspection; but if a physical inspection is not practicable (because, for instance, the area is inaccessible, or a landowner does not give access) the local authority uses the best information available to it at the time:

(d) **access**: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort:

(e) **consistency**: the criteria in Appendix 1 are applied consistently, regardless of who owns the land:

(f) **boundaries**: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.

(3) If the values or extent of a proposed SNA are disputed by the landowner, the local authority must conduct a physical inspection of the area, unless a physical inspection is not practicable; and in that case the local authority must use the best information available to it at the time.

(4) If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment.

(5) A territorial authority need not comply with subclause (1) in respect of any SNA referred to in paragraph (b) of the definition of SNA, (ie, an area already identified as an SNA at the commencement date) if, within four years after the commencement date, a suitably qualified ecologist engaged by the territorial authority confirms that the methodology originally used to identify the area as an SNA, and its application, is consistent with the assessment approach in Appendix 1.

(6) If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:

(a) conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and

(b) if a new SNA is identified as a result, include it in the next appropriate plan or plan change notified by the territorial authority.

(7) If a suitably qualified ecologist confirms that an area that qualifies as an SNA comprises or contains a geothermal ecosystem, the SNA is a geothermal SNA.

(8) An area of Crown-owned land may qualify as an SNA without the need for the assessment required by subclause (1), using Appendix 1, if:

(a) the land is managed by the Department of Conservation under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and

(b) the territorial authority is reasonably satisfied, after consultation with the Department of Conservation, that all or most of the area would qualify as an SNA under Appendix 1; and

(c) the area is:

(i) a large and more-or-less contiguous area managed under a single protection classification (such as a national park); or

(ii) a large, compact, and more-or-less contiguous area under more than one classification (such as adjoining reserves and a conservation park); or

(iii) a well-defined landscape or geographical feature (such as an island or mountain range); or

(iv) a scientific, scenic or nature reserve under the Reserves Act 1977, a sanctuary area, ecological area, or wildlife management area under the Conservation Act 1987, or an isolated part of a national park.

3.9 Identifying SNAs in district plans

(1) A territorial authority must notify a plan or plan change to include as an SNA each area in its district that is identified as qualifying as an SNA.

(2) The notified plan or plan change must include:

(a) the location of the SNA and a description of its attributes; and

(b) a map of the area; and

(c) specify whether the SNA is a geothermal SNA.

(3) When a territorial authority does its 10-yearly plan review, it must assess its district in accordance with clause 3.8 (1) and (2) to determine whether changes are needed.

3.10 Managing adverse effects on SNAs of new subdivision, use, and development

(1) This clause applies to any new subdivision, use, or development that is in, or affects, an SNA, except as provided in:

(a) subclause (6); and

(b) clauses 3.12 and 3.18 (about SNAs on specified Māori land); and

(c) clause 3.13 (about geothermal SNAs); and

(d) clause 3.14 (about plantation forestry activities).

(2) Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11:

(a) loss of ecosystem representation and extent:

(b) disruption to sequences, mosaics, or ecosystem function:

(c) fragmentation of SNAs or the loss of buffers or connections within an SNA:

(d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:

(e) a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.

(3) Any adverse effects on an SNA of a new subdivision, use, or development that are not referred to in subclause (2), or that occur as a result of the exceptions in clause 3.11, must be managed by applying the effects management hierarchy.

(4) Where adverse effects on an SNA are required to be managed pursuant to subclause (3) by applying the effects management hierarchy, an applicant must be required to demonstrate:

(a) how each step of the effects management hierarchy will be applied; and

(b) if biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 3 and 4 and has had regard to the remaining principles in Appendix 3 and 4, as appropriate.

(5) If land in an SNA is covered by a specified covenant or kawenata, a local authority may, at the request of the landowner or lessee, allow certain specified activities within the SNA that may not be consistent with policy statements and plans made under this clause, provided that:

(a) the local authority is satisfied that the specified activities:

(i) are consistent with the specified covenant or kawenata and any current management plan approved by the covenantee; and

(ii) are for the purpose of protecting, restoring or accessing the SNA's ecological values; and

(b) the covenantee gives its prior written consent to the exemption for the specified activities; and

(c) if the land is Crown owned, the appropriate Crown agency gives its prior written consent to the exemption for the specified activities.

(6) Nothing in this clause applies to adverse effects on an SNA from any of the following:

(a) any use or development required to address a high risk to public health or safety:

(b) the sustainable customary use of indigenous biodiversity conducted in accordance with tikanga:

(c) work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes), provided that the work or activity:

(i) is undertaken in a way that is consistent with any applicable conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987, or any other Act specified in Schedule 1 of that Act; and

(ii) does not have a significant adverse effect beyond the boundary of the land:

(d) work within Te Urewera of Te Urewera Board, the chief executive of Tūhoe Te Uru Taumatua, or the Director-General of Conservation, provided that the work:

(i) is for the purpose of managing Te Urewera under the Te Urewera Act 2014 and is consistent with the Te Urewera Act and the management plan under that Act; and

(ii) does not have a significant adverse effect on the environment beyond the boundary of Te Urewera; and

(e) the harvest of indigenous tree species from an SNA that is carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949.

(7) Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.

3.11 Exceptions to clause 3.10(2)

(1) Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new subdivision, use or development must be managed in accordance with clause 3.10(3) and (4), if:

(a) the new subdivision, use or development is required for the purposes of any of the following:

(i) construction or upgrade (if the upgrade does not meet the requirements of clause 3.15(2)) of specified infrastructure that provides significant national or regional public benefit:

(ii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; but this subparagraph does not apply to any mineral extraction that is coal mining, and subparagraph (iv) applies instead:

(iii) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand:

(iv) the operation or expansion of any coal mine that was lawfully established before the commencement date (see clause 1.2); except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal; and

(b) there is a functional need or operational need for the new subdivision, use or development to be in that particular location; and

(c) there are no practicable alternative locations for the new subdivision, use or development.

(2) Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new use or development must be managed in accordance with clause 3.10(3) and (4), if:

(a) the new use or development is associated with a single residential dwelling on an allotment created before the commencement date; and

(b) there is no practicable location within the allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in clause 3.10(2).

(3) If a new use or development is for the purpose of maintaining or restoring an SNA and does not involve the permanent destruction of significant habitat of indigenous biodiversity, clause 3.10(2) does not apply, and any adverse effects on the SNA must be managed:

(a) in accordance with clause 3.10(3) and (4); or

(b) under any alternative management approach that is consistent with the objectives, policies and methods developed for the purpose of clause 3.21.

(4) Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new use or development must be managed in accordance with clauses 3.10(3) and (4), if the use or development:

(a) is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed primarily for a purpose other than the maintenance or restoration of that indigenous biodiversity; and

(b) the loss of indigenous biodiversity values is necessary to meet that purpose.

(5) Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new use or development must be managed in accordance with clause 3.10(3) and (4), if the use or development is an activity associated with the harvest of indigenous tree species from an SNA carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949, such as track clearance or timber storage, but not the harvesting of the trees itself (see clause 3.10(6)(e)).

3.12 SNAs on specified Māori land

(1) SNAs on specified Māori land must be managed in accordance with clause 3.18, except that:

(a) geothermal SNAs on specified Māori land must be managed in accordance with clause 3.13; and

(b) SNAs within plantation forests must be managed in accordance with clause 3.14.

(2) To avoid doubt, if any specified Māori land ceases to be used for plantation forestry activities, the land must be managed in accordance with clause 3.18, and not under clause 3.14.

3.13 Geothermal SNAs

(1) Every local authority that has a geothermal SNA in its region or district must work in partnership with tangata whenua to make or change its policy statements and plans to include objectives, policies, and methods that, in relation to any new subdivision, use, and development, provide a level of protection of the geothermal SNA that:

(a) either:

(i) reflects the vulnerability of the geothermal SNA to use or development; or

(ii) in the case of a local authority that has, at the commencement date, classified its geothermal systems, is consistent with the geothermal system classification (whether the same or different from the classification at the commencement date) that applies in the region in which the geothermal SNA is located; and

(b) applies, to the extent practicable, the approach in clause 3.10(2) and (3) to the geothermal SNA; and

(c) in the case of a geothermal SNA on specified Māori land, provides for new occupation, use, and development that enables tangata whenua to use and develop geothermal resources in a manner that has regard to the vulnerability of the geothermal SNA to use or development, or is consistent with the geothermal system classification in which the geothermal SNA is located (as applicable), and in accordance with tikanga; and

(d) requires the decision-maker on any resource consent application to:

(i) have particular regard to the adverse effects described in clause 3.10(2) when managing adverse effects on the geothermal SNAs; and

(ii) consider any practicable measures for the restoration of the geothermal SNAs.

(2) Any assessment of the vulnerability of a geothermal SNA must be undertaken by a suitably qualified ecologist.

(3) In relation to a geothermal SNA, this clause prevails over any other provision of this National Policy Statement that might apply to the SNA, other than clause 3.15 (about established activities affecting SNAs), which applies to geothermal SNAs in the same way as it applies to other SNAs.

3.14 Plantation forestry activities

(1) Except as provided in subclause (2), the adverse effects of plantation forestry activities in any existing plantation forest on any SNA must be managed in a manner that:

(a) maintains indigenous biodiversity in the SNA as far as practicable; while

(b) providing for plantation forestry activities to continue.

(2) Despite clause 3.10, any part of an SNA that is within an area of an existing plantation forest that is planted, or is intended to be, replanted in trees for harvest must be managed over the course of consecutive rotations of production in the manner necessary to maintain the long-term populations of any Threatened or At Risk (declining) species present in the area.

(3) Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.

3.15 Managing adverse effects of established activities on SNAs

(1) For the purpose of this clause, **established activity** means an activity (including maintenance, operation, and upgrade) that:

(a) is in, or affects, an SNA; and

(b) is not a new subdivision, use, or development.

(2) Local authorities must include objectives, policies, and methods in their policy statements and plans to enable specified established activities, or specified types of established activities, to continue where the effects of the activity on an SNA (including cumulative effects):

(a) are no greater in intensity, scale, or character over time than at the commencement date; and

(b) do not result in the loss of extent, or degradation of ecological integrity, of an SNA.

(3) If an established activity does not meet the requirements of subclause (2), the activity must be managed under clauses 3.10 to 3.14 or clause 3.18 (as relevant) as if it were a new use or development.

(4) To avoid doubt, nothing in this clause affects existing use rights under sections 10 or 20A of the Act.

3.16 Indigenous biodiversity outside SNAs

(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.

(2) All other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA (other than indigenous biodiversity on specified Māori land (see clause 3.18)), must be managed to give effect to the objective and policies of this National Policy Statement.

(3) Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.

3.17 Maintenance of improved pasture for farming

(1) This clause applies to the maintenance of improved pasture for farming where it may affect an SNA.

(2) Local authorities must allow the maintenance of improved pasture to continue if:

(a) there is adequate evidence to demonstrate that the maintenance of improved pasture is part of a regular cycle of periodic maintenance of that pasture; and

(b) any adverse effects of the maintenance of improved pasture on an SNA are no greater in intensity, scale, or character than the effects of activities previously undertaken as part of the regular cycle of periodic maintenance of that pasture; and

(c) the improved pasture has not itself become an SNA; and

(d) the land is not an uncultivated depositional landform; and

(e) the maintenance of improved pasture will not adversely affect a Threatened or At Risk (declining) species.

(3) In this clause:

depositional landform means a landform that is alluvial (matter deposited by water, (eg, fans, river flats, and terraces), colluvial (matter deposited by gravity at the base of hillslopes, (eg, talus), or glacial (matter deposited by glaciers, (eg, moraines and outwash)

exotic pasture species means a pasture species identified in the *National List of Exotic Pasture Species* (see clause 1.8)

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

maintenance of improved pasture includes the removal of indigenous vegetation for the purpose of maintaining the improved pasture, whether the removal is by way of cutting, crushing, applying chemicals, draining, burning, cultivating, over-planting, applying seed of exotic pasture species, mob stocking, or making changes to soils, hydrology, or landforms.

Subpart 3 – Specific requirements

3.18 Specified Māori land

(1) Local authorities must work in partnership (which includes acting in good faith) with tangata whenua and owners of specified Māori land to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:

(a) maintain and restore indigenous biodiversity on specified Māori land; and

(b) protect SNAs and identified taonga on specified Māori land.

(2) Objectives, policies, and methods developed under this clause must:

(c) enable new occupation, use, and development of specified Māori land to support the social, cultural, and economic wellbeing of tangata whenua; and

(d) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and

(e) enable alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs and identified taonga on specified Māori land, and enable options for offsetting and compensation; and

(f) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands; and

(g) recognise that there are circumstances where development will prevail over indigenous biodiversity; and

(h) recognise and be responsive to any recognised historical barriers tangata whenua have faced in occupying, using, and developing their ancestral lands.

(3) The decision-maker on any resource consent application must, when considering matters affecting specified Māori land, take into account all the matters in subclause (2).

(4) Subclauses (2) and (3) do not apply to specified Māori land to the extent that the land is subject to full or partial legal protection under legislation for the purpose of protecting indigenous biodiversity on that land (such as, for example protection provided by covenants or land classifications under the Reserves Act 1977, the Conservation Act 1987, or the National Parks Act 1980).

(5) Local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SNAs and identified taonga, on specified Māori land.

(6) Policy statements and plans developed for the purpose of this clause do not prevail over any management strategies or plans developed in the legislation referred to in paragraphs (e) and (f) of the definition of specified Māori land.

(7) In subclause (1), **owners of specified Māori land** include managers of lands referred to in paragraphs (e) and (f) of the definition of specified Māori land, and any trustee of specified Māori land.

3.19 Acknowledged and Identified taonga

(1) Every territorial authority must work in partnership with tangata whenua of any rohe in their district, using an agreed process, to determine the indigenous species, populations, and ecosystems in that rohe that are taonga (and these are **acknowledged taonga**).

(2) Local authorities must recognise that tangata whenua have the right not to determine the indigenous species, populations and ecosystems in their rohe that are taonga, and to choose the level of detail at which any acknowledged taonga, or their location or values, are described.

(3) If tangata whenua agree, territorial authorities must identify acknowledged taonga in their district plans (and these are **identified taonga**) by:

(a) describing the taonga and, to the extent agreed by tangata whenua, mapping their location and describing their values; and

(b) describing, to the extent agreed by tangata whenua, the historical, cultural, and spiritual relationship of tangata whenua with the taonga.

(4) Local authorities must work in partnership with tangata whenua to protect both acknowledged and identified taonga as far as practicable and to involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.

(5) Identified taonga located on specified Māori land must be managed under clause 3.18, but if identified taonga are located within an SNA that is not on specified Māori land:

(a) the identified taonga must be managed in a manner consistent with the management approach applying to the SNA; and

(b) the matters listed in subclause (6) must be taken into account in managing the SNA.

(6) In managing effects on identified taonga, local authorities must recognise that the possible adverse effects on identified taonga include effects on:

(a) the mauri of the taonga:

(b) the values of the taonga as identified by tangata whenua:

(c) the historical, cultural, and spiritual relationship of tangata whenua with the taonga, as identified by tangata whenua.

(7) Local authorities must make or change their policy statements and plans as necessary to ensure that the sustainable customary use of identified taonga by tangata whenua in accordance with tikanga and in a manner consistent with the protection of the identified taonga is provided for.

(8) Before acknowledged taonga are identified in a proposed district plan, the territorial authority must notify the relevant landowner of the presence of the taonga.

(9) To avoid doubt, the following cannot be acknowledged as taonga under this clause:

(a) aquatic species:

(b) populations and ecosystems solely located in waterbodies:

(c) populations and ecosystems in the coastal marine area.

3.20 Specified highly mobile fauna

(1) Where information about areas used by specified highly mobile fauna is available, every regional council must record areas outside SNAs that are highly mobile fauna areas, by working together with tangata whenua (in the manner required by clause 3.3), any potentially affected landowners, territorial authorities in its region, and the Department of Conservation.

(2) If it will help manage adverse effects on specified highly mobile fauna, regional councils must include in their regional policy statements (where practicable) a map and description of each highly mobile fauna area in the region.

(3) Local authorities must include objectives, policies, or methods in their policy statements and plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.

(4) Local authorities must provide information to their communities about:

(a) highly mobile fauna and their habitats; and

(b) best practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats in their regions and districts.

3.21 Restoration

(1) Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas.

(2) The objectives, policies, and methods must prioritise all the following for restoration:

(a) SNAs whose ecological integrity is degraded:

(b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems:

(c) areas that provide important connectivity or buffering functions:

(d) natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:

(e) areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners:

(f) any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

(3) Local authorities must consider providing incentives for restoration in priority areas referred to in subclause (2), and in particular where those areas are on specified Māori land, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.

(4) In relation to activities in areas prioritised for restoration, local authorities must consider:

(a) requiring conditions for restoration or enhancement on resource consents that are new or being reviewed; and

(b) recommending conditions on any new designations.

3.22 Increasing indigenous vegetation cover

(1) Every regional council must assess the percentage of indigenous vegetation cover in:

(a) each of its urban environments; and

(b) its non-urban environments.

(2) The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities, and tangata whenua (to the extent they wish to be involved).

(3) Regional councils must:

(a) set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation; and

(b) consider, in consultation with tangata whenua and territorial authorities, setting higher targets for urban and non-urban environments that already have at least 10% coverage of indigenous vegetation; and

(c) include any indigenous vegetation cover targets in their regional policy statements.

(4) Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:

(a) having regard to any targets set under subclause (3) by regional councils; and

(b) giving priority to all the following:

(i) areas referred to in clause 3.21(2):

(ii) ensuring indigenous species richness appropriate to the ecosystem:

(iii) restoration at a landscape scale across the region:

(iv) using species, and seed from species, that are local to the area.

3.23 Regional biodiversity strategies

(1) Every regional council must prepare a regional biodiversity strategy that complies with Appendix 5 in collaboration with territorial authorities, tangata whenua, communities and other identified stakeholders.

(2) Local authorities must have regard to the relevant regional biodiversity strategy when developing restoration objectives, policies, and methods for inclusion in regional policy statements and plans.

3.24 Information requirements

(1) Every local authority must make or change its policy statements and plans to require that, in relation to an application for a resource consent for an activity that would have more than minor adverse effects on indigenous biodiversity, the application is not considered unless it includes a report that:

(a) is prepared by a suitably qualified ecologist and, as required, any other person with suitable expertise, such as someone with expertise in mātauranga Māori; and

(b) complies with subclause (2); and

(c) is commensurate with the scale and significance (to indigenous biodiversity) of the proposal.

(2) The report must:

(a) include a description of the existing ecological features and values of the site; and

(b) include a description of the adverse effects of the proposal on indigenous biodiversity and how those effects will be managed; and

(c) identify any effects on identified taonga; and

(d) identify the ecosystem services associated with indigenous biodiversity at the site; and

(e) include an assessment of the ecological integrity and connectivity within and beyond the site; and

(f) include mātauranga Māori and tikanga Māori assessment methodology, where relevant; and

(g) if biodiversity offsetting is proposed, set out:

(i) a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and

(ii) a description of how the relevant principles in Appendix 3 of this National Policy Statement have been addressed; and

(iii) an assessment of the likely success of the plan in achieving a net gain in biodiversity values; and

(h) if biodiversity compensation is proposed, set out:

(i) a detailed plan of what is proposed; and

(ii) a description of how the relevant principles in Appendix 4 of this National Policy Statement have been addressed; and

(iii) an assessment of the likely success of the plan in achieving its outcomes.

3.25 Monitoring by regional councils

(1) Regional councils must work with tangata whenua, territorial authorities, relevant agencies and other relevant stakeholders to develop a monitoring plan for indigenous biodiversity in their regions and each of their districts.

(2) Every monitoring plan must:

(a) establish methods and timeframes for monitoring:

(i) the maintenance of indigenous biodiversity in, and the ecological integrity and physical extent of, SNAs; and

(ii) the maintenance of identified taonga; and

(iii) the achievement of restoration objectives established under clause 3.21; and

(iv) the percentage of indigenous vegetation cover in urban and non-urban environments in its region, as required under clause 3.22.

(b) use best practice methods, or nationally agreed standards or methods, for monitoring areas that allow for comparability; and

(c) to the extent possible, where tangata whenua agree, use scientific monitoring methods and mātauranga Māori and tikanga Māori monitoring methods equally; and

(d) recognise the importance of long-term trends in monitoring results, and the relationship between results and the overall state of indigenous biodiversity; and

(e) establish methods, such as action plans, for responding to monitoring that indicates the objectives of this National Policy Statement will not be met.

(3) Methods and timeframes may include different methods and timeframes relating to SNAs and identified taonga but, if national monitoring methods are available, must use those methods.

Part 4: Timing

4.1 Timing generally

(1) Every local authority must give effect to this National Policy Statement as soon as reasonably practicable.

(2) Local authorities must publicly notify any changes to their policy statements and plans that are necessary to give effect to this National Policy Statement within eight years after the commencement date.

4.2 Timing for planning provisions for SNAs

(1) Local authorities must publicly notify any policy statement or plan or changes to these necessary to give effect to subpart 2 of Part 3 (significant natural areas) and clause 3.24 (Information requirements) within five years after the commencement date.

4.3 Timing for regional biodiversity strategies

(1) A regional council that, at the commencement date, has or is in the process of preparing a regional biodiversity strategy must update or complete the strategy within 10 years after the commencement date.

(2) A regional council that, at the commencement date, has not prepared or begun to prepare a regional biodiversity strategy must initiate preparation of a strategy within three years after the commencement date, and must complete it within 10 years after the commencement date.

4.4 Existing policy statements and plans

(1) To the extent that policy statements and plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.

(2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement.

(3) However, if a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule).

Appendix 1: Criteria for identifying areas that qualify as significant natural areas (SNAs)

This appendix sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna in a specific area, so that the area qualifies as an SNA.

1 What qualifies as an SNA

(1) An area qualifies as an SNA if it meets any one of the attributes of the following four criteria:

(a) representativeness:

(b) diversity and pattern:

(c) rarity and distinctiveness:

(d) ecological context.

(2) If an area would qualify as an SNA solely on the grounds that it provides habitat for a single indigenous fauna species that is At Risk (declining), and that species is widespread in at least three other regions, the area does not qualify as an SNA unless:

(a) the species is rare within the region or ecological district where the area is located; or

(b) the protection of the species at that location is important for the persistence of the species as a whole.

(3) If an area would qualify as an SNA solely on the grounds that it contains one or more indigenous flora species that are Threatened or At Risk (declining), and those species are widespread in at least three other regions, the area does not qualify as an SNA unless:

(a) the species is rare within the region or ecological district where the area is located; or

(b) the protection of the species at that location is important for the persistence of the species as a whole.

2 Context for assessment

(1) The context for an assessment of an area is:

(a) its ecological district; and

(b) for the rarity assessment only, its ecological district, its region and the national context.

3 Manner and form of assessment

(1) Every assessment must include at least:

(a) a map of the area; and

(b) a general description of its significant attributes, with reference to relevant criteria (as specified below); and

(c) a general description of the indigenous vegetation, indigenous fauna, habitat, and ecosystems present; and

(d) additional information, such as the key threats, pressures, and management requirements; and

(e) for SNAs in areas of Crown-owned land referred to in clause 3.8(8), the conservation management strategy or plan or national park management plan that applies to the area.

(2) An assessment under this appendix must be conducted by a suitably qualified ecologist (which, in the case of an assessment of a geothermal ecosystem, requires an ecologist with geothermal expertise).

A Representativeness criterion

(1) Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna in an area is typical or characteristic of the indigenous biodiversity of the relevant ecological district.

Key assessment principles

(2) Significant indigenous vegetation has ecological integrity typical of the indigenous vegetation of the ecological district in the present-day environment. It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.

(3) Significant indigenous fauna habitat is that which supports the typical suite of indigenous animals that would occur in the present-day environment. Habitat of indigenous fauna may be indigenous or exotic.

(4) Representativeness may include commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It may also include degraded indigenous vegetation, ecosystems and habitats that are typical of what remains in depleted ecological districts. It is not restricted to the best or most representative examples, and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.

(5) When considering the typical character of an ecological district, any highly developed land or built-up areas should be excluded.

(6) The application of this criterion should result in identification of indigenous vegetation and habitats that are representative of the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform, and soil sequences. The ecological character and pattern of the indigenous vegetation in the ecological district should be described by reference to the types of indigenous vegetation and the landforms on which it occurs.

Attributes of representativeness

(7) An area that qualifies as an SNA under this criterion has at least one of the following attributes:

(a) indigenous vegetation that has ecological integrity that is typical of the character of the ecological district:

(b) habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and retains at least a moderate range of species expected for that habitat type in the ecological district.

B Diversity and pattern criterion

(1) Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components within the relevant ecological district is present in an area.

Key assessment principles

(2) **Diversity of biological components** is expressed in the variation of species, communities, and ecosystems. Biological diversity is associated with variation in physical components, such as geology, soils/substrate, aspect/exposure, altitude/depth, temperature, and salinity.

(3) **Pattern** includes changes along environmental and landform gradients, such as ecotones and sequences.

(4) **Natural areas** that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients, and sequences in the context of the ecological district, rate more highly under this criterion.

Attributes of diversity and pattern

(5) An area that qualifies as a significant natural area under this criterion has at least one of the following attributes:

(a) at least a moderate diversity of indigenous species, vegetation, habitats of indigenous fauna or communities in the context of the ecological district:

(b) presence of indigenous ecotones, complete or partial gradients or sequences.

C Rarity and distinctiveness criterion

(1) Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.

Key assessment principles

(2) **Rarity** is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation, or ecosystems. Rarity includes elements that are uncommon or threatened.

(3) **The list of Threatened and At Risk species** is regularly updated by the Department of Conservation. Rarity at a regional or ecological district scale is defined by regional or district lists or determined by expert ecological advice. The significance of nationally

listed Threatened and At Risk species should not be downgraded just because they are common within a region or ecological district.

(4) **Depletion of indigenous vegetation or ecosystems** is assessed using ecological districts and land environments.

(5) **Distinctiveness** includes distribution limits, type localities, local endemism, relict distributions, and special ecological or scientific features.

Attributes of rarity and distinctiveness

(6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:

(a) provides habitat for an indigenous species that is listed as Threatened or At Risk (declining) in the New Zealand Threat Classification System lists:

(b) an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district:

(c) an indigenous species or plant community at or near its natural distributional limit:

(d) indigenous vegetation that has been reduced to less than 20 per cent of its pre-human extent in the ecological district, region, or land environment:

(e) indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems:

(f) the type locality of an indigenous species:

(g) the presence of a distinctive assemblage or community of indigenous species:

(h) the presence of a special ecological or scientific feature.

D Ecological context criterion

(1) Ecological context is the extent to which the size, shape, and configuration of an area within the wider surrounding landscape contributes to its ability to maintain indigenous biodiversity or affects the ability of the surrounding landscape to maintain its indigenous biodiversity.

Key assessment principles

(2) Ecological context has two main assessment principles:

(a) the characteristics that help maintain indigenous biodiversity (such as size, shape, and configuration) in the area; and

(b) the contribution the area makes to protecting indigenous biodiversity in the wider landscape (such as by linking, connecting to or buffering other natural areas, providing 'stepping stones' of habitat or maintaining ecological integrity).

Attributes of ecological context

(3) An area that qualifies as an SNA under this criterion has at least one of the following attributes:

(a) at least moderate size and a compact shape, in the context of the relevant ecological district:

(b) well-buffered relative to remaining habitats in the relevant ecological district:

(c) provides an important full or partial buffer to, or link between, one or more important habitats of indigenous fauna or significant natural areas:

(d) important for the natural functioning of an ecosystem relative to remaining habitats in the ecological district.

Appendix 2: Specified highly mobile fauna

Scientific name	Common name	Ecosystem	Threat category
Anarhynchus frontalis	ngutu parore/wrybill	coastal/riverine	Threatened (Nationally Increasing)
Anas chlorotis	pāteke/brown teal	wetland/riverine	Threatened (Nationally increasing)
Anas superciliosa superciliosa	pārera/grey duck	wetland/riverine	Threatened (Nationally Vulnerable)
Anthus novaeseelandiae novaeseelandiae	pīhoihoi/NZ pipit	forest/open	At Risk (Declining)
Apteryx australis 'northern Fiordland'	northern Fiordland tokoeka	forest/open	Threatened (Nationally Vulnerable)
Apteryx australis australis	southern Fiordland tokoeka	forest/open	Threatened (Nationally Endangered)
Apteryx haastii	roa/great spotted kiwi	forest/open	Threatened (Nationally Vulnerable)
Ardea modesta	kotuku/white heron	wetland/riverine	Threatened (Nationally Critical)
Botaurus poiciloptilus	matuku/bittern	wetland/riverine	Threatened (Nationally Critical)
Bowdleria punctate stewartiana	mātātā/Stewart Island fernbird	wetland/riverine	Threatened (Nationally Vulnerable)
Bowdleria punctata punctata	koroātito/South Island fernbird	wetland/riverine	At Risk (Declining)
Bowdleria punctata vealeae	mātātā/North Island fernbird	wetland/riverine	At Risk (Declining)
Calidris canutus rogersi	huahou/lesser knot	coastal/riverine	At Risk (Declining)
Chalinolobus tuberculatus	pekapeka/long-tailed bat	forest/open	Threatened (Nationally Critical)
Charadrius bicinctus bicinctus	pohowera/banded dotterel	coastal/riverine	At Risk (Declining)
Charadrius obscurus aquilonius	tūtiriwhatu/northern NZ dotterel	coastal/riverine	Threatened (Nationally Increasing)
Charadrius obscurus obscurus	tūtiriwhatu/southern NZ dotterel	coastal/riverine	Threatened (Nationally Critical)
Chlidonias albostriatus	tara pirohe/black-fronted tern	coastal/riverine	Threatened (Nationally Endangered)
Egretta sacra sacra	matuku moana/reef heron	coastal/riverine	Threatened (Nationally Endangered)
Falco novaeseelandiae ferox	kārearea/bush falcon	forest/open	Threatened (Nationally Increasing)
Falco novaeseelandiae novaeseelandiae	kārearea/eastern falcon	forest/open	Threatened (Nationally Vulnerable)

Scientific name	Common name	Ecosystem	Threat category
Falco novaeseelandiae 'southern'	kārearea/southern falcon	forest/open	Threatened (Nationally Endangered)
Gallirallus australis greyi	North Island weka	forest/open	At Risk (Relict)
Gallirallus philippensis assimilis	moho pererū/banded rail	wetland/riverine	At Risk (Declining)
Haematopus finschi	tōrea/South Island pied oystercatcher	coastal/riverine	At Risk (Declining)
Haematopus unicolor	tōrea tai/variable oystercatcher	coastal/riverine	At Risk (Recovering)
Himantopus novaezelandiae	kakī/black stilt	wetland/riverine	Threatened (Nationally Critical)
Hydroprogne caspia	taranui/Caspian tern	coastal/riverine	Threatened (Nationally Vulnerable)
Hymenolaimus malacorhynchos	whio/blue duck	riverine	Threatened (Nationally Vulnerable)
Larus bulleri	tarāpukā/black-billed gull	coastal/riverine	At Risk (Declining)
Larus novaehollandiae scopulinus	tarāpunga/red-billed gull	coastal/riverine	At Risk (Declining)
Limosa lapponica baueri	kuaka/eastern bar-tailed godwit	coastal/riverine	At Risk (Declining)
Mystacina tuberculata aupourica	pekapeka/northern short-tailed bat	forest/open	Threatened (Nationally Endangered)
Mystacina tuberculata rhyacobia	pekapeka/central short-tailed bat	forest/open	At Risk (Declining)
Mystacina tuberculata tuberculata	pekapeka/southern short-tailed bat	forest/open	At Risk (Recovering)
Nestor meridionalis meridionalis	kākā/South Island kākā	forest/open	Threatened (Nationally Vulnerable)
Nestor meridionalis septentrionalis	kākā/North Island kākā	forest/open	At Risk (Recovering)
Nestor notabilis	kea	forest/open	Threatened (Nationally Endangered)
Petroica australis australis	kakariwai/South Island robin	forest/open	At Risk (Declining)
Phalacrocorax varius varius	kāruhiruhi/pied shag	coastal/riverine	At Risk (Recovering)
Podiceps cristatus australis	kāmana/southern crested grebe	wetland/riverine	Threatened (Nationally Vulnerable)
Poliocephalus rufopectus	weweia/NZ dabchick	wetland/riverine	Threatened (Nationally Increasing)
Porzana pusilla affinis	koitareke/marsh crake	wetland/riverine	At Risk (Declining)
Porzana tabuensis	pūweto/spotless crake	wetland/riverine	At Risk (Declining)
Sterna striata striata	tara/white-fronted tern	coastal/riverine	At Risk (Declining)

Scientific name	Common name	Ecosystem	Threat category
Sternula nereis davisae	tara iti/NZ fairy tern	coastal/riverine	Threatened (Nationally Critical)
Thinornis novaeseelandiae	tuturuatu/NZ shore plover	coastal/riverine	Threatened (Nationally Critical)
Xenicus gilviventris 'northern'	pīwauwau/northern rock wren	forest/open	Threatened (Nationally Critical)
Xenicus gilviventris 'southern'	pīwauwau/southern rock wren	forest/open	Threatened (Nationally Endangered)

Appendix 3: Principles for biodiversity offsetting

These principles apply to the use of biodiversity offsets for adverse effects on indigenous biodiversity.

(1) **Adherence to effects management hierarchy:** A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.

(2) **When biodiversity offsetting is not appropriate:** Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where:

- (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected:
- (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible:
- (c) there are no technically feasible options by which to secure gains within an acceptable timeframe.

(3) **Net gain:** This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site:

- (a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and
- (b) amount; and
- (c) condition (structure and quality).

(4) **Additionality:** A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

(5) **Leakage:** Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.

(6) **Long-term outcomes:** A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.

(7) **Landscape context:** Biodiversity offsetting is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site

and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.

(8) **Time lags:** The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

(9) **Science and mātauranga Māori:** The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori.

(10) **Tangata whenua and stakeholder participation:** Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.

(11) **Transparency:** The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Appendix 4: Principles for biodiversity compensation

These principles apply to the use of biodiversity compensation for adverse effects on indigenous biodiversity:

(1) **Adherence to effects management hierarchy:** Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.

(2) **When biodiversity compensation is not appropriate:** Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where:

  (a) the indigenous biodiversity affected is irreplaceable or vulnerable;

  (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible;

  (c) there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes.

(3) **Scale of biodiversity compensation:** The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects.

(4) **Additionality:** Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.

(5) **Leakage:** Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.

(6) **Long-term outcomes:** Biodiversity compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.

(7) **Landscape context:** Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.

(8) **Time lags:** The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

(9) **Trading up:** When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity gains are demonstrably greater or higher than those lost. The proposal also shows the values lost are not to Threatened or At Risk (declining) species or to species considered vulnerable or irreplaceable.

(10) **Financial contributions:** A financial contribution is only considered if:

(a) there is no effective option available for delivering biodiversity gains on the ground; and

(b) it directly funds an intended biodiversity gain or benefit that complies with the rest of these principles.

(11) **Science and mātauranga Māori:** The design and implementation of biodiversity compensation is a documented process informed by science, and mātauranga Māori.

(12) **Tangata whenua and stakeholder participation:** Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.

(13) **Transparency:** The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.

Appendix 5: Regional biodiversity strategies

(1) The purpose of a regional biodiversity strategy is to promote the landscape-scale restoration of the region's indigenous biodiversity.

(2) To achieve its purpose, every regional biodiversity strategy, either alone or when read with related documents, must:

- (a) set out a landscape-scale vision for the restoration of the region's indigenous biodiversity; and
- (b) provide for resilience to biological and environmental changes, including those associated with climate change; and
- (c) recognise biological and physical connections within, and between, the terrestrial environment, water bodies, and the coastal marine area; and
- (d) support the achievement of any national priorities for indigenous biodiversity protection; and
- (e) record:
  - (i) the actions and methods intended to promote the maintenance and restoration of indigenous biodiversity, and increase in indigenous vegetation cover, in the region; and
  - (ii) actions that will be undertaken by local or central government; and
  - (iii) actions that the community, including tangata whenua, will be supported or encouraged to undertake; and
  - (iv) how those actions will be resourced; and
- (f) specify milestones for achieving the strategy's purpose; and
- (g) specify how progress on achieving the strategy's purpose is to be monitored and reported on and measures to be taken if milestones are not being met.

(3) A regional biodiversity strategy may also:

- (a) include measures that are intended to implement other objectives, such as biosecurity, climate mitigation, amenity, or freshwater outcomes, where those measures also contribute to protection and restoration of indigenous biodiversity; and
- (b) identify areas intended for restoration in accordance with clause 3.21; and
- (c) identify areas in which indigenous vegetation cover is proposed to be increased, in accordance with clause 3.22.

(4) The following must be taken into account when developing a regional biodiversity strategy:

- (a) any National Biodiversity Strategy issued by the Department of Conservation:

(b) opportunities to engage the community, including tangata whenua, in conservation and, in particular, to connect urban people and communities to indigenous biodiversity:

(c) opportunities for partnerships with the Queen Elizabeth II National Trust, Ngā Whenua Rāhui and others:

(d) considering incentive opportunities specific to specified Māori land:

(e) co-benefits, including for water quality and freshwater habitats, carbon sequestration and hazard mitigation:

(f) alignment with strategies under other legislation.

Appendix 6: Glossary of ecological terms used in Appendices

For the purpose of this National Policy Statement the following terms have the meaning given:

Ecotone

Ecotone refers to a transition area between two or more ecosystems. Ecotones may be sharp transitions or gradients.

Gradient

Gradient refers to a gradual transition from one ecosystem to another over one or more environmental variables.

Irreplaceability

Irreplaceability is a measure of the uniqueness, replaceability and conservation value of biodiversity and the degree to which the biodiversity value of a given area adds to the value of an overall network of areas. It interacts with vulnerability, complexity and rarity to indicate the biodiversity value and level of risk for a given area.

Land environment

Land environment refers to a land environment identified in the Land Environments of New Zealand (LENZ) Classification System (Leathwick et al., 2003, as maintained by Manaaki Whenua Landcare Research).

Leakage

Leakage, also referred to as environmental leakage, occurs when interventions aimed at reducing adverse environmental impacts at one site may be locally successful, but increase pressures or adverse impacts elsewhere. For example, displacing the causes of biodiversity loss in an offset area to another location.

Like-for-like

Like-for-like is the degree of similarity in biodiversity values between impact and offset sites across; the type of biodiversity; amount of biodiversity; biodiversity condition; equivalence over time; and spatial context. Biodiversity offsets are designed to ensure biodiversity impacts are offset with biodiversity that is very similar to the biodiversity that is being impacted in that it has the same ecosystems, vegetation, habitats and species.

Sequence

Sequence means the change in ecosystem composition along environmental gradients. Sequences can contain many gradients and ecosystem transitions. They can encompass a full range of alpine to coastal ecosystems, including dunes, wetlands and forests.

Vulnerability

Vulnerability is an estimate of the degree of threat of destruction or degradation that indigenous biodiversity faces from change, use or development. It is the degree to which an ecosystem, habitat or species is likely to be affected by, is susceptible to or able to adapt to harmful impacts or changes. It interacts with the irreplaceability, complexity and rarity to indicate the biodiversity value and level of risk for a given area.

Section G
New Zealand Coastal Policy Statement
Index

Objectives

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 3

To take account of 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 by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policies

Policy 1 Extent and characteristics of the coastal environment

(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.

(2) Recognise that the coastal environment includes:

(a) the coastal marine area;

(b) islands within the coastal marine area;

(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;

(d) areas at risk from coastal hazards;

(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;

(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

(g) items of cultural and historic heritage in the coastal marine area or on the coast;

(h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and

(i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;

(b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;

(c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori[1] in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;

(d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga[2], may have knowledge not otherwise available;

(e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū

[1] Mātauranga Māori: as defined in the Glossary.

[2] Pūkenga: as defined in the Glossary.

and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and

(i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and

(ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;

(f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:

(i) bringing cultural understanding to monitoring of natural resources;

(ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;

(iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; and

(g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:

(i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and

(ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.

Policy 3 Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

(a) avoidable social and economic loss and harm to communities does not occur;

(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and

(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Policy 4 Integration

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

(a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:

(i) the local authority boundary between the coastal marine area and land;

(ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and

(iii) where hapū or iwi boundaries or rohe cross local authority boundaries;

(b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and

(c) particular consideration of situations where:

(i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or

(ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or

(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or

(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or

(v) significant adverse cumulative effects are occurring, or can be anticipated.

Policy 5 Land or waters managed or held under other Acts

(1) Consider effects on land or waters in the coastal environment held or managed under:

(a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or

(b) other Acts for conservation or protection purposes;

and, having regard to the purposes for which the land or waters are held or managed:

(c) avoid adverse effects of activities that are significant in relation to those purposes; and

(d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.

(2) Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection.

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;

(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;

(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;

(d) recognise tangata whenua needs for papakāinga[3], marae and associated developments and make appropriate provision for them;

[3] Papakāinga: as defined in the Glossary.

(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;

(f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;

(g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;

(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and

(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

(2) Additionally, in relation to the coastal marine area:

(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:

(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;

(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;

(d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and

(e) promote the efficient use of occupied space, including by:

(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;

(ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and

(iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 7 Strategic planning

(1) In preparing regional policy statements, and plans:

(a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, and:

(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:

(i) are inappropriate; and

(ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process;

and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.

(e) the ability to remedy or mitigate adverse effects on the coastal environment;

(f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and

(g) the ability to avoid consequential erosion and accretion, and other natural hazards.

(3) In considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.

(4) De-reclamation of redundant reclaimed land is encouraged where it would:

(a) restore the natural character and resources of the coastal marine area; and

(b) provide for more public open space.

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

(a) avoid adverse effects of activities on:

(i) indigenous taxa[4] that are listed as threatened[5] or at risk in the New Zealand Threat Classification System lists;

(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;

(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare[6];

(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

(v) areas containing nationally significant examples of indigenous community types; and

(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

(i) areas of predominantly indigenous vegetation in the coastal environment;

(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;

(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;

(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;

(v) habitats, including areas and routes, important to migratory species; and

(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

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[4] Taxa: as defined in the Glossary.

[5] Examples of taxa listed as threatened are: Maui's dolphin, Hector's dolphin, New Zealand fairy tern, Southern New Zealand dotterel.

[6] Naturally rare: as defined in the Glossary.

Policy 12 Harmful aquatic organisms

(1) Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms[7] to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.

(2) Recognise that activities relevant to (1) include:

(a) the introduction of structures likely to be contaminated with harmful aquatic organisms;

(b) the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;

(c) the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and

(d) the establishment and relocation of equipment and stock required for or associated with aquaculture.

Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

including by:

(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and

(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

(g) a range of natural character from pristine to modified; and

(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

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[7] Harmful aquatic organisms: as defined in the Glossary.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

(a) identifying areas and opportunities for restoration or rehabilitation;

(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;

(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:

(i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or

(ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or

(iii) creating or enhancing habitat for indigenous species; or

(iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or

(v) restoring and protecting riparian and intertidal margins; or

(vi) reducing or eliminating discharges of contaminants; or

(vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or

(viii) restoring cultural landscape features; or

(ix) redesign of structures that interfere with ecosystem processes; or

(x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

(i) natural science factors, including geological, topographical, ecological and dynamic components;

(ii) the presence of water including in seas, lakes, rivers and streams;

(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;

(iv) aesthetic values including memorability and naturalness;

(v) vegetation (native and exotic);

(vi) transient values, including presence of wildlife or other values at certain times of the day or year;

(vii) whether the values are shared and recognised;

(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;

(ix) historical and heritage associations; and

(x) wild or scenic values;

(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and

(e) including the objectives, policies and rules required by (d) in plans.

Policy 16 Surf breaks of national significance

Protect the surf breaks[8] of national significance for surfing listed in Schedule 1, by:

(a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and

(b) avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks.

Policy 17 Historic heritage identification and protection

Protect historic heritage[9] in the coastal environment from inappropriate subdivision, use, and development by:

(a) identification, assessment and recording of historic heritage, including archaeological sites;

(b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;

(c) initiating assessment and management of historic heritage in the context of historic landscapes;

(d) recognising that heritage to be protected may need conservation;

(e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;

(f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;

(g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;

(h) requiring, where practicable, conservation conditions; and

(i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

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[8] Surf break: as defined in the Glossary.

[9] Refer to definition in section 2 of the Act.

Policy 22 Sedimentation

(1) Assess and monitor sedimentation levels and impacts on the coastal environment.

(2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.

(3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.

(4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.

Policy 23 Discharge of contaminants

(1) In managing discharges to water in the coastal environment, have particular regard to:

(a) the sensitivity of the receiving environment;

(b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and

(c) the capacity of the receiving environment to assimilate the contaminants;

and:

(d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;

(e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and

(f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.

(2) In managing discharge of human sewage, do not allow:

(a) discharge of human sewage directly to water in the coastal environment without treatment; and

(b) the discharge of treated human sewage to water in the coastal environment, unless:

(i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and

(ii) informed by an understanding of tangata whenua values and the effects on them.

(3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.

(4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:

(a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;

(b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;

(c) promoting integrated management of catchments and stormwater networks; and

(d) promoting design options that reduce flows to stormwater reticulation systems at source.

(5) In managing discharges from ports and other marine facilities:

(a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;

(b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;

(c) require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and

(d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.

Policy 24 Identification of coastal hazards

(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

(a) physical drivers and processes that cause coastal change including sea level rise;

(b) short-term and long-term natural dynamic fluctuations of erosion and accretion;

(c) geomorphological character;

(d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;

(e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;

(f) influences that humans have had or are having on the coast;

(g) the extent and permanence of built development; and

(h) the effects of climate change on:

(i) matters (a) to (g) above;

(ii) storm frequency, intensity and surges; and

(iii) coastal sediment dynamics;

taking into account national guidance and the best available information on the likely effects of climate change on the region or district.

Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

(a) avoid increasing the risk[10] of social, environmental and economic harm from coastal hazards;

(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;

(c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;

(d) encourage the location of infrastructure away from areas of hazard risk where practicable;

(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and

(f) consider the potential effects of tsunami and how to avoid or mitigate them.

Policy 26 Natural defences against coastal hazards

(1) Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.

(2) Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.

Policy 27 Strategies for protecting significant existing development from coastal hazard risk

(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:

  (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;

  (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';

  (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;

  (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and

  (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.

(2) In evaluating options under (1):

  (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;

[10] Risk: as defined in the Glossary.

Section H
West Coast Regional Coastal Plan
Index

GREY DISTRICT

PUNAKAIKI RIVER

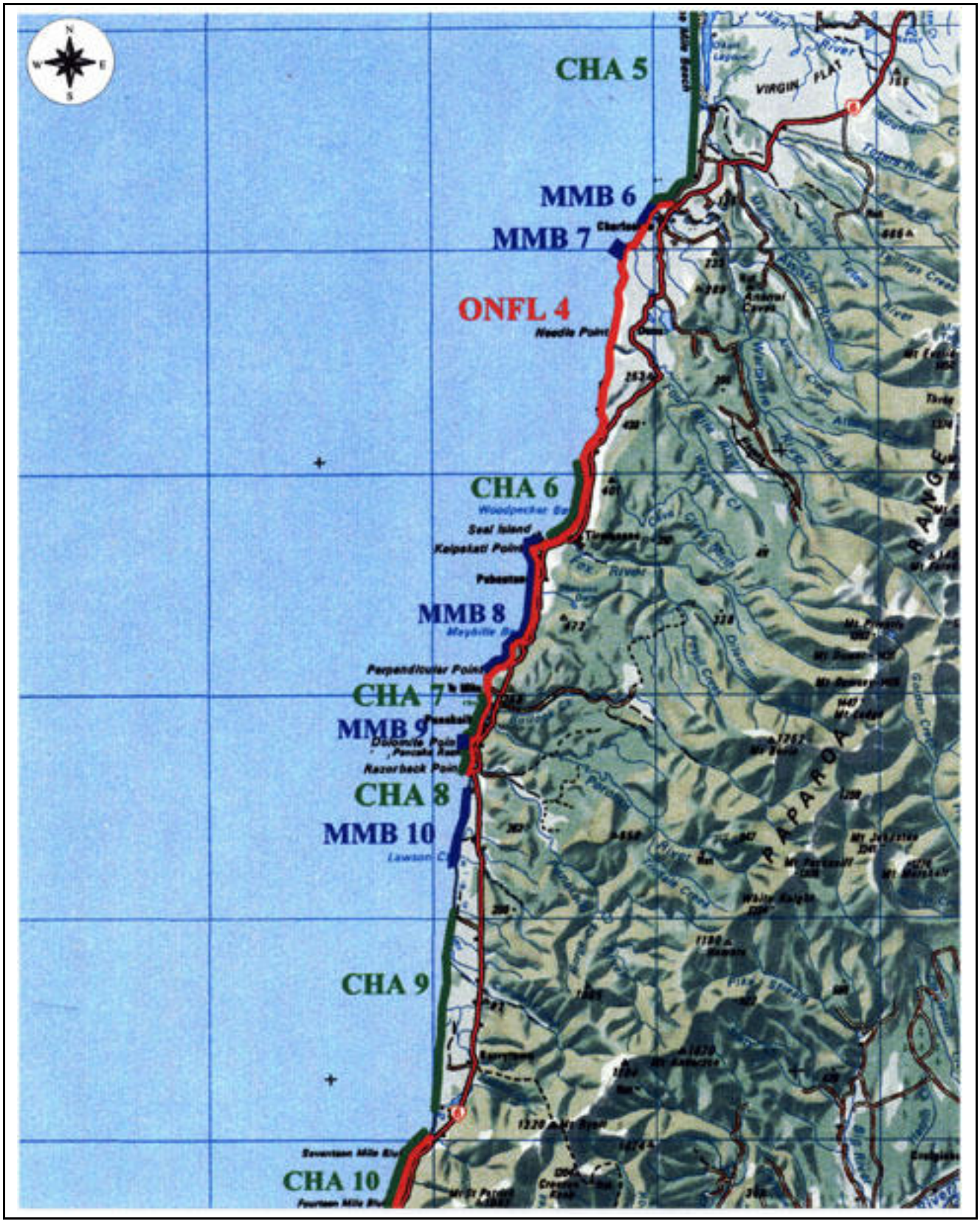
HIBERNIA CREEK

LAWSONS CREEK

DEVERYS CREEK

COLLINS CREEK

CANOE CREEK



COASTAL MANAGEMENT AREAS

Section I
West Coast Proposed Coastal Plan 2016
Index

GREY DISTRICT

DEVERYS CREEK

Description: Entrance to lagoon

Map Reference: BT19 611 274
Start: 1461053 5327439
End: 1461128 5327436
Image Scale: 1:20,000

COLLINS CREEK

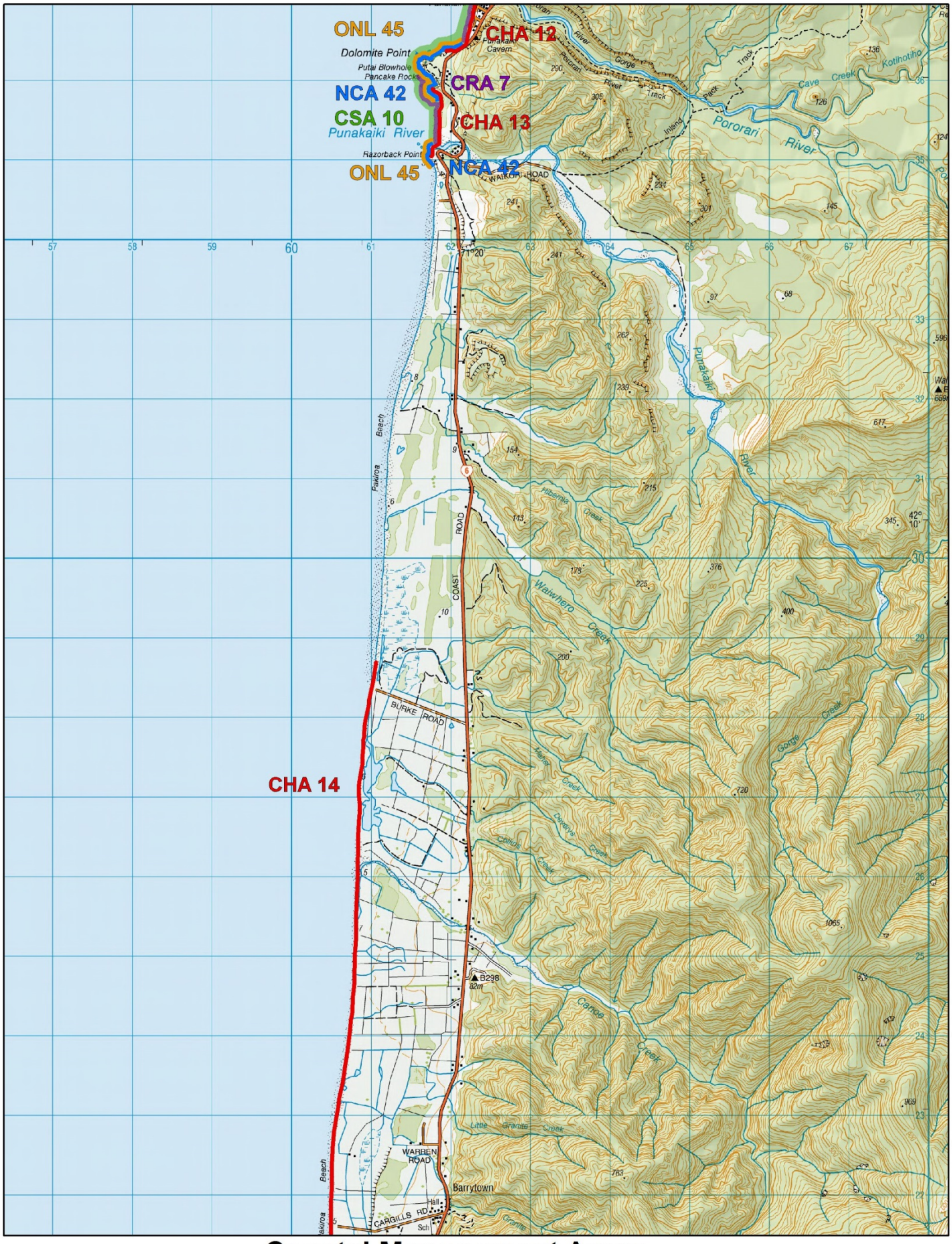
Description: Entrance to lagoon

Map Reference: BT19 611 266
Start: 1461106 5326605
End: 1461078 5326601
Image Scale: 1:20,000

CANOE CREEK

Description: Above where creek meets coastline

Map Reference: BT19 611 261
Start: 1461068 5326182
End: 1461054 5326112
Image Scale: 1:20,000



Coastal Management Areas

Legend

- Coastal Recreation Areas
- Coastal Development Areas (Pipelines)
- Outstanding Natural Landscapes
- Outstanding Natural Character Areas
- Coastal Hazard Areas
- Coastal Development Areas
- Culturally Significant Areas

Scale: 60,000
Projection: Transverse Mercator
Datum: NZGD 2000

N

Section J
Grey District Plan
Index

4 LANDSCAPE

4.1 RESOURCES, ACTIVITIES AND VALUES

The landscape of the District is a unique resource providing identity, recreation, economic, and conservation values.

The general components of the Grey District landscape are:

- the extensive forest clad mountain ranges and foothills forming the eastern backdrop to the District, and the coastal Paparoa Range.
- the lowland plateau area Southeast of the Grey Valley and inland of the southern coast, characterised by a mixture of indigenous and exotic forests.
- the sweeping beaches and rugged coastline forming the District's western boundary.
- the Lake Brunner visual catchment, a substantial waterbody surrounded by a mixture of productive lowlands, forest covered mountains and urban areas.
- the productive farmland and moderate settlement of the expansive Grey Valley and its tributary river valleys.
- the highly settled coastal plain between Camerons and Cobden bounded particularly in the Greymouth urban area by low bush covered hills.
- the Twelve Apostles Range and Peter Ridge.

The quality of the District's landscape is of importance to people who live in, work in, or visit the area. It is a key factor in the West Coast's growing tourism industry, which is now a major contributor to the local economy.

While landscapes are an integral part of the district, the Resource Management Act places emphasis on outstanding landscapes. **Section 6(b)** of the Act places an obligation on Council to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

Council has carried out an exercise in identifying outstanding landscapes. Over 90% of these landscapes are located in Department of Conservation lands or covenanted in some other way and therefore their protection is effectively provided for (e.g. Southern Alps, Paparoa Range and Hohonu Range). Other landscapes, while not formally protected are not under any threat because of their isolation, the absence of any valuable resource (e.g. minerals) the uneconomic costs of development and the nature of the land, (e.g. natural hazards) which would prevent or make any development extremely difficult.

4.2 ISSUES

1. Outstanding natural features and landscapes can be adversely affected by development pressures.

   While a significant proportion of the outstanding landscapes in Grey District have protection, some of the remaining areas have the potential to be degraded. Potential threats include inappropriate building, subdivision and development.

4.3 OBJECTIVE

1. The protection of outstanding natural features and landscapes in the Grey District from inappropriate subdivision, use and development.

4.4 POLICIES

1. To recognise areas of outstanding natural features and landscapes in accordance with the criteria listed below:

   a) Naturalness (Intactness)- The landscape is natural, open and spacious and is largely unmodified by human activity or development (relative to other landscapes).

   b) Coherence - The area is complete and in intact as an integrated unit thereby producing a high visual coherence or pleasantness.

   c) Distinctiveness - The area has one or more of the following

      i) outstanding size, shape, diversity or pattern of natural features or landforms

      ii) outstanding area of predominantly indigenous vegetation

      iii) outstanding or popular accessible viewpoints/key views

   d) Sensitivity - the area is high in visual sensitivity to change

   e) Visibleness - The area is visible from public places such as roads, tourist routes etc.

   f) Scientific, Historic or Cultural value - The area is of significant scientific (e.g. geopreservation site), historic or cultural value.

2. Proposed subdivision, use and development should be undertaken in accordance with Objective 4.3, and in a manner that avoids, remedies, or mitigates adverse effects on outstanding natural features and landscapes identified in Table 4.1 or outstanding natural features and landscapes that through a resource consent process are determined by Council to exist within the areas identified in Table 4.2 having regard to the criteria in Policy 4.4.1(a) – (f).

4.4.1 EXPLANATION AND REASONS

The following applies to both policies 4.4(1) and (2). Outstanding natural features and landscapes are integral in defining the character of Grey District, and any development should take this into account in order that adverse effects are avoided, remedied or mitigated on landscape values. The objective reflects **Section 6 (b)** of the Act.

Council commissioned a landscape study to identify outstanding landscapes and natural features. This study focussed on areas outside of public conservation lands administered by the Department of Conservation given that these areas have some level of protection. Accordingly it should not be assumed that areas administered by the Department of Conservation but not identified in the Councils landscape study do not include outstanding natural features and landscapes. Areas that were identified as outstanding in the Council's landscape study are set out in Table 4.1. The areas in Table 4.2 have not been the subject of a landscape study.

TABLE 4.1

• Bush clad hills behind Greymouth and Cobden from Jamieson Road to Point Elizabeth.
• Coastal area from Nine Mile Creek to Seventeen Mile Bluff between the sea and 200m east of SH 6.

- Kiwi Point – Grey Valley generally described as the cliffs on the true north bank of the Grey River from opposite Kiwi Overbridge to Taylorville and the historic Brunner Mine site on both banks of the Grey River.
- Coastal area from Paroa to New River between the Coast and SH 6.
- Lake Brunner including adjoining land up to 150m from the boundary of the lake edge road reserve excluding Moana township and urban zoned land at Iveagh Bay.
- The west facing slopes of the Barrytown hills behind the flats between Razorback Point and Seventeen Mile Flat to the east of SH 6.
- Area on the flats to the south of the Punakaiki River upstream of the SH 6 Bridge.
- Area North of Waiwhero Road to Razorback Point between the coast and SH 6.

TABLE 4.2

- Land administered by Department of Conservation.
- Crown land in the Paparoas

When considering resource consent applications in the areas identified in Table 4.1, the effects on outstanding natural features and landscapes need to be weighed up and assessed having regard to the criteria in Policy 4.4(1).

When considering resource consent applications in the areas identified in Table 4.2, a determination is first required as to whether an area is an outstanding natural feature or landscape in accordance with the criteria in Policy 4.4(1). If the area is determined to be an outstanding natural feature or landscape, then similar to the process for those areas in Table 4.1, the effects of the application on the area needs to be weighed up and assessed having regard to the criteria.

When assessing or considering a site all of the criteria do not need to be satisfied.

4.5 IMPLEMENTATION METHODS

1. Other legislation to control effects i.e. Conservation Act.
2. Encourage landowners to consider informal / formal protection options such as covenants, reserves etc.
3. Consult and liaise with owners in the management of outstanding areas.
4. District Council and Regional Council rules including those areas identified and included as “Areas of Outstanding Landscape” in the Rural Environmental Area of the District Plan.
5. To adopt sign design guidelines based on those prepared for the West Coast Tourism Development Group and West Coast Regional Council.
6. To carry out landscaping and planting at the Grey River Mouth.
7. Decisions on resource consent applications.

4.5.1 REASONS

There are a variety of methods available to Council. The Conservation Act provides protection for landscapes located in Department of Conservation land. There are also a

number of information measures such as encouraging landowners to set aside areas by way of covenant and design guidelines. In some cases, rules are used in respect of those areas that are highly visual, under some development pressure and not formally protected. The areas in the District that are subject to these rules are the hills around Cobden and are identified on the planning maps as “Areas of Outstanding Landscape”. Council also requires development within 100m of the MHWS to obtain resource consent in certain circumstances. The criteria referred to in Policy 4.4(1) should be used when assessing resource consents in the identified areas outlined in Tables 4.1 and 4.2. Regional Council rules may also be relevant as it relates to vegetation clearance, earthworks on sloping land and in the vicinity of waterways. Various sign and building guidelines have been developed over time and potential developers will be encouraged to consider these. The Council is also part of a joint project which will enhance the Grey River mouth.

4.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	**Monitoring and Review Data**
• Retention of those areas identified as areas of outstanding landscape.	• Site inspections • Resource consents • Feedback from the public and landowners • Landscapes that are recognised by awards • Covenanted and reserve land
• Retention of a variety of types and qualities of landscapes throughout the District.	• Site inspections • Resource consents • Feedback from the public and landowners • Landscapes that are recognised by awards • Covenanted and reserve land
• Land use, buildings and structures constructed or carried out in harmony with the landscape.	• Site inspections • Resource consents • Feedback from the public and landowners • Landscapes that are recognised by awards • Covenanted and reserve land

5 SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA

5.1 INTRODUCTION

The district is characterised by widespread indigenous forests. While the river valleys and certain lower altitude areas have been cleared of forest and converted to agriculture, extensive native forests are located in the more remote ranges and river valleys. Approximately 80% of the district's native forests are managed by the Department of Conservation. Most of the remaining area is administered by Timberlands West Coast Limited, who in accordance with the West Coast Accord and the Forests Amendment Act manage the forests for long term sustained yield to meet contractual demands for saw logs. There is comparatively little indigenous forest in private hands outside of the two organisations identified above.

Grey District also contains many areas of valuable wetlands. Some major areas include Paroa Wetland, Lake Ahaura, Lake Haupiri, Lake Hochstetter and Blaketown Lagoon. Wetlands provide habitats for fauna, are an important recreational resource and have important water retention and purification functions. They have been drained and developed indiscriminately in the past, which has lead to the situation where they are a threatened ecosystem.

Birdlife in the district is rich, achieving both numbers and diversity not generally found elsewhere in New Zealand. Native birds found in the forest include, the owl, New Zealand falcon, native pigeon, tui, bellbird, silver eye, grey warbler, rifleman, robin, tom-tit, fan-tails and the flightless weka and kiwi. Rarer birds include the red and yellow crowned parakeet, kaka, blue duck and spotted kiwi. Shags, white fronted terns, various gulls, oystercatchers and banded-cotterills occupy coastal breeding grounds. A colony of burrowing Westland black petrels occupy coastal hills south of the Punakaiki River and are the only mainland-breeding colony of this bird.

Seals are regularly seen on rocky headlands and islands off Point Elizabeth. The seastacks between Point Elizabeth and Motukiekie are special coastal features of the Grey District. These seastacks support a diversity of indigenous flora and fauna, including rare and threatened plant species and birds. Important coastal sites for indigenous vegetation exist, such as areas of coastal vegetation at New River Estuary and important sites for the habitat of indigenous fauna such as skink habitat at Cobden beach.

In addition to the native species of eels, smelt, bullies, and torrent fish, the coast is perhaps best known for its whitebait. Flows of whitebait move upstream through the estuaries on rising tides generally between August and November. Regulations regarding fishing for whitebait are currently enforced by the West Coast Regional Council (**WCRC**) and the Department of Conservation (**DOC**).

The provisions of **Section 6(c)** of the Act place an obligation on Council to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of fauna. Given that a substantial percentage of these significant areas are public conservation lands, this materially assists in providing for their protection. For example there are 205,000 hectares of indigenous forest of which 85% is held by DOC.

As noted above, there is a relatively small amount of indigenous forest on private land (12.5%). Evidence available to Council indicates that there is little removal of the indigenous

forests taking place. This is partly due to the steepness of the slopes, the requirements of the Forest Amendment Act and the conservation ethic now adopted by many landowners. Sustainable forest management on private land effectively means that indigenous timber can only be milled under an approved plan or permit or a specific approval from the Director General of Agriculture and Forestry as provided for under Part III A of the Forest Act Amendment. Unfenced stock also have a major impact on indigenous vegetation in some localities.

It is also apparent that pests such as possums are having a major effect on indigenous vegetation and the protection of the forests will be enhanced by pest management programmes that are properly funded. Council is also aware of difficulties in identifying significant areas on private land in terms of their "significance" and their exact location given that typically they have not been accurately surveyed. Council, with other local authorities on the West Coast, has obtained Sustainable Management Funding (SMF) to carry out a district wide survey of such resources. This study entitled "A Cost effective Approach To **Section 6(c)** RMA Responsibilities" will establish criteria for significant natural (SNA) areas, define particular areas and provide a range of mechanisms for protection of the areas. Conservation groups input will be part of the study.

Resources such as wetlands can be affected by drainage, land development and sphagnum moss harvesting. Again however, it is clear that a significant proportion of wetlands are already administered by DOC. Many wetlands are adjacent to lakes and any drainage is likely to be impracticable in terms of cost and scale. The West Coast Regional Council also have a number of controls in place designed to protect waterbodies such as wetlands. These controls are also applicable to activities relating to indigenous forests and specifically relate to earthworks, soil disturbance and vegetation clearance.

5.2 ISSUES

1. Some of the areas of indigenous vegetation and habitats of fauna can be susceptible to damage from:

    a) pest and predators, including;

        i) the presence of possums, mustelids, feral cats and pigs

        ii) the spread of weed species

        iii) escape or release of feral species

    b) land development activities such as farming, forestry and mining

    c) stock grazing

While large areas of indigenous vegetation and fauna in the Grey District have some kind of protection, those areas that are not protected have the potential to be degraded. It is noted however, that pests and predators do not respect the boundary between protected/non protected lands.

5.3 OBJECTIVE

1. The protection and where possible enhancement of areas of significant indigenous vegetation and habitats of indigenous fauna.

5.4 POLICIES

1. To identify areas of significant indigenous vegetation and significant habitats of indigenous fauna.
2. To recognise such areas in accordance with the following criteria:

   Representativeness – a measure of the current extent of a vegetation type/ ecosystem compared to its extent at some fixed point in history.

   Rarity/ Distinctiveness – a measure of the presence pf rare species (using appropriate threatened species classifications) or of a distinctive species feature (e.g. a species at a distributional level.

   Ecological Context – a measure of the ecological role played by an area in the health of the wider ecosystems in its environment.

   Sustainability – a measure of the ability of the identified areas to remain viable or their potential to become viable in the long term.

   (Refer to the report "West Coast SNA Project: SNA Assessment and Protection", August 2001 for a more detailed explanation.)

3. To avoid, remedy or mitigate adverse effects on the ecological integrity, functioning and habitat values and natural character of areas of significant indigenous vegetation and habitats of indigenous fauna.
4. To reduce the effect that pests, including the introduction of new pests, can have on significant areas of indigenous vegetation and habitats of fauna.

5.4.1 EXPLANATION AND REASONS

Past development in particular has resulted in the depletion of areas of ecosystems in Grey District. Remaining significant areas should be protected where possible, given their value in contributing to the natural character of the district and the requirements of **Section 6(c)** of the Act. The policies implement the objective and in particular a coordinated approach to dealing with the matters in the Grey District is adopted. The Council is committed to a joint process with other authorities on the West Coast to develop a cost effective approach to dealing with areas of significant indigenous vegetation and significant habitats of indigenous fauna through the SNA study. The objectives of the project will essentially fulfil the Council's policies. The criteria that make an area significant are set out in order to provide certainty in respect of meeting obligations under the Act. Pests are having detrimental effects and while pest management is not a primary area of District Council responsibility, the Council supports efforts to reduce such effects.

5.5 IMPLEMENTATION METHODS

1) Regional Council objectives, policies and rules
2) Forest Amendment Act.
3) Encourage the implementation of a Pest Management Strategy.
4) Educate and encourage landowners to protect areas by fencing and other appropriate land management techniques.

5) Encourage landowners to consider informal/formal protection options such as conservation covenants/Kawena through such programmes as Nature Heritage Fund, Nga Whenua Rahui, and Queen Elizabeth II Covenants.

6) Co-operate with Department of Conservation and the West Coast Regional Council in the implementation of their programmes.

7) Council seeks to encourage those individuals and groups interested in the conservation of indigenous vegetation and fauna to contribute towards its protection by a variety of means, including funds for the purchase of land.

8) To actively participate in and put in place the outcomes of the Sustainable Management Fund project, "A Cost Effective Approach To Section 6(c) RMA Responsibilities".

9) Rules controlling the clearance of indigenous vegetation in riparian areas and in Significant Natural Areas (SNAs).

5.5.1 REASONS

There are a variety of non-regulatory and regulatory methods to implement objectives and policies. The protection of the majority of significant habitats and indigenous fauna are by DOC stewardship. Council is however currently undertaking a project to identify Significant Natural Areas (SNAs) on all land not administered by DOC within the District. Any SNAs will be incorporated into the District Plan by way of plan change following consultation with landowners.

Clearance of vegetation in identified SNAs will require resource consent. Until a site had been assessed as to whether it contains an SNA, a general vegetation clearance rule will apply to that site and also DOC land. Once a site is assessed resource consent will not be required for vegetation clearance outside of the SNA.

However, notwithstanding the outcomes of the SNA Study, indigenous vegetation clearance in proximity to waterbodies and wetlands will require resource consent.

There are a raft of WCRC objectives, policies and rules relating to earthworks, land disturbance in proximity to waterbodies, drainage and diversion for waterbodies. To avoid duplication, resource consent is not required where the WCRC has granted a resource consent to an application that addresses an issue that is common to the functions of both councils.

A Pest Management Strategy, which is the responsibility of the Regional Council, is the primary mechanism for the control of those pests that are a major threat to habitats. On-going pest programmes are in place. Council will also, where appropriate, cooperate with other agencies in promoting awareness of pests including referral of enquiries to appropriate agencies and distribution of information on good practices and pest threats.

Council will also pursue other methods which rely on a voluntary approach, and to date have used this approach of informing landowners of options. Purchase of land and the use of covenants are a real option. Council also encourages fencing to control stock although it is acknowledged this is also a funding issue.

5.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Identification and protection of significant areas of indigenous vegetation and habitats.	• SMF Study • Maintaining records of land under reserve or protection by the Crown • Consultation • Awards recognising protection of areas.
• Management of existing areas of significant indigenous vegetation and significant habitats of indigenous fauna.	• Resource Consents • Feedback • Consultation • Monitoring records of land under reserve • Awards recognising management of areas.
• Increased knowledge and participation of public and property owners.	• Feedback • Correspondence • Consultation

6 WATERWAYS AND MARGINS

6.1 INTRODUCTION

The major components of the District's open waterways include:

- the Grey River and its main tributaries (the Ahaura and Arnold Rivers) together forming the fourth largest valley system in New Zealand.
- the Taramakau and Punakaiki Rivers forming the southern and northern boundaries of the District.
- A large number of glacial lakes that contain significant natural habitats and provide for recreational use. These lakes are mainly concentrated around the Brunner/Haupiri area and include the following lake systems: Lake Brunner, Lake Haupiri, Lake Hochstetter, Lady Lake, Lake Ahaura and Lake Poerua. There lakes are largely contained within land managed by the Department of Conservation (DOC).
- Wetlands, which have diminished in area with development of land for farming and other activities have significant water retention and purification functions and provide habitats for fauna.

While these are the larger systems it is recognised smaller waterbodies are also important in maintaining the life supporting capacity of ecosystems.

The responsibilities in respect of waterways are shared between the Regional Council and District Council. The former is responsible for water quality, water quantity (including takes, diversions and discharges) and activities in the beds of lakes and rivers as well as activities on land which may effect waterways, i.e. erosion and sediment. The District Council has responsibility in respect of activities in relation to the surface of water in rivers and lakes and also the "land" part of margins of lakes and rivers and also wetlands. It is acknowledged that this somewhat artificial "distinction" requires consultation with the Regional Council.

The surface of waterways are valued for:

- recreation (boating, picnicking, walking, swimming, camping etc.)
- cultural, scenic and heritage values
- industrial use such as port activities, hydropower utilities and gold mining

Margins are valued for a variety of functions including:

- landscape qualities
- ecological values of wildlife and fish habitats
- prevention of natural hazards where vegetation cover is retained or flood mitigation structures erected
- water retention and purification function
- access to lakes, rivers or the coastline
- landbased recreational use

- economic value as farmland, for mining, forestry or gravel extraction
- the presence of heritage sites
- Spiritual and cultural value

The preservation of the natural character of lakes, rivers and wetlands from inappropriate subdivision, use and development and the maintenance and enhancement of public access to and from lakes and rivers are identified as matters of national importance.

6.2 ISSUES

1. Conflict between activities on the District's waterways.

The availability of waterbodies and the general low levels of use mean that there is little conflict between different uses or between recreation uses and amenity values. The general exception to this is Lake Brunner which is subject to significant recreational use, particularly during the summer months with such activities as yachting, water-skiing, powerboating, fishing and jet skis. Conflict has occurred between these different uses, particularly where intensive and commercial operations are proposed. Potential adverse effects include a reduction in public access and water quality and an increase in noise.

2. Activities on lakes, rivers and wetlands and their margins can adversely affect the natural character, habitats of indigenous fauna and flora, Iwi values, bank stability and amenity and recreation values.

Activities on waterways, including wetlands and their margins, such as the erection of structures, excavation and deposition or material, the removal of vegetation and also weed invasion can have a number of adverse effects on ecological and amenity values. These effects can include a reduction in:

- water quality
- fish passage
- bank stability
- habitats and vegetation
- public access
- recreational value
- heritage sites

6.3 OBJECTIVES

1. To avoid, remedy or mitigate adverse effects arising from conflicting activities on the surface of waters.

2. Preservation of the natural character of lakes, rivers and wetlands and their margins from inappropriate use, development and subdivision.

6.4 POLICIES

1. Activities should be separated on the surface of water where there is a potential for conflict.

2. Activities on the surface of water should not adversely affect public access, water quality and amenities such as quietness.

3. The adverse effects of activities on natural character of margins should be avoided, remedied or mitigated in terms of:

    a) recreation values

    b) conservation values

    c) continued public access

    d) retention of indigenous vegetation and habitats

    e) water quality

    f) heritage sites

    g) cultural and spiritual values

4. Structures that do not have a operational reason to be located on the margins of rivers and lakes, and in wetlands, should avoid this location, particularly in unmodified areas.

5. Any modification of wetlands is undertaken in a manner that protects their natural character and, in particular, those components of the natural character that comprise indigenous vegetation, habitat for indigenous fauna, life supporting capacity for indigenous ecosystems and ecological functioning.

6.4.1 EXPLANATION AND REASONS

Objective 1 and Policies 1 & 2 are intended to allow conflicting activities to operate without effecting each other. This is particularly applicable to recreation activities such as at Lake Brunner.

In respect of margins of waterbodies Council is required to recognise and provide for the items in Objective 2 in terms of **Section 6(a)** of the Act as a matter of national importance. Policy 3 sets out these matters which contribute to the natural character and the effects of activities which should be avoided, remedied or mitigated. In particular, wetlands are a natural resource that have diminished and adverse effects on them should be avoided, remedied or mitigated.

It is recognised in Policy 4 that structures such as bridges, culverts, launching ramps etc. may have an operational reason to locate near waterbodies. Other structures should not locate in these areas, particularly where there are significant natural values

6.5 IMPLEMENTATION METHODS

1. To promote public awareness of the requirements of the Water Recreation Regulations (or their replacement) for lakes and rivers within the District as promulgated by Maritime New Zealand.
2. To liaise with other parties with statutory and cultural interests regarding the lakes and rivers including Council, Iwi and in particular, Maritime New Zealand in respect of Lake Brunner.
3. To advocate appropriate speed restrictions for Lakes and Rivers within the District to relevant controlling authority.
4. Provisions in Regional Council Plans relating to vegetation clearance, earthworks and discharge of contaminants, and in the District Plan provisions relating to buildings, forestry and indigenous vegetation clearance.
5. Esplanade Reserves/Strips to be set aside as conditions of subdivision consents.
6. Encourage landowners to protect natural values by private agreement, conservation covenants, fencing and planting of margins.
7. To promote the benefits of riparian management and wetlands protection, including in respect of streams less than 3 metres wide, through education by such means as pamphlets and education days in conjunction with the Regional Council, DOC and Fish and Game and Royal Forest and Bird Society.
8. To continue the investigation of the rationalisation of road reserve on the foreshore of parts of Lake Brunner that adjoin areas containing natural values.

6.5.1 REASONS

There are a variety of methods available to implement the objectives and policies. In respect of regulating recreational activities the Maritime Safety Regulations administered by Maritime New Zealand applies at Lake Brunner where jet and ski lanes are gazetted. Given the presence of an existing authority Council sees little point in implementing rules in the District Plan. While there has been a lack of enforcement of the regulations this is a resourcing of people issue which requires further discussions with Maritime New Zealand and Iwi. Council does consider there should be speed restrictions.

The Regional Council already have controls in place restricting activities in and in proximity to waterbodies e.g. Proposed Land and Riverbed Plan. Many of the threats and impacts of the removal of vegetation from the margins of waterbodies are related to bank stability, water quality and in-stream values, i.e. discharges, sediment, temperature, light, oxygen demand. It is considered that for an integrated approach to be achieved the appropriate place for such matters is regional plans. This concept is already borne out through the current regional plans. There are also rules in the District Plan in respect of forestry and removal of indigenous vegetation from riparian margins. However, to avoid duplication with the Regional Council, resource consent is not required for these matters from the District Council where the Regional Council has granted resource consent to an application that addresses an issue that is common to the functions of both councils. Generally these plans do not control the location of buildings and it is therefore appropriate the District Plan has provisions in respect of this matter as it relates to rivers and lakes.

The setting aside of esplanades/strips on subdivision is also available to Council. These can be set aside for a variety of purposes relating to conservation, public access or recreational values. (See Section 13 - Subdivision for more details on Council policy for esplanade reserves/strips).

Non-regulatory methods such as covenants, guidelines, education etc. are also important (Method 6). These methods can be highlighted by awards to good practice.

Small streams (less than 3 metres wide) are particularly valuable habitats for invertebrates and fish. Maintaining or restoring indigenous vegetation assists in maintaining or increasing habitat values through the provision of shade and shelter.

Council and DOC are continuing discussions on the rationalisation of the Lake Brunner foreshore.

6.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Existing natural character of the margins of waterbodies is retained including provision for public access.	• Monitor the physical state of margins.
• There is no conflict between activities on the surface of water.	• Monitor existing controls in respect of activities on the surface of water.

7 THE COASTAL ENVIRONMENT

7.1 INTRODUCTION

Grey District has approximately 60km of coastline forming the western boundary of the district. The coastline is characterised by rugged natural features, including estuaries behind low-lying dunes, gnarled rocky outcrops and isolated sandy beaches. Mixed sand and gravel beaches dominate the coastline south of Cobden and in the vicinity of Barrytown Flats, it is well supplied with sediments from the Grey, Taramakau, and Punakaiki Rivers which flow to the coast. With the exception of Blaketown Beach to Karoro these coastal beaches are typically prone to erosion.

All of the Greymouth coast is characterised by steep headrock outcrops and the Paparoa and Rapahoe Ranges largely resist the sea's force. The sand and gravel beaches interrupt this otherwise rugged coastline.

Coastal settlements include Greymouth, Cobden, Southbeach, and Rapahoe. A number of bodies have a role to play in the management of the coast. The District Council is responsible for the area above mean high water springs and the Regional Council is responsible for the management of the area below this mark, which is known as the Coastal Marine Area. The Regional Council has prepared a coastal plan for this area. The Minister of Conservation has prepared the New Zealand Coastal Policy Statement (NZCPS) identifying national policies, which the District Plan cannot be inconsistent with. This Act places special emphasis on the coast by way of **Section 6(a)** which states that a matter of national importance is the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.

The term "coastal environment" is not defined in the Act. However it can be said that coastal environment is an environment in which the coast is a significant part and generally will include the coastal marine area, all tidal waters and foreshore above the mean high water springs, dunes, beaches, areas of coastal vegetation, areas subject to coastal erosion and flooding, salt-marshes, and estuaries.

Again the Act does not define natural character but the NZCPS suggests some important elements that contribute to it, including:

1. The level of existing modification.
2. Significant indigenous species of flora and fauna.
3. Landscape, seascapes, and landforms.
4. Coastal processes.
5. Special spiritual values and significant historic and cultural places.
6. Water quality.

The Grey Coastline has all of these elements present to a greater or lesser degree depending on location. The critical matter is the impact (if any) that use, development and subdivision will have on the coast. Public access to and along the coast is generally good although Council proposes to take, where appropriate, esplanade reserves on subdivisions of less than four hectares.

7.2 ISSUES

1. The adverse affects of inappropriate use, development and subdivision affecting the natural character of the coastal environment.

Activities such as buildings, structures and earthworks in the coastal environment can create adverse effects in terms of visual impact, risk of natural hazards, obstruct public access, damage Iwi sites and heritage sites and modify flora and fauna.

7.3 OBJECTIVE

1. To preserve the natural character of the coastal environment and the protection of it from inappropriate subdivision, use or development.

7.4 POLICIES

1. Development, use or subdivision affecting the natural character of the coastal environment shall have particular regard to the following:

   a) The extent of existing and likely potential modification as a result of human presence in the area, such as port development and operation.

   b) The presence of significant indigenous vegetation or natural habitats.

   c) The life supporting capacity of ecosystems.

   d) The presence of distinctive landscapes, seascapes and landforms.

   e) The presence of special spiritual, heritage, cultural values including those of significance to Maori.

   f) The maintenance and enhancement of high water quality.

   g) Coastal natural hazard areas.

2. Any development within the coastal area should take place in modified areas such as existing settlements in preference to unmodified areas.

3. Development in unmodified areas should only take place where the setting is integral to the development proposal and adverse effects on those items identified in Policy 1 can be avoided, remedied or mitigated.

4. Improvement and enhancement of public access by taking of, where appropriate, esplanade reserves on coastal subdivision.

7.4.1 EXPLANATION AND REASONS

Council is required to preserve the natural character of the environment and protect it from inappropriate use and development. The policies stated above give guidance as to how this can be achieved by specifying particular criteria, all of which are integral to the natural character. It is noted that in respect of 1(a) an existing port operates at the mouth of the Grey River and a deep sea port is proposed at Rapahoe, which has been recognised by the Regional Plan.

7.5 IMPLEMENTATION METHODS

1. Rules are included in the plan that require development located in proximity to mean high water springs to obtain resource consent.
2. Rules that require esplanade reserves on coastal subdivision.
3. Liaison and co-operation under relevant management agencies such as the West Coast Regional Council and Department of Conservation.
4. Reference to the West Coast Regional Coastal Plan particularly on cross boundary issues relating to habitats, landscape and coastal hazards.

7.5.1 REASONS

Council will require activities to obtain resource consent if they are within a specified distance (100m) of the coastline.

This will enable the effects on the natural character of the coastline to be assessed particularly as it relates to visual impact, ecosystems and the presence of natural hazards. Generally those areas contained in the Commercial and Industrial Environmental Areas are modified to the extent that natural character does not exist.

Liaison with other agencies such as the Regional Council will also be critical in dealing with activities that potentially cross mean high water springs. This will primarily be by way of the Regional Coastal Plan.

7.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Preservation of the natural character, coastal environment and the establishment of appropriate uses, subdivision and development.	• Resource consents and conditions • Regional Council records

9 NATURAL HAZARDS

9.1 INTRODUCTION

Natural hazards are those atmospheric, earth or water related occurrences which pose a potentially adverse effect on human life, property or other aspects of the environment. Within the Grey District these include; flooding, coastal erosion, land instability and seismic hazard. Natural hazards can also be taken to include the outcome of human induced hazards such as a poorly constructed dam or unconsolidated landfill.

The Council's function under **Section 31** of the Act, is to control any actual or potential effects of the use, development or protection of land, including for the purpose of avoiding or mitigating natural hazards. Therefore, it is not Council's role to reduce the probability of a natural hazard event occurring, rather it is the responsibility of Council to ensure that the effects of such an event are minimised.

In view of the historical building patterns on the West Coast, much of the district's population is in close proximity to natural hazard prone areas (flood prone areas, steep hillsides, adjacent to the main divide, etc). Such development is therefore particularly at risk to the effects of a natural hazard event.

The West Coast Regional Council has provided the following information for natural hazards specific to Grey District:

1. Flooding: Within the Grey River catchment, much of the settlement of Greymouth, farmland up the Grey valley and the lower reaches of its tributaries, farmland south and east of Lake Brunner, and around Flagstaff Flat and Lake Haupiri in the upper catchment. The flood hazard maps published by the West Coast Regional Council give an indication of the areas known to have flooded.

2. Coastal Erosion: Long-term erosion of between 0.6m and 3.5m annually, north of the Grey River and particularly high on the Barrytown Flats and at Cobden and Rapahoe. Harbour and river mouth works have resulted in sediment accumulation or accretion south of the Grey River mouth, although localised erosion still occurs (19m in late 1980's - early 1990's at Karoro). Protection against erosion and sea level rise can be provided by "natural systems" in particular the gravel beach ridges along the Greymouth Coast and the hard rock shores of the District.

3. Land Instability: An assessment of land suitability for urban development based on its inherent stability has been undertaken for the hills behind Greymouth and Cobden. Heavy rainfalls, a lack of protection by vegetation and steep topography (over 12°) are major factors influencing land instability and erosion. Extensive areas of potentially unstable land arise from mining operations where unconsolidated material has been spread back into mined areas.

4. Seismic Activity: The Grey District is situated adjacent to the Alpine Fault. The most active part of the Fault is the central section, which forms the western boundary of the Southern Alps from Haast to the Taramakau River at Inchbonnie. Further north the fault becomes progressively less active as movement is transferred to numerous branch faults within Marlborough. The next Alpine Fault earthquake is likely to produce very strong shaking in locations close to the Southern Alps. Greymouth will also be strongly shaken. Other faultlines in the District are generally more remote

from human settlement, including to the east of Hohonu Range and in the Paparoas, although it is noted the Paparoas commence immediately north of Greymouth.

Additionally, land may be particularly susceptible to natural hazard events that have been altered in the past by human activity such as underground mines.

It is anticipated that the threat of certain natural hazards will accentuate under changing climatic conditions. An example of this is potential sea level rise that may result in a requirement to amend policies and rules.

9.2 ISSUES

1. Natural hazards such as flooding, storm surge, tsunami, coastal erosion, landslides, subsidence and earthquakes are natural phenomena that have the potential to compromise human safety and place property, infrastructure, and the natural environment at risk of damage.

The District is a relatively dynamic landscape with potential hazards existing in various situations throughout the District. These hazards have the potential to impact on landowners and development.

9.3 OBJECTIVE

1. The adverse effects of natural hazards on people, property and the environment are avoided, or mitigated.

9.4 POLICIES

1. To adopt an integrated approach to minimising the potential adverse effects of natural hazards on the community.

2. To gather and make available information regarding natural hazards to assist resource management decisions.

3. Development should not occur in areas that are prone to natural hazards, unless the applicant has shown adequate avoidance or mitigation of natural hazards.

4. An assessment by an appropriately qualified person will be required, where appropriate, for resource consent applications.

9.4.1 EXPLANATION AND REASONS

Council is under an obligation in terms of the Act to avoid or mitigate the effects of natural hazards which are prevalent in the District. The Regional Policy Statement, Regional Plans (such as the Coastal Plan) and the New Zealand Coastal Policy Statement (coastal hazards only) also contain provisions on natural hazards.

The policy of adopting an integrated approach recognises the natural and long-term effects of natural hazards and ensures the best defence against potential adverse effects. Another aspect of the integrated approach to natural hazards is enhanced cooperation and liaison between the West Coast Regional Council and the Grey District Council. This should provide additional knowledge and information on natural hazards for the District which can be made

available to property owners and developers so that they are informed of the natural hazard risks relating to a site.

Council does not consider it reasonable to apply an arbitrary ban on activities within areas identified as being prone to natural hazards, although it is considered necessary to control some forms of development unless adequate precautions have been provided by the developer. The first priority, is to avoid potential hazards and if avoidance is unrealistic, then mitigation of the adverse effects of such hazards is required.

9.5 IMPLEMENTATION METHODS

1. Land use and subdivision consent applications will require an assessment of natural hazards by an appropriately qualified person as part of the resource consent process where natural hazards are a risk.

2. Where risk from natural hazards can be mitigated, conditions will be imposed on consents and in the case of subdivision, notices will be placed on the certificate of title where appropriate.

3. In terms of building consent under the Building Act, Council will require a certificate from a suitably qualified person when a potential problem with a natural hazard is identified, so it can be shown that it can be adequately avoided, remedied or mitigated.

4. Provision of information through Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to those who will potentially use, develop or protect land.

5. Develop, maintain and make available a hazards register to provide information to the public, including the monitoring of sea level rise and coastal shoreline changes, as provided by the Regional Council.

6. Develop on-going consultation and liaison with the West Coast Regional Council in order to provide for enhanced natural hazard cooperation between councils, including the provision of a hazards register.

7. Where appropriate regulate by rules in the District Plan and Regional Plans.

9.5.1 REASONS

Where land use, subdivision and building consents are applied for, an assessment of natural hazards must form part of the application and if necessary shall be undertaken by a qualified person. This is considered appropriate given the dearth of readily available information. Council is able to impose conditions on these consents addressing the effects of natural hazards or in the alternative refuse to grant or issue the consent.

Information is also an important method and this can be obtained from a hazards register developed by the District and Regional Councils and disseminated through documents such as LIMs and PIMs. Effects arising from sea level rise are not known with any certainty at this stage and will therefore continue to be monitored to enable a change to the Plan if necessary. The District Plan contains a rule which requires assessment of buildings within 100m of the coast which will allow an assessment of natural hazards. Some of the regional plans such as the Regional Coastal Plan and Soil Conservation and Erosion Control Plan

also contain rules to manage activities that could potentially exacerbate the adverse effects of natural hazards.

9.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Increased understanding and enhanced decision making, of the threat posed by natural hazards.	• Gathering and dissemination of information about natural hazards • Improved decision making when natural hazards are involved
• Land use, subdivision and development applications will be assessed against the possibility of being affected by natural hazards.	• Resource consent process - compliance with conditions etc. • Building Act requirements

10 TANGATA WHENUA

"*Toitu te whenua he whakangarongaro te tangata."*

"The people may perish but the land will remain."

10.1 STATEMENT OF IDENTITY

Tangata Whenua (Poutini Ngai Tahu) are those Iwi, or Hapu that hold mana whenua (customary authority) over the area of the Grey District.

10.2 TANGATA WHENUA AND THE RESOURCE MANAGEMENT ACT

The Act contains specific obligations in relation to the Treaty of Waitangi and Maori interests. The Act identifies, as a matter of national importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Act also states that the principles of the Treaty of Waitangi must be taken into account when managing the use, development and protection of natural and physical resources.

In relation to the Plan, the most significant principle of the Treaty of Waitangi is that of partnership. An integral aspect of this is the Council's obligation to consult with local Maori to achieve an ongoing working relationship with the Tangata Whenua. The Council must also have regard to the Treaty principle of active protection of Maori people in the use of their traditional resources. This could be reflected by Tangata Whenua involvement in decision making, regarding those natural resources important to them.

10.3 ISSUES

1. There are many places throughout the District which have been used, occupied and are of value to Tangata Whenua, including places where people have been buried. Accordingly, the District remains spiritually and culturally important to Tangata Whenua, who have a general concern for the natural integrity of the District's environment.

Areas of concern to Tangata Whenua may include:

a) Natural and physical resources such as coastal areas, inland waterways and indigenous vegetation have an importance to Tangata Whenua which has not in the past been adequately recognised.

b) Tangata Whenua view the overall integrity of the District's natural environment as in need of retention and in some places restoration.

c) There have been past and present threats to traditional food gathering sites (mahinga kai) which have precluded Maori from having sufficient access to this resource.

d) Public access to mahinga kai is an important cultural consideration.

e) Protection of burial grounds, tapu sites and other taonga is considered by Tangata Whenua as an important requirement in the District.

f) The Resource Management Act and Treaty of Waitangi make provision for Tangata Whenua to have involvement in resource management in the District.

g) Many of the issues identified in relation to Tangata Whenua overlap with general concerns regarding the quality of the environment, especially in relation to water quality and public access to waterways. These concerns show that there is much common ground shared between Maori and many non-Maori in the District. Where issues overlap they should be dealt with in the appropriate sections of the Plan.

10.4 STATUTORY ACKNOWLEDGEMENT AREAS

The Settlement between Ngai Tahu and the Crown resulted in the creation of a number of instruments to recognise Ngai Tahu's relationship to a range of sites and areas, and provide for this to be reflected in the future management of those sites.

The aim of the Statutory Acknowledgement 'instrument' is to improve the effectiveness of Ngai Tahu's participation under the Resource Management Act (RMA).

To achieve this recognition Statutory Acknowledgements are shown on the Planning maps. This then ensures that Ngai Tahu are notified whenever an application is received which relates to or impacts on a Statutory Acknowledgement Area.

There are two Statutory Acknowledgement Areas in the Grey District, these being

- Kotuku - Whakaoho (Lake Brunner/ Moana)
- Taramakau River.

The traditional concept of mobile camping sites for use in seasonal food gathering has been given effect in the Ngai Tahu Settlement Act whereby a number of nohoanga sites have been provided, a total of five in Grey District. Nohoanga are temporary campsites adjacent to lakes and rivers, to facilitate customary fishing and the gathering of other natural resources.

The sites with the Grey District are:

- Kotuku Whakaoho (Lake Brunner/Moana)
- Taramakau River
- Lake Haupiri
- Punakaiki River
- Lady Lake.

The concept of nohoanga is shown in Appendix 11.

10.5 OBJECTIVES

1. To recognise and provide for the identification and management of those natural and physical resources which are considered important to Tangata Whenua, including Statutory Acknowledgement Areas and nohoanga sites.
2. To recognise and provide for Tangata Whenua access to their traditional food gathering sites and the adequate protection of these from any use or development that may threaten such resources.
3. To protect culturally significant sites, such as burial grounds, tapu sites and other taonga throughout the District.

4. To encourage Tangata Whenua to participate in the development and implementation of resource management decisions in the District.

10.6 POLICIES

1. Natural and physical resources that are important to Tangata Whenua including Statutory Acknowledgement Areas and nohoanga sites, will be identified and managed to avoid, remedy or mitigate adverse effects that could affect such resources.
2. Where landuse activities have the potential to adversely affect the natural environment, Council will look to ensure the restoration and retention of the natural environment as a condition of Council consent.
3. The protection of Maori food-gathering sites (mahinga kai) and access to such sites, will be a consideration in the resource consent process.
4. Council will endeavour to provide for the protection of all culturally significant sites.
5. An on-going and active relationship between Tangata Whenua and Council will be sought to further Iwi input into resource management decisions.

10.6.1 EXPLANATION AND REASONS

The Resource Management Act contains specific obligations in relation to the Treaty of Waitangi and Maori interests which require the Council to recognise the relationship of the Tangata Whenua with the District's natural resources.

Ongoing consultation between the Tangata Whenua and Council representatives will ensure the principles of the Treaty of Waitangi are clarified and given the recognition they require under the Act. It will allow the Council to make informed management decisions over natural and physical resources of the District.

The Ngai Tahu Settlement also has resource management implications in recognising and providing for management of significant areas.

10.7 IMPLEMENTATION METHODS

1. To develop a system for consultation with the Tangata Whenua regarding all resource management issues which are of interest to Tangata Whenua.
2. To develop procedures to be implemented in consultation with Tangata Whenua should there be any request to build a marae in the District.
3. To promote, through education and information, public awareness of Tangata Whenua interests and concerns within the District.
4. To identify these areas where there was traditional and customary Maori use of lands and waterways within the District and implement procedures for Tangata Whenua involvement regarding any proposal to disturb ground in and around the identified areas.
5. To implement procedures, in conjunction with the Tangata Whenua, where any burial sites or Maori artifacts are unearthed or disturbed.

6. To maintain and enhance, where able, public access to the District's public forests and significant waterways, wetlands and coastal areas, having regard to their traditional importance as mahinga kai.

7. To provide for Statutory Acknowledgement Areas and nohoanga sites in the Resource Management processes.

10.7.1 REASONS

There are a variety of methods which will be implemented, many of which will depend on a series of protocols and consultative procedures to be developed between the Tangata Whenua and Council.

10.8 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Recognition of the importance of Tangata Whenua as a Treaty partner having input into resource management decision making.	• Increased consultation with Tangata Whenua as a part of resource consent applications.
• Development of a partnership between the Council and Tangata Whenua in resource management decision making for sustainable development.	• Active on-going consultation between the Council and local Iwi. • Increased recognition and protection of culturally significant sites.

11 HAZARDOUS SUBSTANCES

11.1 INTRODUCTION

Hazardous substances are any substances which may impair human, plant or animal health or may adversely affect the life supporting capacity of air, water, soil and ecosystems. Well known substances that are hazardous to people or the environment include petrol, pesticides, explosives, acids or radioactive substances.

11.2 ISSUES

1. Hazardous substances can have significant and long-term effects on human life and water, soil and wildlife if they are not adequately stored, used, disposed or transported.

Grey District is fortunate that many classes of hazardous substances are not used extensively in the District. Nevertheless, the Council would like to ensure that the manufacture, use, storage, transportation, and disposal of hazardous substances in the District are carried out in an appropriate manner. Potential threats include oil spillage and the escape of hazardous substances in manufacturing and extractive operations and during disposal.

11.3 OBJECTIVE

1. To prevent or mitigate the actual and potential effects arising from the storage, use, disposal and transportation of hazardous substances.

11.4 POLICIES

1. Hazardous substances should be securely contained during their use, storage and transport so as to prevent escape.
2. Hazardous substances should be disposed of in an environmentally acceptable manner.

11.4.1 EXPLANATION AND REASONS

Under the Act the Council is responsible for ensuring that the potential adverse effects of hazardous substances in the District are prevented or mitigated to protect the life-supporting capacity of air, water, soil and ecosystems and to ensure the health and safety of the District's residents and visitors.

Secure containment and disposal in an environmentally acceptable manner are critical in achieving the objective.

11.5 IMPLEMENTATION METHODS

1. Compliance with all legislation dealing with hazardous substances including the Hazardous Substances and New Organisms Act 1996, Dangerous Goods Act 1962 and Building Act 1991.
2. Provision of rules to control the manufacturing, use and storage of quantities of hazardous substances in the District.

3. Objectives, policies and rules in the Regional Council Plans to control the discharge of contaminants to land, water and air.

4. Use of the enforcement provisions under the Act where hazardous substances are manufactured, used, stored, transported or disposed of in such a way that is or is likely to be either noxious, dangerous, offensive or objectionable to such an extent as to cause adverse effects on the environment.

5. In conjunction with the Regional Council and other local authorities on the West Coast the Grey District Council will encourage and support:

   a) The establishment and regularly updating of a hazardous substances inventory for the Grey District recording the amounts and patterns of hazardous substance manufacture, use, storage, transportation and disposal in the District.

   b) Develop methods and facilities for the safe collection and disposal of unwanted hazardous substances and hazardous wastes, including:

      i) promoting the disposal of hazardous substances at these facilities in a manner that minimises any adverse effects on the environment; and

      ii) ensuring that any hazardous substances that can not be disposed of safely are totally contained in an appropriate storage facility; and

      iii) investigate transporting hazardous wastes out of the District.

6. Prepare an emergency response plan, in conjunction with other appropriate agencies, to deal with any spillages of hazardous substances or hazardous waste in the District.

7. Compliance with appropriate Codes of Practice, any regional/national standards or guidelines, and relevant regulations.

8. Increase public awareness on the potential environmental effects of hazardous substances such as through the issue of LIMs and PIMs for known potentially contaminated sites.

11.5.1 REASONS

A variety of methods will be used. Rules in the District Plan will be used to set thresholds for the storage of substances depending on the sensitivity of a particular area. In addition, any new manufacturing processes that are involved in the production of hazardous substances can only be established via the resource consent process. Objectives, policies and rules in the Regional Council Plans control the discharge of hazardous substances.

The Council does not consider that any consent is necessary specifically for the transportation of hazardous substances in the District as this is covered by separate legislation.

The Council recognises that the safe disposal of many types of hazardous substances and hazardous wastes is difficult, and in some cases impossible. Accordingly, the Council will promote safer disposal practices through public education and advice. Use of industry guidelines is also encouraged as well as contingency plans. The Regional Council holds a register of potentially known contaminated sites such as former sawmilling, fuel storage and gold recovery sites and Council will advise of their presence, where known, on documents such as LIMs and PIMs.

The control of hazardous substances will only be made possible with a good information base, research, and with the co-operation of people of the District. Accordingly, the establishment of a hazardous substances inventory will be encouraged and supported. Liaison with other agencies and educative or advisory methods will be utilised as appropriate. The hazardous substances inventory will record the amounts of and patterns of hazardous substances manufactured, used, stored, transported and disposed of, thereby enabling the monitoring of hazardous substances in the District. Both the Regional Council and the three district councils on the West Coast have responsibilities under the Act for the collection, storage and disposal of hazardous wastes. The Regional Council will co-ordinate with territorial authorities and others who are involved with hazardous substances to develop a regional approach to management and disposal systems for hazardous substances.

11.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• A low level of risks from hazardous substances	• Recording and reporting on any spillages, pollution or other hazards including use of hazardous substances inventory.
• Increased public awareness from the public of adverse effects of hazardous substances.	• Recording and reporting of any spillage, pollution or other hazardous substances including use of hazardous substances inventory. • Surveys e.g. Ratepayers, commercial ratepayers. • Assess situation at McLeans landfill and other district landfills by reference to site management records and monitoring conditions.
• Establishment of a method to dispose of hazardous substances in an environmentally acceptable manner.	• Liaison with Regional Council. • Volume of hazardous substances waiting to be disposed of.

12 TRANSPORT

12.1 INTRODUCTION

Grey District has a well-established transport infrastructure that includes:

1. Two State Highways: Coastal State Highway (SH6) and State Highway (SH7) up the Grey Valley to Nelson, Westport and Canterbury.
2. A network of sealed district arterial and collector roads providing access to and from the State highway system and also providing access to adjoining properties.
3. A network of sealed and unsealed local roads primarily providing access to adjoining properties.
4. A rail system consisting of: the Midland Railway from Canterbury via Moana; the Grey Valley Stillwater / Westport Line; the coastal Greymouth / Hokitika Line and the Greymouth / Rapahoe Railway.
5. The port area in Greymouth, which predominantly has a trade in fishing and coal exports.
6. The Greymouth aerodrome facility.

The District's transport system is an important physical resource, providing for the movement of people and goods and thus contributing to the social and economic welfare of residents and visitors.

12.2 ISSUES

1. Transport networks have obvious advantages to the community in convenience, mobility and the ability to distribute people and goods but can have the following adverse effects on the environment:

- Noise.
- Safety, both to pedestrian and other traffic.
- Demands on land for transport routes and parking areas, and potential disruption to land uses and habitats.
- Spillage of effluent and other materials during transportation.

While transport provides a service to the community it can create a number of effects which can affect amenities.

2. The safe and efficient operation of the District's transport infrastructure can be affected by:

- the traffic generating potential of land uses.
- the number, design and location of access points, especially onto State highways.
- the function of the road in terms of its importance in providing for access to property or through movement of traffic.
- the potential impact of land uses such as tall buildings on the operational requirements of the aerodrome and the port.

- Operational difficulties with the existing port at Greymouth.

There is a need to control the effects of development within the District to avoid conflicts with the safe and efficient utilisation of the transportation resources. For example, heavy vehicle generation uses and accesses to State highways can interfere with traffic flows affecting convenience and safety. New Zealand Transport Agency administers a section of State Highway 6 between South Beach Overbridge and Taramakau River (8.6km) as Limited Access Road (LAR). (Refer to Planning Maps). This is a recognition of the need to provide additional protection for this part of State Highway 6 from the effects of the subdivision and new property accesses.

The aerodrome is an important link whose operation could be affected by inappropriate structures. Access to the Greymouth port, particularly for heavy transport, is a vital consideration and one that is being considered through the development of the Greymouth Township Traffic Management Plan. The condition of the Greymouth port however does limit some shipping because of its size, the state of the bar and flooding. An alternative deep-water multi-use port at Rapahoe is under investigation, particularly to handle bulk cargo such as coal. Cobden may also be a viable alternative.

12.3 OBJECTIVES

1. The operation of transport infrastructure in a manner that avoids, remedies or mitigates adverse effects.
2. The safe and efficient use of the District's transport infrastructure.

12.4 POLICIES

1. Access, off-street parking and loading, and the intensity of activities should not adversely affect vehicle and pedestrian safety and efficiency.
2. To implement a hierarchy of roads in the District with associated design and access standards based on intended function, and to use this as a framework to enhance transport efficiency and the amenity of sensitive areas.
3. Transport infrastructure should be located and designed in a manner that avoids, remedies or mitigates adverse effects on neighbouring activities as far as practically possible having regard to the sensitivity of those activities.
4. To consider the development of alternative port facilities if constraints on the existing Greymouth port cannot be overcome.
5. Development in the vicinity of the Greymouth aerodrome should not compromise flight paths and take steps to mitigate the adverse effects of aircraft noise.

12.4.1 EXPLANATION AND REASONS

The objectives promote the safe and efficient use of the District's infrastructure but recognises that at the same time their operation should not result in undue adverse effects.

Activities associated with vehicle movements such as parking, loading and manoeuvring should not adversely affect the transport structure. As part of this a roading hierarchy is implemented. Controls on development in proximity to the Greymouth aerodrome are necessary to protect its operation.

Transport infrastructure will be related to adjoining land use and its sensitivity. For example, a new road through adjoining residential areas is likely to have more impact in respect of noise, whereas it may not be so critical in a rural area with a more sparse population.

Given that the existing port area at Greymouth does have constraints an alternative site may have to be considered.

12.5 IMPLEMENTATION METHODS

1. Rules in the Plan, including the use of a roading hierarchy.
2. The development of Greymouth Township Traffic Management Plan.
3. Investigation into an alternative port areas at Rapahoe and Cobden.
4. Consultation with transport authorities and organisations, such as New Zealand Transport Agency and where appropriate the utilisation of their guidelines.
5. Design of transport infrastructure that avoids, remedies or mitigates adverse effects.
6. Utilisation of documents such as the Regional Land Transport Strategy.
7. Should the portion of legal road from a Northern location adjacent to Lot 3 DP 3957, CT 8C/1264 Westland Land Registry through to a Southern location adjacent to an un-named stream in opposite Lots 1010 DP 3779, Certificate of Title 8C/726-28C/735 Westland Land Registry be closed in the future, Council will consider all practical options for the status of the land at the time of closure.

   Whatever such options may be they shall not interfere with ongoing public access to the area which will be provided as a matter of principle.

12.5.1 REASONS

Implementation methods include rules in the Plan controlling access, parking and loading etc. in which a roading hierarchy will be utilised . The development of a transport strategy will assist in resolving issues such as access to the Greymouth port. An alternative port at Rapahoe is under investigation to provide for bulk freight such as coal and Cobden is also a possible alternative. Consultation with transport authorities are also useful, including utilisation of guidelines such as those developed by New Zealand Transport Agencyin respect of access. Where appropriate these have been integrated into the rules. The design of infrastructure such as roads is a vital method of reducing adverse effects by the delineation of alignment, buffers, earthworks etc. Reference should also be made to documents such as the Regional Land Transport Strategy which covers the management and development of all transport modes on the West Coast.

ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Safe, efficient and accessible transport systems. • Minimal adverse effects on the environment from transportation. • Construction of any new roads, accessways and parking areas to appropriate use and safety standards.	• Periodically reviewing the Ministry of Transport's accident records, and assessing the need for traffic safety improvements to the District's roading network. • Review information sources regarding the utilisation of the District's transportation relating to land use activities on adjoining sites and activities.

Note: This section has some overlap with the Utilities and Commercial / Industrial Environments sections.

19 RURAL ENVIRONMENT

19.1 INTRODUCTION

The rural environments of the Grey District contain extensive resources, which on a per capita basis must be as great as anywhere else in New Zealand. These resources include indigenous forest, exotic forest, farmland, minerals, rivers, lakes, buildings and infrastructure. They are all used to a greater or lesser extent to provide social, economic and cultural well being of the community.

The National Water and Soil Conservation Organisation's Land Resource Inventory shows the District to be predominantly Class V-VIII land, of low to negligible suitability for arable farming, general pastoralism and forestry. Grey District does not contain any high quality Class I and II land. Class III and IV lands of general suitability are largely confined to the river and stream valleys of the District. Class III land is restricted to the Grey River Valley between Ngahere and Totara Flat, Haupiri, on the eastern shores of Lake Brunner, and Taramakau settlement.

The District is characterised by its widespread indigenous forests, and in comparison, rather limited pastoral farming areas. The Grey River catchment is perhaps indicative of the whole District, having 85% vegetation cover of native bush in 1985. Parts of the river valleys and certain lower altitude areas have been cleared of native forests and have been sown in introduced grass species for productive agriculture. In areas found to be sub-marginal for agricultural use regeneration of scrub and weed species has occurred. These latter areas accounted for 10% of the catchment’s vegetation cover in 1985.

The boggy pakihi soils of the District are largely treeless, supporting only stunted manuka, sedges, water fern and bracken but often fringed by rimu and beech forests. The pakihi forests offer ideal growing conditions for sphagnum moss, which is harvested on a sustainable basis by picking areas and allowing regeneration over approximately a five-year period. Such soils are also available for exotic forestry.

Wetlands are a valuable recreational resource and have an important water retention and purification function. In the past some of these have been modified by drainage and development and this may have had the effect of increasing flood intensities and reducing biological diversity.

The principal activities associated with the forest resources are the felling and processing of trees, although harvesting of sphagnum moss is increasing in significance. Forestry activities have been mainly confined to the lowland forests. Approximately 80% of the District's native forests are State owned, managed mainly by the Department of Conservation. The remaining area is largely administered by Timberlands West Coast Ltd. In accordance with Ministry of Forestry policy, Timberlands manage these forests on a long-term sustainable yield basis. Private foresters are also required to carry out operations on a sustainable basis. Native production forests of podocarp and beech are situated in the Kopara/Haupiri area, between Lady Lake and Lake Haupiri, and on the foothills north, south and east of the Grey River.

Exotic forestry now occupies approximately 15,200ha of land within the District, the major plantation blocks being Paparoa, Hochstetter, Mawhera and Omoto/Nemona.

Timber processing industries, whilst generally in the rural environment, have in most cases had towns spring up beside them and have become part of the town environment. Small portable sawmill operations have also established in the District.

The principal activities associated with farmland are sheep and beef farming, dairying, deer, and to a lesser extent pigs and horticulture. Farmland is scattered in relatively small discontinuous strips adjoining the coast or in river valleys. Historically the Barrytown Flats, coastal areas south of Greymouth, Grey Valley and flats around Lake Brunner and Taramakau have been developed extensively for sheep and beef farming, and more recently, dairying has grown in significance.

The main agricultural industries of the Phoenix Meat Plant at Kokiri and the Nelson Creek Abattoir are both established in the rural environment.

In addition to those industries above, the rural area has traditionally supported a diverse range of rural service industries, such as contractors' depots or trucking companies among other things. These are typically situated within or adjoining rural settlements.

Tourism has increased significantly over recent years, much of it based on the resources of the rural area such as the forests, rivers and lakes and heritage items. Tourist attractions in the District include tramping, fishing, boating, sailing, white and blackwater rafting, gold panning, horse trekking, nature and historic site viewing, which are able to utilise the natural resources of the District, such as the coast and back country.

The principal activities associated with mineral resources are coal mining, gold mining, and gravel and limestone. There are also ilmenite mining and petroleum resources that have potential for future development. There are several coalmines presently operating, both State and private, and other projects are being progressed. Much of the gold and bituminous coal resources of the West Coast are contained in the Grey District.

Underground hydromining and open cast mining are the most commonly used methods of extraction, with mines having crushing and screening facilities onsite.

Extraction of gold from alluvial fans and terraces is the principal means of gold recovery in the Grey District.

Although the presence of hard rock gold has been identified in the Grey River catchment, present prospective areas are few.

The size of operations varies, from the large dredging operations to recreational or hobby mining using cradles, sluice boxes and other handheld equipment. The majority of operators mining alluvial deposits use hydraulic diggers and rotary screens that either float in a pond or are skid mounted.

Limestone is quarried in a number of places in the District and used mainly as agricultural lime. Gravel for roading aggregate is extracted from various rivers within the District, predominantly the Grey and export of some gravel from the Greymouth Port commenced at the beginning of 1998.

Within the Rural Environmental Area is also infrastructure which services activities in the local and wider areas. This includes roading and National Grid Infrastructure.

19.2 ISSUES

1. Potential adverse effects of activities in the rural area may include the following:

- the lowering of water quality through the discharge of contaminants.
- a reduction in the natural character of wetlands, the lakes and rivers and their margins by a loss of riparian vegetation, intrusive structures and earthworks in proximity to the waterbody.

- reduction in the landscape value of areas by the renewal of vegetation, major earthworks and increased activity.
- increased traffic and shading of roads.
- increase in erosion and instability of sites.
- disturbance and loss of areas of vegetation and wildlife habitats.
- a general reduction in rural amenities in respect of quietness, privacy, spaciousness and polluted air and water.
- conflict between new activities and established activities which can potentially inhibit the operation of the latter.

While many activities in the rural environment such as farming, mining and forestry enable people to provide for their economic, social and cultural well being, potential adverse effects may be generated.

Given the area of the District, the abundance of resources (many of which are protected or sustainably managed) and a relatively low population, sustainable management can be approached in a manner differing from that in areas of the country where resources are severely depleted or under pressure. In particular, less restrictive measures may be adopted and non-regulatory methods implemented.

19.3 OBJECTIVES

1. The management of resources in the rural environment in a manner that enables people and communities to carry out a variety of activities while ensuring that the resource base is sustainable for future generations and maintaining the life supporting capacity and healthy functioning of ecosystems.
2. The retention of the character of the rural environment in which existing amenities include its openness and spaciousness, natural features and presence of indigenous vegetation.

19.4 POLICIES

1. Activities should not significantly reduce the long-term potential or availability of the natural and physical resource.
2. New activities should not adversely impact on the operation of established activities provided that any effect generated by the established activity does not give rise to a nuisance that would not normally be expected in a rural working environment.
3. A wide range of activities are carried out in a manner that avoids, remedies or mitigates adverse effects, including those referred to in Policies 4 - 5.
4. Patterns of subdivision and development should ensure that the openness of the rural environment is retained. The bulk and location of structures should not effect the character of the rural area or affect the amenities of adjoining properties.
5. Activities should not adversely affect the amenities of the rural area or adjoining properties in terms of such matters as effluent disposal, noise, traffic generation, air emissions, odour, shading and visual impact.

6. Activities and buildings shall not limit or impede the ability for existing public and National Grid Infrastructure to be operated, upgraded, developed and maintained. This includes that sensitive activities shall not be located within the National Grid Buffer Area.

19.4.1 EXPLANATION AND REASONS

The rural area of the Grey District is important to the economic, cultural, social and recreational well being and thus the lifestyle of the community. The resources in the rural area should therefore be managed so as to ensure their life supporting capacity is safeguarded and so they can meet the foreseeable needs of future generations.

The rural area is characterised by an openness and natural features that are of importance to the community. Components include the coastline, water features, vegetation and the absence of built up areas. The maintenance and enhancement of amenity values is in accordance with **Section 7(c)** of the Act.

The rural area contains resources including soil, water, gravel, rock and wildlife habitats that can be limited in extent. It is important that activities do not compromise the potential of resources to meet the reasonably foreseeable needs of future generations including their lifestyle. Provided adverse effects can be avoided, remedied or mitigated a wide range of activities should be permitted.

Public and National Grid Infrastructure is a common feature of rural areas and is necessary in order to service both the immediate and wider areas. The ability to access and maintain infrastructure is necessary as is the importance of ensuring activities are not undertaken which may create safety risks for those parties undertaking an activity or the users of that infrastructure.

19.5 IMPLEMENTATION METHODS

1. Rules in the District Plan.
2. Rules in Regional Council Plans, such as:
   - Regional Air Quality Plan
   - Soil Conservation and Erosion Control Plan
   - Control of the Discharge of Contaminants to Land
3. Consult with the rural communities and other bodies and organisations.
4. Education and guidelines.
5. Reference to other Statutory Documents including the NZ Electrical Code of Practice for Electrical Safe Distances.

19.5.1 REASONS

A number of methods are available. Regulatory controls are provided through the District Plan. In addition, there are a number of effects generated by activities that are dealt with by Regional Council Plans. As indicated in 2.4(vii) the effect of these provisions are not duplicated in this Plan as it would create additional delay and costs, and detract from integrated management. The three Regional Plans identified in 19.5 deal with such matters as:

- control of erosion
- vegetation clearance
- activities in proximity to waterways
- discharge of odour
- discharge of contaminants to land
- erosion
- water quality

These rules are likely to effect activities such as farming, forestry, mining and factory farming. Also relevant are non-regulatory methods such as guidelines and education for such matters as riparian management.

In the imposition of District Plan provisions, other regulatory requirements are also applicable and where appropriate direction to these requirements can be included in the Plan. Examples include National Environmental Standards and Codes of Practice.

19.6 ENVIRONMENTAL RESULTS ANTICIPATED AND MONITORING

Anticipated Environmental Results	Monitoring and Review Data
• Maintenance and enhancement of the natural character and amenity of the rural environment while providing for a diverse range of activities. • Use, development and protection of resources within the District, providing that the scale of each activity and its effects, both short and long-term, are appropriate to its environment and community needs.	• Monitor rural dwelling numbers and the length and condition of roading and bridges to ensure that areas are not developed beyond their capacity to be accessed. • Monitor the area of land under indigenous forest, exotic forest and farming so that changes in the intensity and level of rural practices can be effectively monitored. • Consultation will be used as an effective monitoring tool to ensure that objectives, policies and rules are appropriate for the rural environment.

19.7 RULES - RURAL ENVIRONMENTAL AREA

Note: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is, has been, or is more likely than not to have been undertaken. Refer to the "Grey District Council NES Contaminants in Soil Process Guide" to determine if these regulations are applicable to the activity proposed.

19.7 ITEM	PERMITTED	CONTROLLED
1. Permitted Activities General	Any activity is a permitted activity provided that it does not contravene any other rule in this Environmental Area.	(ii)Not applicable.
2. Minimum Residential Unit Site Area	(i) Residential units are permitted if: (a) The residential unit is contained within a minimum net area of 1 hectare exclusive of access; and (b) The minimum net area referred to in (a) is a physically contiguous parcel of land. (c) Part (b) of this rule does not apply to non-contiguous sites (of 1 hectare or greater net area exclusive of access) legally established prior to 16 August 2006. (d) A residential unit can be established on a title created by the following subdivision applications: PL 1401-06 Beechwater, Kokiri PL 1344-05 Tiller Bay, Rapahoe PL 1417-06 Inchbonnie Road, Mitchells PL 1447-06 Brunner Road, Lake Poerua Note: In non-sewered areas a discharge consent from the West Coast Regional Council may be required which could effect the minimum site area.	(ii) Not applicable.

DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION
(iii)Not applicable.	(i) Not applicable.	Any activity is allowed in the Rural Environment provided the rules are not contravened.
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) The area of the residential unit (ii) The number of residential units in the vicinity (iii) How the residential units relate to one another. (iv) The disposal of effluent. (v) Whether the site size will adequately provide for the outdoor needs of the activities on the site, and retain a dominance of open space over buildings. (vi) The intended use of the residential unit In respect of 19.7.2)i)(b) (vii) The number and scale of dwellings on non-contiguous parcels of land. (viii) The effects, both positive and adverse, of residential units located on non-contiguous parcels of land, particularly if the residential units are grouped or clustered, on • The natural character of waterbodies and wetlands including their margins, and the coastal environment • Areas of outstanding natural features and landscapes and significant natural areas • Provision of services, including roading and the disposal of effluent and stormwater • Spaciousness and openness of the rural area, including the potential effect of structures • Natural and coastal hazards • The function of the state highway network, including the appropriateness of the access with respect to but not limited by, location and standard of access. (ix) The reasons for the non-contiguous nature of the site	The scale and intensity of residential units should be such that a level of rural amenity is retained in terms of openness and privacy. Sites that are made up of non-contiguous parcels can result in clustering of residential units. This layout can have an effect on rural openness and spaciousness, detract from the natural character of the coastline and waterbodies and their margins and result in over domestication of the rural area. While there may also be benefits in the clustering of residential units – including more efficient provision of services, avoidance of natural hazards and trade off protection of landscapes – it is considered appropriate that Council maintain discretion over this type of development to control potential adverse effects. A small number of non-contiguous 1 hectare subdivisions were being processed at the time of a change to the plan being introduced. It is reasonable to allow these proposals to proceed as per the provisions in place when they were lodged. Therefore these sites have been given an exemption in regard to Rule 19.7.2

19.7 ITEM	PERMITTED	CONTROLLED

3. Setbacks	(i) Buildings and forestry are permitted if:
	(a) the minimum setback from internal boundaries is:
	• 5m for principal residential buildings
	• 5m for other buildings greater than 5m^2 in gross floor area
	• 3m for other buildings less than 5m^2 in gross floor area.
	• 10m for forestry activities, provided that setbacks are not required where land on either side of the boundary is owned by the same person; and
	(b) the minimum setback from the road boundary is:
	• 10m for buildings except that this shall not apply to buildings less than 5m^2 in gross floor area
	• 20m for forestry activities
	(c) The following setbacks are complied with:
	• No building is erected within 100 metres of MHWS.
	• No building for residential or commercial purposes is erected within 150 metres of the boundary of any oxidation pond and no oxidation ponds are located within 150 metres of a residential or commercial building.
	• No building is erected within 20m of a margin of a lake or within 25m of a wetland greater than 2 ha.
	• No building is erected within 10m of a bank of a river or stream which is more than 3m in width.
	• Forestry is not to be undertaken within:
	  • 25m of a wetland greater than 0.5 hectares
	  • 20m of a lake
	  • 10m of rivers and streams with an average bed width greater than 3m adjacent to the activity
	provided that this does not apply to the retrieval or removal of unavoidable logging debris, including logs, and aerial cable suspension logging.
	For the purposes of setbacks from the margin of a lake or wetland and the bank of a river or stream, a building does not include a jetty bridge, culvert or stream crossing.
	Rule 19.7.3 does not apply to those aspects of forestry where there is a common function as defined by the provisions of sections 30 and 31 of the Resource Management Act 1991 between the West Coast Regional Council (WCRC) and the Grey District Council (GDC) and the WCRC has granted a resource consent (not including a certificate of compliance issued under Section 139 of the RM Act) and that resource consent application raises the same issues for consideration by both authorities in relation to that aspect of the forestry activity.
	If any aspects of forestry within the areas described in Rule 19.7.3(i)(c) fifth bullet point are not subject to a resource consent from the WCRC or issues arise for determination beyond the proper exercise of the WCRC decision-making process and a resource consent is otherwise required from the GDC, the activity will require a resource consent from the GDC, unless the activity is otherwise permitted under these rules.
		(ii) Not applicable.

DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) The effect on adjoining properties in terms of sunlight, noise and privacy. (ii) The effect on road safety (iii) The extent to which the intrusion towards the road is necessary in order to allow more efficient, practical and/or pleasant use of the remainder of the site. (iv) The extent to which alternative practical locations are available for the building. (v) The extent to which the proposed building will detract from the pleasantness, coherence, openness and attractiveness of the site as viewed from the street and adjoining sites. (vi) The degree to which existing or proposed landscaping, including plantings, mitigate the effects of limited building setback from a road. (vii) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site. (viii) The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings. (ix) The effect on the natural character of the coastline and if any natural hazard (such as erosion, sea level etc) will create an impact. (x) The actual potential adverse effects of the oxidation pond. (xi) The effects on natural character, life supporting capacity, ecological and amenity values, natural hazards and public access associated with lakes, rivers, wetlands and their margins.	Setbacks from internal boundaries enable a reasonable separation distance to be retained in order all the streetscapes effects on neighbours properties are minimised. Control of buildings in the coastal area allows Council to assess the effects on the natural character of the coastline and also the threat to development of natural hazards. Restrictions on building in proximity to oxidation ponds (as shown on Planning Maps 25, 34, 36 & 38) enable these facilities to operate without unduly effecting adjoining landowners and vice versa. Forestry should be setback from boundaries in order that trees do not create shading, a fire risk or adversely affect amenities. Buildings and forestry are required to be set back from waterways for amenity, natural character and natural hazards reasons. To avoid duplication of process, resource consent for forestry setbacks from the GDC is not required where the WCRC has granted a resource consent for an application which addresses an issue that is common to the functions of both councils and properly arises for determination within the WCRC decision making process.

19.7 ITEM	PERMITTED	CONTROLLED
3A National Grid Infrastructure	(i)(a) Within the National Grid Buffer Area a building, or the change of use of a building, shall comply with the following standards: (i) From National Grid Poles (a) Buildings (excluding fences up to 2.5m in height) shall be setback a minimum of 12 metres (b) Fences up to 2.5m in height shall be: • Setback a minimum of 1.5m from the outer edge of a pole or stay wire; and • Fences setback between 1.5m and 5.0m from a pole or stay wire shall be of a non-conductive design and readily removable for the purposes of operator access to National Grid Infrastructure. (ii) From National Grid Power Lines (as measured from the centre line): (a) Pi Poles – Buildings shall be setback a minimum of 12 metres from the centreline of transmission lines suspended from Pi Poles (b) Single Poles – Buildings shall be setback a minimum of 10 metres from the centreline of transmission lines suspended from single poles (c) Except that the following activities are exempt from the above National Grid Power Line setback standards: • A fence of up to 2.5 metres in height; • The physical alteration of an existing building where the degree of non-compliance does not increase; • Uninhabitable horticultural or farm buildings (this does not include a commercial greenhouse, a milking and/or dairy shed, a wintering barn or a factory farm building). (b) From a National Grid Substation, buildings shall be setback a minimum of 12 metres. The setback requirement is to be measured from the edge of the substation designation or where the substation is not designated, the secured fence of the substation. (c) Earthworks within the National Grid Buffer Area must: (i) Be no deeper than 300mm within 5m of a pole or stay wire; (ii) Not result in a reduction in a ground to conductor clearance distance less than 6.5m; (iii) Not compromise National Grid support structure stability; and (iv) Not limit or impede vehicular access to a pole or stay wire. Except that the requirement in (c)(i) above shall not apply to: • Earthworks given dispensation by the National Grid Operator under Clause 2.2.1 of NZECP34:2001; • The agricultural or domestic cultivation of land; • Agricultural land drainage no closer than 2.2 metres from a pole or stay wire (provided it is no deeper than 750mm when between 2.2m and 5m of a National Grid pole or stay wire); • The repair, sealing or resealing of a road, footpath, driveway or farm track; or • Vertical holes not exceeding 500mm in diameter and located a minimum of 1.5m from the outer edge of a pole or stay wire. Note: If you propose to undertake any new activity, alter an existing activity or construct a structure including fences and irrigation units within 20m of a National Grid Infrastructure it is recommended that the National Grid operator is consulted with.	(ii) Not applicable

DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION
(iii) Any activity that contravenes a permitted condition is a discretionary activity unless otherwise specified as a non-complying activity.	(i) Setback from National Grid Substations: • The effects on the ability to operate, maintain and upgrade National Grid Substations • The risk of electrical hazards affecting public or individual safety, and risk of property damage • Reverse sensitivity effects on National Grid substations • Technical advice by the National Grid operator. (ii) Earthworks within the National Grid Buffer Area: • The risk to the stability of the National Grid Infrastructure • The effects on the ability to operate, maintain and upgrade the National Grid Infrastructure • The risk of electrical hazards affecting public or individual safety, and risk of property damage • Technical advice by the National Grid operator • Any impact on the ability of the National Grid operator to access the National Grid. (iii) Setback from Poles: • The risk to the stability and structural integrity of the National Grid Infrastructure • The effects on the ability to operate, maintain and upgrade National Grid Infrastructure • The risk of electrical hazards affecting public or individual safety, and risk of property damage • Technical advice by the National Grid Operator (iv) Setback from Lines • The effects on the ability to operate, maintain and upgrade National Grid Infrastructure • The risk of electrical hazards affecting public or individual safety, and risk of property damage • Technical advice by the National Grid Operator	Setback distances from National Grid Infrastructure are based on a horizontal distance measurement. In considering appropriate setback requirements regard shall be had to the National Policy Statement on Electricity Transmission and Policy 19.4.6 of this Plan. In addition to National Grid setback standards, persons are also required to comply with other legislative requirements including the New Zealand Electrical Code of Practice for Electrical safe Distances and the Electricity (Hazards from Trees) Regulations 2003. Compliance with the District Plan does not ensure compliance with these other legislative requirements.

NON-COMPLYING	EXPLANATION
(iv) From 10 July 2018, any activity that contravenes one of the following permitted conditions is a non-complying activity: 19.7.3A(i)(a) 19.7.3A(c)(ii)-(iv)	Setback distances from National Grid Infrastructure are based on a horizontal distance measurement. In considering appropriate setback requirements regard shall be had to the National Policy Statement on Electricity Transmission and Policy 19.4.6 of this Plan. In addition to National Grid setback standards, persons are also required to comply with other legislative requirements including the New Zealand Electrical Code of Practice for Electrical safe Distances and the Electricity (Hazards from Trees) Regulations 2003. Compliance with the District Plan does not ensure compliance with these other legislative requirements.

19.7 ITEM	PERMITTED	CONTROLLED
4. Building design and Appearance	(i) Relocated buildings onto sites are permitted if: (a) they are constructed within the last ten years and (b) they are constructed of new materials and (c) they are established on foundations complying with the building code at the time of relocation.	(ii) Relocated buildings not meeting the conditions of permitted activity are a controlled activity in which Council reserves control over the design and appearance of the buildings.
5. Indigenous Vegetation Clearance	(i) Indigenous vegetation clearance is permitted if the SNA process has not been undertaken for a site or Step 3 below is not completed for that site provided the area subject to vegetation clearance: (a) Is less than 2000 m^2 per 5 years per site or (b) Is more than 2000 m^2 per 5 years per site provided: • The indigenous vegetation to be cleared is not contiguous with any land managed for conservation purposes, or • The area of indigenous vegetation is less than 5 hectares in area • The area is not a wetland, or (ii) Indigenous vegetation clearance is permitted if it is for the following: (a) clearance of indigenous vegetation understorey beneath exotic forest areas (b) clearance of vegetation for farm tracks and of regrowth vegetation to maintain existing tracks and stock crossings (c) the incidental clearance of vegetation to control gorse, broom, or other exotic plant pests (d) the management of vegetation necessary for the safe and efficient operation of any formed road and the ongoing operation, maintenance and upgrading of existing lines for conveying electricity, or (iii) Indigenous vegetation clearance on any site is permitted if it is outside an SNA included in Schedule 1 after the SNA process is completed for that site, or an SNA has not been included in Schedule 1 after the completion of the Plan Change process, or (iv) Indigenous vegetation clearance is a permitted activity if it is exempt under Rule 19.7.5(xi) (v)Indigenous vegetation clearance is permitted if it is not undertaken within: (a) 25m of a wetland greater than 0.5 hectare (b) 20m from a lake (c) 10m of rivers and streams with an average bed width greater than 3m adjacent to the activity. Rule 19.7.5(v) does not apply to the following which are permitted activities: • The incidental clearance of vegetation to control gorse, broom, or other exotic plant pests. • Fencing. • In respect of rivers and streams, construction of access points to water on the basis of either one per site or one every 400m of linear measure for stock and vehicles and structures such as whitebait stands. • The management necessary for the ongoing operation, maintenance and upgrading of existing lines for electricity. • Indigenous vegetation clearance or an activity that will have the effect of clearing vegetation where there is a common function as defined by the provisions of **Sections 30 and 31** of the Resource Management Act 1991 between the West Coast Regional Council (WCRC) and the Grey District Council (GDC) and the WCRC has granted a resource consent (not including a certificate of compliance issued under **Section 139** of the RM Act) and that resource consent application raises the same issues for consideration by both authorities in relation to the indigenous vegetation clearance. If any aspects of indigenous vegetation clearance within the areas described in Rule 19.7.5(v)(a), (b) or (c) are not subject to a resource consent from the WCRC or issues arise for determination beyond the proper exercise of the WCRC decision-making process and a resource consent is otherwise required from the GDC, the activity will require a resource consent from the GDC, unless the activity is otherwise permitted under these rules.	(vi) Not applicable.

DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION
(iii) Not applicable.	(i) The proposed location of the building on the site and its visibility from off the site. (ii) Any other matters relating to visual character of the building, proposed alterations to the building, its proposed surroundings, such as topography, proximity to public areas and proposed plantings.	This will ensure that older relocatable buildings are brought up to a suitable standard. Relocatable buildings are often sub-standard in appearance.
NB: Refer to SNA steps below. Indigenous vegetation clearance is a discretionary activity as defined in Rules 19.7.5(vii)-(x) unless exempt by Rule 19.7.(xi) below. (vii) Indigenous vegetation clearance where an SNA study has not been undertaken or Step 3 is not completed and conditions (a) and (b) of Rule 19.7.5(i) are not met. (viii) Indigenous vegetation clearance within or on any part of a site where an SNA is identified at Step 3. (ix) Indigenous vegetation clearance within or on any part of a site where an SNA is identified at Step 5. (x) Indigenous vegetation clearance within an SNA identified in Schedule 1 after the SNA process is completed (Steps 1-9). (xi)(a) Indigenous vegetation clearance is exempt from Rule 19.7.5(viii) if the SNA process up to and including Step 3 below, has been undertaken for a site, and a DOC ecologist has certified in writing that there is no SNA on that site or (b) Indigenous vegetation clearance is exempt from Rule 19.7.5(ix) if the SNA process up to and including Step 5 below, has been undertaken for a site, and a DOC ecologist has certified in writing that there is no SNA on that site. The steps relative to the determination of SNAs defined in Rules 19.7.5(vii-xi) are as follows: 1. Council ecologist undertakes SNA desktop study and consults with DOC ecologist. When carrying out the SNA assessment/ certification process the criteria defined in Policy 5.4.2 shall be applied by the Council ecologist and the DOC ecologist. 2. The SNA sites are refined from the roadside and public viewpoints. 3. The SNA sites are peer reviewed by a DOC ecologist who will provide written confirmation of SNAs on sites and written certification of all sites that do not contain SNAs. 4. Landowners are contacted for a site visit by Council ecologist. 5. The extent of SNAs are confirmed with the landowner on site. Where an SNA is not confirmed, a landowner has the right to request a DOC ecologist to provide written certification that there is no SNA on site. 6. Council ecologist report is prepared and sent to landowner for comment. 7. Council signs off SNAs. 8. SNAs are entered into the SNA Schedule by way of Plan Change process. 9. SNAs are confirmed in Schedule when Plan Change process complete. In terms of Rule 19.7.5(v): (xii)Any activity that contravenes a permitted activity is a discretionary activity.	(i) Not Applicable	Council is currently undertaking a project to identify Significant Natural Areas (SNAs) on all land not administered by DOC within the District. The steps undertaken to identify SNAs are outlined in Rule 19.7.5. The criteria used to identify the SNAs are set out in Policy 5.4.2. Until the SNA process is completed to Step 3, a resource consent is required to clear any indigenous vegetation except for areas identified in Rule 19.7.5(i)(a) and (b) and (ii). If after Step 3 an SNA has not been identified on a site, and a DOC ecologist has provided written certification there is no SNA on that site, resource consent is not required to clear indigenous vegetation. However, if an SNA is identified then resource consent is required for indigenous vegetation clearance on site, including within the SNA. Vegetation clearance on a site is also permitted if further investigation at Step 5 establishes that there is not an SNA on the site. Once an SNA is confirmed by way of Plan Change process (Step 9), vegetation clearance on that site will require resource consent only if it is within the confirmed SNA, but not if it is outside the area. Rule 19.7.5(v) must also be complied with. Indigenous vegetation clearance is discretionary in the margins of waterbodies and wetlands to help protect riparian values. To avoid duplication of process, resource consent for indigenous vegetation clearance in riparian areas from the GDC is not required where the WCRC has granted a resource consent to an application which addresses an issue that is common to both Councils and properly arises for determination with the WCRC decision making process.

19.7 ITEM	PERMITTED	CONTROLLED
6. Landscape Areas	(i) Activities are permitted in areas identified on the planning maps as "Area of Outstanding Landscape" if: (a) they are buildings which do not exceed 2m in height or 5m^2 in area, and (b) Any indigenous vegetation that is removed does not exceed 100m^2 in area in any one hectare, and (c) The activity is not forestry.	(i)Not applicable.
7. Building Coverage	(i) Buildings are permitted if: (a) The site coverage does not exceed 10% of the site area or 1500m^2 whichever is the greater.	(ii) Not applicable.
8. Maximum Height of Buildings and Structures	(i) Buildings and structures are permitted if: (a) The maximum height of any building is 10m and (b) All buildings and structures comply with the Aerodrome Flight Path Protection Area rules contained in Appendix 9	(ii) Not applicable.
9. Lighting	(i) No activity shall result in a greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property or the closest window on the adjoining property whichever is the closest.	(ii) Not applicable.
10. Utilities	(i) Refer Appendix 1	(ii) Refer Appendix 1
11. Signs	(i) Refer Appendix 2	(ii) Refer Appendix 2
12. Hazardous Substances	(i) Refer Appendix 3	(ii) Refer Appendix 3
13. Parking, Loading & Access	(i) Refer Appendix 4	(ii) Refer Appendix 4

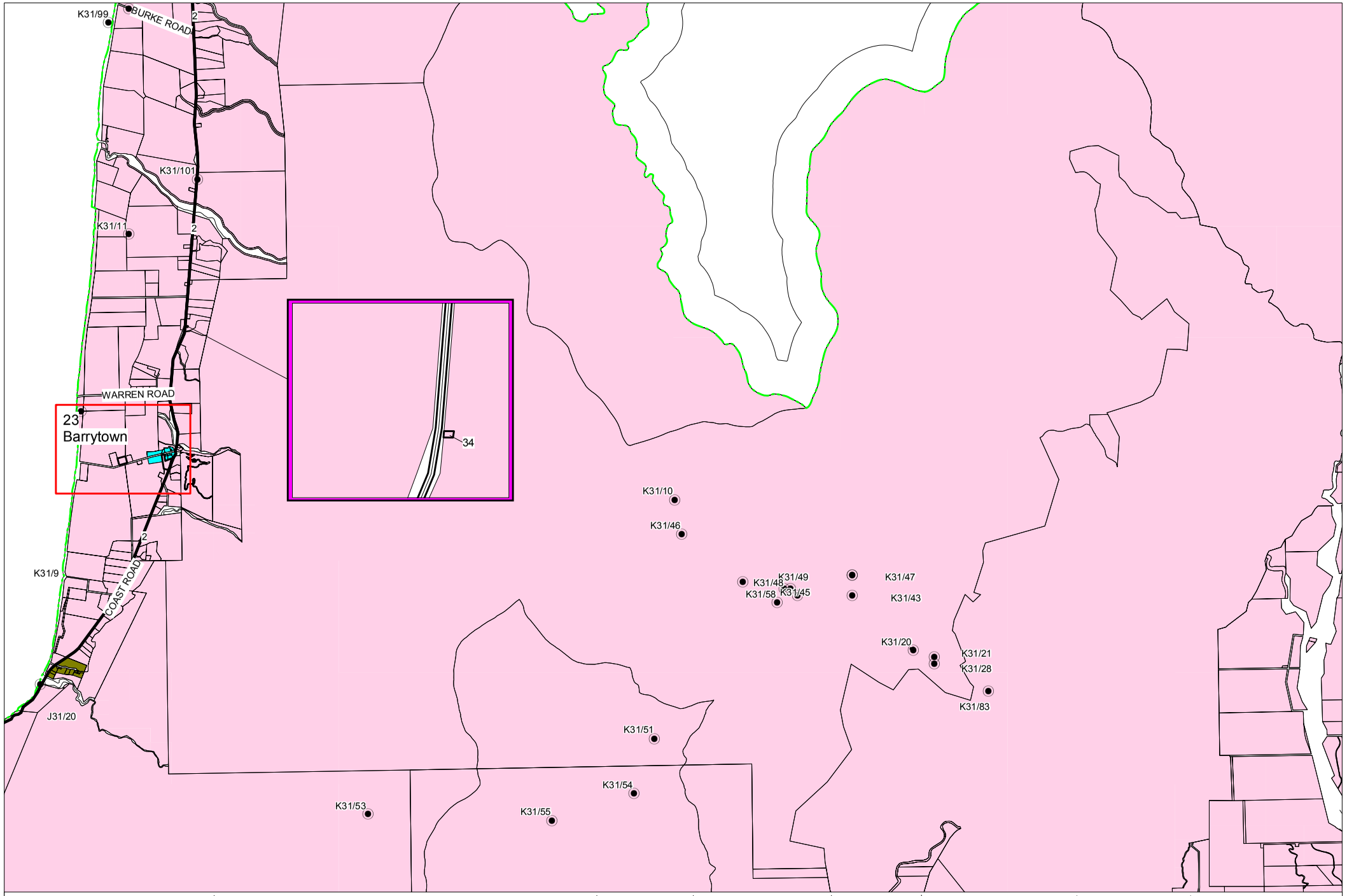
DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) Effects on view. (ii) Visibility of activities (iii) Effect on indigenous flora and fauna (iv) Mitigation measures proposed.	Certain areas in the district have been identified as "Outstanding Landscape Area" which are sensitive to change. Accordingly, resource consent is required to assess these changes.
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) The extent to which the character of the site will remain dominated by open space and garden plantings, rather than buildings. (ii) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.	Site coverage is controlled to ensure that open space and other servicing requirements and neighbourhood amenities are met. It also assists in maintaining an area that is adequate for on-site disposal.
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) The effect on adjoining properties in terms of sunlight, outlook and privacy. (ii) The effect of the increased height in terms of visual dominance by buildings of the outlook from other sites, roads and public open space in the surrounding area, which is out of character with the local environment. (iii) The extent to which there is a need for the increased height or intrusion through the recession lines, in order to undertake the proposed activities on the site and alternatives which may have less effect on the environment. (iv) The extent to which the proposed buildings will be compatible with the character of the local environment, including the scale of other buildings in the surrounding area. (v) The ability to mitigate any adverse effects of increased height or exceedence of the recession planes, such as through increased separation distances between the building and adjoining sites or the provision of screening.	Height controls allow a two-story building. Beyond this limit control is required to protect neighbours amenities of adjoining properties. The recession plane protects sunlight and privacy of adjoining properties. Buildings and structures are also required to comply with flight protection path for the Greymouth aerodrome to protects its operation
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) The extent, frequency and intensity of light spill and glare.	Lighting and glare can detrimentally impact on a person's enjoyment of their property.
(iii) Refer Appendix 1	Refer Appendix 1	Refer Appendix 1
(iii) Refer Appendix 2	Refer Appendix 2	Refer Appendix 2
(iii) Refer Appendix 3	Refer Appendix 3	Refer Appendix 3
(iii) Refer Appendix 4	Refer Appendix 4	Refer Appendix 4

19.7 ITEM	PERMITTED	CONTROLLED
14. Subdivision	(i)Refer Appendix 5	(ii) Refer Appendix 5
15. Heritage Items & Historic Trees	(i)Refer Appendix 6	(ii) Refer Appendix 6
16. Non-Rural Activity	(i) Non rural activities are permitted if: (a) The maximum floor area for any non-rural activity is a maximum of 100m^2 provided that this shall not apply to fire stations. (b) The maximum number of permitted vehicle trips generated by an activity on a site is: Heavy Vehicles 20 per day Other Vehicles 100 per day (c) Any activity shall be conducted such that the following noise limits are not exceeded at any point within the notional Boundary of any dwelling in the Rural or Rural Residential Environmental Area and at the boundary of a site in the Residential and Township environment areas, other than the site from which the noise is created. (i)Rural Environmental to Rural Environmental and Township Environmental **Monday to Saturday** 0700 hrs to 2200 hrs 55dBA L10 2200 hrs to 0700 hrs 45dBA L10 **Sunday** 45dBA L10 • 75 dBA Lmax all days between 2200 hrs and 0700 hrs and (ii) Rural Environmental to Residential Environmental and Rural-Residential Environment **Monday – Friday** 2200 hrs to 0700 hrs 45dBA L10 0700 hrs to 2200 hrs 55dBA L10 **Saturday** 1700 hrs to 0800 hrs 45dBA L10 0800 hrs to 1700 hrs 55dBA L10 **Sundays** 45dBA L10 • 75dBA Lmax all days between 2200 hrs and 0700 hrs Except where expressly provided elsewhere in this rule, sound shall be measured in accordance with the provisions of NZS 6801:1999 Acoustics Measurement of Environmental Sound and assessed in accordance with the provision of NZS 6802:1991 Assessment of Environmental Sound.	(ii) Not applicable.

DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION
(iii) Refer Appendix 5	Refer Appendix 5	Refer Appendix 5
(iii) Refer Appendix 6	Refer Appendix 6	Refer Appendix 6
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(i) The effects on adjoining sites in terms of visual impact and noise. (ii) The volume and type of traffic which may be generated to the site and the ability of the site to accommodate parking, loading, manoeuvring and access requirements. (iii) The effect on adjoining properties. (iv) The type of activities and the reason for it operating outside the specified hours. (v) The level and character of the noise, particularly at night. (vi) The proximity and type of adjoining uses such as dwellings. (vii)The reason for the additional generation. (viii)the ability to avoid, remedy or mitigate any adverse effects arising as a result of the extra generation. (ix) The proximity and type of adjoining uses. (x) The soundscape of the area.	Non-rural activities have the potential to detract from the amenities of the Rural Environment. Hours of operation of non-rural activities are restricted to ensure the quiet nature of settlement areas during night time hours is maintained and not disrupted by activities which operate for extended hours. Inappropriate levels of vehicle generation are not consistent with rural amenity and can detract from the level of existing amenity. The noise provision provides protection from unreasonable noise levels, particularly from non-rural activities. Fire stations are exempted from the rules relating to floor area, given the important service they provide to the community.

19.7 ITEM	PERMITTED	CONTROLLED
	Nothing in the foregoing shall apply to: (i) Activities such as rural activity vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications and used on an intermittent basis (e.g. spraying, harvesting, etc). All such equipment shall be operated and maintained in Resource Management Act 1991. (ii) Any warning device used by emergency services. (iii) People noise at recreational activities, such as sporting events or the noise from children at school. This does not include any amplified noise. (iv) Temporary military training activities provided that they shall be conducted so that the following noise limits are not exceeded when assessed at any point within the notional boundary of any dwelling. Timelimits(dBA) (Any Day) L10 L95 Lmax 0630-0730 60 45 70 0730-1800 75 60 90 1800-2000 70 55 85 2000-06 30 55 Impulse noise resulting from the use of ammunition, explosives or explosive simulators shall not exceed 122 dBC (peak). (v) Any activity on the same site as a noise source being assessed. **Construction Noise** Construction noise within the District shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics-Construction Noise. **Noise associated with helicopter landing areas** Noise associated with helicopter landing areas shall not exceed the limits in Table 1 of, and shall be measured and assessed in accordance with the provision of NZS 6807:1994 Noise management and land use planning for helicopter landing areas. **Blasting** Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any dwelling, resthome, hospital or school. Airblast over pressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any dwelling, resthome, hospital or school. Or (d) They are temporary activities.	

DISCRETIONARY	ASSESSMENT CRITERIA	EXPLANATION



ENVIRONMENTAL AREAS

Commercial	Residential
Industrial	Township
Rural	Rural Res.

District Boundary

12 Designation

Area of Outstanding Landscape

K31/12 Archaeological Site

104 Historic Tree

5006 Heritage Item

All Legal Roads deemed to be designated. State Highway and Rail designations for identification purposes. Dimensions not accurate. Roads, rivers etc are deemed to be the same environmental area as that adjacent.

Location Diagram

5
2 6 12
7

Original Scale

Scale 1 : 50,000 at A3

0 0.5 1.0 1.5 km

N

GREY DISTRICT COUNCIL

GREY DISTRICT Map No. 6

Date: 18 March 2005

Section K
Proposed Te Tai o Poutini Plan
Index

MIN Mineral Extraction - Te Tango Kohuke

This Chapter sets out the overarching direction for matters relating to mineral extraction across the West Coast/Te Tai o Poutini.

Mineral Extraction Strategic Objectives	
MIN - O1	To ensure provision for the use and development of the West Coast/Te Tai o Poutini's mineral resources while also avoiding duplication of regulation across agencies.
MIN - O2	To enable mineral extraction and ancillary activities which support it, including specifically within the Buller Coalfield Zone, Mineral Extraction Zone, Rural Zones and Open Space Zone.
MIN - O3	To recognise that mineral resources are widespread and fixed in location throughout the West Coast/Te Tai o Poutini and that provided adverse effects are managed, mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts.
MIN - O4	To ensure that new subdivision, use and development does not compromise existing mineral extraction activities, including through reverse sensitivity to effects such as dust, noise and traffic generation.
MIN - O5	To support Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.
MIN - O6	To: a. Avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's significant natural and cultural features, sites andheritage, and amenity values, including: i. Poutini Ngāi Tahu cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three; ii. Areas of significant indigenous vegetation, significant indigenous fauna habitat and protected native fauna; iii. Outstanding natural landscapes and features; iv. Waterways and waterbodies; and v. The coastal environment; vi. The wellbeing of people and communities; and b. Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation.

For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.

NENV Natural Environment - Te Taiao

This Chapter sets out the overarching direction for matters relating to the natural environment across the West Coast/Tai o Poutini.

Natural Environment Strategic Objectives	
NENV- O1	To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast's character and identify and Poutini Ngāi Tahu's cultural and spiritual values.
NENV- O2	To ensure that the rights, interests and values of Poutini Ngai Tahu to natural environment areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.
NENV - O3	To recognise: a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting significant areas, habitats and features; b. The need for infrastructure to sometimes be located in significant areas; and c. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in achieving the requirements of the RMA.
NENV - O4	To clearly identify: a. Unique and important natural environment areas and features on the West Coast/Te Tai o Poutini which must be protected; and b. Areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.

For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.

POU Poutini Ngāi Tahu

This Chapter sets out the overarching direction for matters relating to Poutini Ngāi Tahu across the West Coast/Te Tai o Poutini.

Poutini Ngāi Tahu Strategic Objectives	
POU - O1	To enable the occupation, development and use of Poutini Ngāi Tahu land in accordance with tikanga and for the benefit of Poutini Ngāi Tahu.
POU - O2	To include Te Tai Poutini wide provisions to support Poutini Ngāī Tahu exercise of cultural rights and interests including: a. Establishment of papakāinga; b. Access to mahinga kai and cultural materials; c. Management of Pounamu and Aotea stone; and d. Management of taonga and wāhi tapu.
POU - O3	To support Poutini Ngāi Tahu to identify cultural landscapes and sites and areas of significance and provide for their management in ways that preserve the cultural relationships Poutini Ngāi Tahu have with these landscapes, sites and areas.
POU - O4	To support Poutini Ngāi Tahu in their exercise of kaitiakitanga and recognise their special relationship with te taiao, Poutini Ngāi Tahu taonga and wāhi tapu through resource management process and decisions.

For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.

Poutini Ngāi Tahu Strategic Policies	
POU - P1	Support the use of Joint Management Agreements and s33 Transfer of Powers for resource management functions on Poutini Ngāi Tahu Land.
POU - P2	Enable rangatiratanga and kaitiakitanga in accordance with tikanga on Poutini Ngāi Tahu land through the development and use of Iwi/Papatipu Rūnanga Management Plans.
POU - P3	Support the identification of Poutini Ngāi Tahu Cultural Landscapes and provide for their protection through the use of overlays and Plan provisions.
POU - P4	Provide for papakāinga, marae and Māori cultural activities to be

	established throughout the West Coast/Te Tai o Poutini settlements and on Poutini Ngāi Tahu land.
POU - P5	Poutini Ngāi Tahu should be able to freely access mahinga kai sites and cultural materials in accordance with tikanga and to support community wellbeing.
POU - P6	Support the implementation of the Pounamu Vesting Act and the management of Aotea Stone and Pounamu by Poutini Ngāi Tahu through the use of overlays and Plan provisions.
POU - P7	Provide for active participation by Poutini Ngāi Tahu in the sustainable management of West Coast/Te Tai o Poutini resources.
POU - P8	Recognise the role of Poutini Ngāi Tahu as kaitiaki and provide for them to exercise kaitiakitanga through the resource management process.
POU - P9	Recognise Poutini Ngāi Tahu as specialists in tikanga and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.
POU - P10	Protect Poutini Ngāi Tahu taonga and cultural sites, including sites and areas of significance to Māori identified in Schedule Three while ensuring Poutini Ngāi Tahu's key role in decision making around their management.

For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic policies.

TRN Transport - Te Tūnuku

Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roading Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 - District Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District - wide Matters chapters also contain provisions that may be relevant for transport activities, including:

- **Noise** - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.

- **Signs** - The Signs Chapter contains the provisions for signs, including those within the transport corridors.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.
- **Subdivision** - The Subdivisions chapter sets out the requirements for the development of new transport connections.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local roading network.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

Transport Objectives	
TRN - O1	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
TRN - O2	To manage the effects of land transport infrastructure on the character, landscape and amenity of the towns, settlements and rural areas and minimise adverse effects on the environment.
TRN - O3	To enable accessibility, safety and connectivity of land transport infrastructure and consider the amenity of all transport users, including pedestrians and cyclists.
TRN - O4	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
TRN - O5	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

Also view the Strategic Objectives and Policies

Transport Policies	
TRN - P1	The road and rail networks shall; a. Be maintained or enhanced to provide safe and efficient transportation; b. Consider the needs of all transport users and modes of transport; and c. Minimise effects on adjoining properties including the impacts of vibration, noise and glare.

TRN - P2	Vehicle crossings and associated access will; a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage vehicle access to and from sites adjacent to intersections, and where State Highways meet.
TRN - P3	Maximise user safety at road and rail level crossings by considering the location of buildings and other visual obstructions within sightlines.
TRN - P4	Ensure any new road and pedestrian rail level crossings carefully consider the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.
TRN - P5	Control vehicle access to sites adjacent to all road/rail level crossings to improve safety for road users on the approach to level crossings.
TRN - P6	Enable provision of electric vehicle and bicycle charging stations.
TRN - P7	Support increased cycling and walking by: a. Requiring larger developments to provide bicycle parking and b. Providing for off-road pedestrian and bicycle facilitates to complement facilities located within the road network.
TRN - P8	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the following: a. The safe, efficient and effective operation of the transport network; b. The functional and operational requirements of activities; c. The recognition of different activities having different trip characteristics; d. The use of sustainable transport options including cycling and walking; e. Provision of safe access and egress for vehicles, pedestrians and cyclists; f. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; g. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; h. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.
TRN - P9	Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise: a. The safe, effective and efficient operation of roads including State Highways; or b. Pedestrian access and amenity; or c. Safe and functional access.

Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Advice Notes:

1. Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.
2. Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council.
3. Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.
4. Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.
5. Any crossing that intersects with the Rail Network requires approval from Kiwirail.
6. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

Permitted Activities

TRN - R1	Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces
Activity Status Permitted Where: 1. Vehicle crossings and access way standards - TRN Tables 1 - 3, Standards TRN S1 - S3, and TRN Figure 1 are complied with; 2. Parking, loading, queuing and standing standards - TRN Tables 4 - 5, Standards TRN S4 - S6 and TRN Figures 2 and 3 are complied with; 3. Manoeuvring standards TRN S7 - S11 are complied with; 4. Where an impermeable carparking area greater than 1000m^2 in area is provided, stormwater treatment is provided; and 5. Formation standards TRN S12 and TRN S13 are complied	**Activity status where compliance not achieved**: Restricted Discretionary

with. **Advice Note:** The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.	
TRN - R2	**Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation.**
Activity Status Permitted Where: 1. All performance standards in Rule TRN - R1 are complied with; and 2. The works are undertaken: a. By, or on behalf of, a road controlling authority; or b. In accordance with a subdivision consent; or c. By a requiring authority in accordance with a designation listing in this Plan.	**Activity status where compliance not achieved**: Restricted Discretionary
TRN - R3	**Formation of an unformed legal road**
Activity Status Permitted Where: 1. All performance standards in Rule TRN - R1 are complied with; 2. The works are undertaken: i. By, or on behalf of, a road controlling authority; or ii. In accordance with an approved subdivision consent; or iii. By a requiring authority in accordance with a designation listed in this Plan.	**Activity status where compliance not achieved**: Restricted Discretionary
TRN - R4	**Formation of a new transport corridor**
Activity Status Permitted Where: 1. This is undertaken by a requiring authority in accordance with a designation listed in this Plan.	**Activity status where compliance not achieved**: Discretionary
TRN - R5	**Establishment of shared pathways including cycleways and bridleways on public land**
Activity Status Permitted Where: 1. The activity is below 1000m above sea level.	**Activity status where compliance not achieved**: Restricted Discretionary
TRN - R6	**Establishment of e-bike and e-vehicle charging stations in the transport corridor**
Activity Status Permitted	**Activity status where**

Where: 1. All performance standards in Rule TRN - R1 are complied with; and 2. These are not more than 2m in height and 10m^2 in area. **Advice Note:** If within the legal road reserve, contact the appropriate land transport authority to obtain a license to occupy.	**compliance not achieved**: Restricted Discretionary

Restricted Discretionary Activities	
TRN - R7	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. The impact on other road users including pedestrians; b. Effects on the safety and efficiency of the transport system; c. The ability to safely and effectively park, load, queue; and d. Any requirements for flood hazard mitigation; and e. Stormwater treatment and control.	**Activity status where compliance not achieved:** N/A
TRN - R8	**Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to a designation not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Impacts during construction; b. Any requirements for flood hazard mitigation; c. Stormwater treatment and control.	**Activity status where compliance not achieved:** N/A
TRN - R9	**Formation of unformed legal road not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Effects on the safety and efficiency of the transport system; b. The ability for accessibility park users to safely and effectively park, enter and exit a vehicle; c. The impact on other road users including pedestrians; d. Any requirements for flood hazard mitigation; and e. Stormwater treatment and control.	**Activity status where compliance not achieved:** N/A
TRN - R10	**Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards**

Activity Status Restricted Discretionary **Discretion is restricted to:** a. Visual impacts on landscapes over 1000m above sea level; b. Effects on public access; and c. Effects on the transport network.	**Activity status where compliance not achieved:** N/A
TRN - R11	**Establishing e-bike and e-vehicle charging stations in the transport corridor not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Effects on the transport network; and b. Outcome of consultation with the relevant transport agency.	**Activity status where compliance not achieved:** N/A
TRN - R12	**High Trip generating transport activities**
Activity Status Restricted Discretionary Where: 1. This is the establishment of a new activity or the expansion of an existing activity listed in Table TRN 6 that complies with Standard TRN S14. **Discretion is restricted to:** a. Effects on the transport network; and b. Effects and recommendations to minimise effects from the transport assessment.	**Activity status where compliance not achieved:** Discretionary

Discretionary Activities	
TRN - R13	**Formation of a new Transport Corridor not meeting Permitted Activity standards**
Activity Status Discretionary **Notification:** Applications will always be publicly notified.	**Activity status where compliance not achieved:** N/A
TRN - R14	**High Trip generating activities not meeting Restricted Discretionary Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

NH Natural Hazards - Ngā Mōreareatanga Aotūroa

The West Coast/Te Tai o Poutini region is subject many natural hazards; river flooding, coastal erosion, coastal inundation and land instability; the impact of these natural hazards is likely to be exacerbated by climate change including sea level rise over the lifetime of this Plan. There is also natural hazard risk from earthquakes and tsunami (coastal and lake).

A natural hazard is defined in the RMA as "any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment".

The risks associated with natural hazards vary on the West Coast/Te Tai o Poutini, with its sparse population and low level of development in some areas, compared with discrete areas of larger populations in the towns and settlements. In the larger populated and developed areas the consequences of natural hazards are considerably greater - hence the risk is higher. A risk-based approach to natural hazards has been taken in Te Tai o Poutini Plan and means that the focus of the natural hazard provisions is in the areas where there is greatest risk.

- Coastal Hazard Overlays – “Coastal Severe” where risk from coastal erosion and inundation have been modelled and mapped, “Coastal Alert” where risk from coastal inundation has been modelled and mapped. “Coastal Setback” where modelling has not been undertaken and is a precautionary approach. “Coastal Tsunami’’ is where the most significant risk from coastal tsunami has been mapped and is different from coastal tsunami evacuation areas.
- Hokitika Coastal Overlay – applies to parts of Hokitika where the design and consent process for planned upgrades have not yet occurred, and a significant risk remains.
- Flood Hazard Overlays – “Flood Severe’’ and “Flood Susceptibility’’ where risk from flooding has been modelled, and due to depth and speed of water, mapped as either severe/susceptibility. “Floodplain’’ are areas where modelling has not been undertaken and this is a precautionary approach.
- Westport Hazard Overlay - specific provisions managing flooding and coastal inundation. This applies to the area identified in the West Coast Regional Council Long Term Plan as to be protected. Design and consent work is underway.
- Earthquake Hazard Overlay – These overlays applies 200m either side of the active fault traces for the Alpine, Hope, Clarence and Awatere Faults. A large earthquake on these faults will result in ground shaking outside of these areas. The Earthquake Hazard Overlay should not be considered the total extent of the hazard but are considered to reflect the likely extent of the most significant hazard.
- Land Instability Overlay – This overlay applies to areas where there is risk from slope instability, landslide, debris flow and rockfall.
- Lake Tsunami / Seiche – This applies to the land proximate to lakes at risk from lake tsunami triggered by fault rupture.

The impacts of climate change have been included in the technical work underlying the development of the coastal severe, coastal alert, Hokitika Coastal, Westport Hazard, flood severe and flood susceptibility overlays.

The spatial extent of the overlays is where rules apply. Some properties may have more than one natural hazard overlay, the rules from all overlays apply.

There are no land use rules for the flood plain overlay and this overlay relates to the subdivision rules.

Natural Hazard Mitigation Structures
Where Natural Hazard Mitigation Structures are located or proposed in the Coastal Environment or Riparian Areas of Waterbodies, the rules for these are to be found in the relevant Coastal Environment and Natural Character and Margins of Waterbodies Chapters.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to this chapter, a number of General District-wide Matters chapters also contain provisions that may be relevant for natural hazards and in particular the specific provisions around the construction of natural hazard mitigation structures such as seawalls, flood walls and stop banks.

In particular the Coastal Environment Chapter, Natural Character and Margins of Waterbodies Chapter, Earthworks Chapter, Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes Chapters may be relevant.

Natural Hazards Objectives	
NH - O1	To use a regionally consistent, risk-based approach to natural hazard management.
NH - O2	To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community and environment.
NH - O3	To only locate critical infrastructure within areas of significant natural hazard risk where there is no reasonable alternative, and to design infrastructure so as not to exacerbate natural hazard risk to people and property.
NH - O4	To ensure the role of hazard mitigation played by natural features that minimise impacts of hazards including wetlands and dunes is recognised and protected.
NH - O5	To recognise and provide for the effects of climate change, and its influence on the frequency and severity of natural hazards.
NH - O6	Measures taken to mitigate natural hazards do not create or exacerbate adverse effects on other people, property, infrastructure and the

	environment.

Also the Strategic Objectives and Policies

Policies	
NH - P1	Identify in natural hazard overlays areas at significant risk from natural hazards.
NH - P2	Where a natural hazard has been identified and the natural hazard risk to people and communities is unquantified but evidence suggests that the risk is potentially significant, apply a precautionary approach to allowing development or use of the area.
NH - P3	When managing natural hazards: a. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and b. Avoid increasing risk to people, property and the environment; while c. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting existing communities and critical infrastructure.
NH - P4	Natural hazard assessment, managed retreat locations and resource consent applications will consider the impacts of climate change. In particular the following matters will be considered: a. Change in sea level; b. Altering of coastal processes; c. Increased inundation of low lying areas; d. Changes in local temperatures; e. Changes in rainfall patterns; and f. Increase in cyclonic storms.
NH - P5	When assessing areas suitable for managed retreat, the following matters will be considered: a. That the natural hazard risk of the area is less than the existing location, and b. The potential future need to protect the community and associated infrastructure by hazard mitigation works.
NH - P6	In the Earthquake Hazard Overlay avoid: a. Development of critical response facilities; b. Community facilities, educational facilities and health facilities within 150m of the faultline; c. Commercial and industrial buildings within 100m of the faultline; and d. Residential activities within 50m of the faultline.
NH - P7	Allow unoccupied structures and buildings within the Earthquake Hazard Overlay.

NH - P8	Avoid locating critical response facilities within the Coastal Tsunami Hazard overlay.
NH - P9	Restrict further development of sensitive activities in the Lake Tsunami Hazard overlay.
NH - P10	Avoid development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that: a. The activity has an operational and functional need to locate within the hazard area; and b. That the activity incorporates mitigation of risk to life, property and the environment, and there is significant public or environmental benefit in doing so.
NH - P11	Allow development in the Land Instability Alert, Coastal Alert and Flood Susceptibility overlays where: a. Mitigation measures avoid risk to life and minimise risk to property and the environment; and b. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH - P12	When assessing the effects of activities in natural hazard overlays consider: a. The effects of natural hazards on people, property and the environment; b. Technological and engineering mitigation measures and other non-engineered options; c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.; g. The functional or operational need to locate in these areas; and h. Any significant adverse effects on the environment of any proposed mitigation measures.
NH - P13	Allow subdivision, use and development within the Westport Hazard Overlay where: a. 1% annual exceedance probability flood event is mitigated; and b. 1% annual recurrence interval plus 1m sea level rise coastal event are mitigated; and c. Where mitigation is not achieved, further subdivision, use and development is avoided.
NH - P14	Allow subdivision, use and development within the Hokitika Coastal Hazard Overlay where 1% annual recurrence interval plus 1m sea level

	rise coastal event risks are mitigated; and where mitigation is not achieved, further subdivision, use and development is avoided.

Advice Notes:

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. Regional rules relating to the diversion of water are contained with the West Coast Regional Land and Water Plan. Resource consents may also be required under this Plan.
3. Reconstruction or replacement of a lawfully established building or structure may be subject to existing use rights. In these instances increasing the finished floor level in flood or coastal inundation overlays is strongly encouraged.

Rules - All Natural Hazard Overlays

Permitted Activities

NH- R1	Reconstruction and Replacement of Lawfully Established Buildings in all Natural Hazard Overlays
Activity Status Permitted Where: 1. This is the reconstruction/replacement of a building lawfully established at the time of notification of the Plan; and 2. The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God; 3. The destroyed/damaged building is reconstructed or replaced within 2 years in the Westport Hazard, Coastal Severe and Flood Severe Overlays; 4. The destroyed/damaged building is reconstructed or replaced within 5 years in all other natural hazard overlays; and 5. The reconstructed/replaced building is similar in character, intensity and scale to the building that it replaces.	**Activity status where compliance not achieved**: Refer to specific Natural Hazard Overlay Rules.

NH - R2	Repairs, Maintenance and Operation of any Existing Natural Hazard Mitigation Structure
Activity Status Permitted **Where**: 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity; 3. There is no change to the design, texture, or form of the	**Activity status where compliance not achieved**: Discretionary

structure; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and 5. There is no reduction in public access. **Advice Notes**: 1. Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning maps and in the Schedules 1-8 then resource consent may be required under the relevant Overlay Chapter rules. 2. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.	
NH- R3	**Upgrades to Existing Natural Hazard Mitigation Structures**
Activity Status Permitted Where: 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity; 3. There is no reduction in public access; 4. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that originally consented structure; and 5. It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing. **Advice Notes**: 1. Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning maps and in the schedules then resource consent may be required under the relevant Overlay Chapter rules. 2. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.	**Activity status where compliance not achieved**: Discretionary
NH - R4	**New Natural Hazard Mitigation Structure**
Activity Status Permitted Where: 1. The structure is located outside of any Overlay Chapter area identified in Schedules 1-8; 2. Earthworks and land disturbance is the minimum required to	**Activity status where compliance not achieved**: Refer to relevant Overlay Chapter rules where

undertake the activity; 3. There is no reduction in public access; 4. It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing. **Advice Note:** 1. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan. 2. Natural Hazard Mitigation Structures constructed in the Coastal Environment, or within the Riparian Margins of Waterbodies or within areas identified in Schedules 1 - 8 will be subject to the provisions in the relevant Overlay Chapters. 3. if the Overlay Chapters don't provided for this activity then NH-R4 prevails	standard 1 is not complied with. Discretionary where standard 2-4 is not complied with
Discretionary Activities	
NH - R5	**Repairs, Maintenance, Operation, Upgrade of Existing Natural Hazard Mitigation Structures and New Natural Hazard Mitigation Structures not meeting Permitted Activity Standards**
Activity Status Discretionary **Advice Notes**: 1. Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning maps and in the Schedules 1-8 then resource consent may be required under the relevant Overlay Chapter rules. 2. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.	**Activity status where compliance not achieved:** N/A
Rules - Flood Severe Overlay and Flood Susceptibility Overlay	
Permitted Activities	
NH - R6	**Repairs and Maintenance of Existing Buildings in the Flood Severe and Flood Susceptibility Overlays**
Activity Status Permitted **Where**: 1. Repairs and maintenance do not increase the net floor area of the building used for sensitive activities.	**Activity status where compliance not achieved**:

	For Flood Susceptibility Overlay Discretionary For Flood Severe Overlay Non-complying
NH - R7	**New Unoccupied Buildings in the Flood Severe and Flood Susceptibility Overlays**
Activity Status Permitted	**Activity status where compliance not achieved**: N/A
NH - R8	**Additions and Alterations to Existing Buildings for Critical Response Facilities, and New Buildings and Additions and Alterations to Existing Buildings for Commercial and Industrial Activities in the Flood Severe and Flood Susceptibility Overlays**
Activity Status Permitted Where: 1. There are no increases in net floor area of the building used for sensitive activities; and 2. Any new buildings or additions and alterations have a finished floor level of 300mm above a 1% annual exceedance probability (AEP) flood event.	**Activity status where compliance not achieved**: Restricted Discretionary
NH - R9	**Flood Severe Overlay - Additions and Alterations to Existing Buildings used for Sensitive Activities**
Activity Status Permitted **Where**: 1. There is no increase in net floor area for sensitive activities	**Activity status where compliance not achieved**: Non-complying
NH - R10	**Flood Susceptibility Overlay - New Buildings used for Sensitive Activities and Additions and Alterations to Existing Buildings used for Sensitive Activities**
Activity Status Permitted Where: 1. Any new buildings or additions and alterations have a finished floor level of 500mm above the 1% AEP flood event.	**Activity status where compliance not achieved**: Discretionary
Restricted Discretionary Activities	
NH - R11	**New Critical Response Facilities and Additions and Alterations to Existing Critical Response Facilities not meeting Permitted Activity Standards in the Flood Severe and Flood Susceptibility Overlays**
Activity Status Restricted Discretionary	**Activity status where**

Discretion is restricted to: a. Whether there is a functional or operational need for the facility to be located in a Flood Severe or Flood Susceptibility Overlay area; b. The effects of natural hazards on people and property; c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; d. Any freeboard requirements to be included; e. The management of vegetation or other natural features to mitigate natural hazard risk; f. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; g. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.; h. How the activity incorporates mitigation of risk to life, property and the environment; and i. Any adverse effects on the environment of any proposed natural hazard mitigation measures.	**compliance not achieved:** N/A
NH - R12	**New Commercial and Industrial Buildings and Additions and Alterations to Existing Commercial and Industrial Buildings not meeting Permitted Activity Standards in the Flood Severe and Flood Susceptibility Overlays**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. The effects of natural hazards on people and property; b. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; c. Any freeboard requirements to be included; d. The management of vegetation or other natural features to mitigate natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site; and g. Any adverse effects on the environment of any proposed natural hazard mitigation measures.	**Activity status where compliance not achieved:** N/A
Discretionary Activities	
NH - R13	**Flood Susceptibility Overlay - Additions and Alterations to Existing Buildings used for Sensitive Activities not meeting Permitted Activity standards and New Buildings used for Sensitive Activities not meeting Permitted Activity standards**

Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
Non-complying Activities	
NH - R14	**Flood Severe Overlay - Additions and Alterations to Existing Buildings used for Sensitive Activities not meeting Permitted Activity standards and New Buildings used for Sensitive Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

Rules - Earthquake Hazard Overlays - All

Permitted Activities - All Earthquake Hazard Overlays

Permitted Activities	
NH - R15	**Repairs, Maintenance, Additions and Alterations to Existing and New Unoccupied Buildings in the Earthquake Hazard Overlays - all buffer widths**
Activity Status Permitted Where: 1. These are lawfully established or a Permitted Activity for the zone; and 2. Any unoccupied building does not form part of the buildings for critical response facilities.	**Activity status where compliance not achieved**: Non -complying
Non-complying Activities	
NH - R16	**Additions and Alterations to Existing Buildings and New Buildings Used for Critical Response Facilities in Brownfield areas in the Earthquake Hazard Overlays - all buffer widths**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
Prohibited Activities	
NH - R17	**New Buildings Used for Critical Response Facilities in Greenfield areas in the Earthquake Hazard Overlays - all buffer widths**
No application for resource consent will be accepted for this activity	

Rules - Earthquake Hazard Overlay - 20m	
Permitted Activities	
NH - R18	**Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 20m**
Activity Status Permitted Where: 1. There is no increase in the net floor area of the building used for a Critical Response Facility.	**Activity status where compliance not achieved**: Non-complying
Non-complying Activities	
NH - R19	**Repairs and Maintenance and Additions and Alterations to Existing Occupied Buildings not meeting Permitted Activity Standards and New Occupied Buildings in the Earthquake Hazard Overlay - 20m**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

Rules - Earthquake Hazard Overlay - 50m	
Permitted Activities	
NH - R20	**Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 50m**
Activity Status Permitted Where: 1. There is no increase in the area of the building used for a Critical Response Facility.	**Activity status where compliance not achieved**: **Non-complying** For critical response facilities in brownfield areas under Rule NH -R16 **Prohibited** For critical response facilities in greenfield areas under Rule NH - R17.
Restricted Discretionary Activities	
NH - R21	**Additions and Alterations to Existing Residential Buildings and New Residential Buildings in the Earthquake Hazard Overlay - 50m**

Activity Status Restricted Discretionary **Where:** a. These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner. **Discretion is restricted to:** 1. Implementation of recommendations in accompanying hazard risk assessment; 2. Risk to life, property and the environment from the proposal and any measures to mitigate those risks; 3. The location and design of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and 4. Any adverse effect on the environment of any proposed natural hazard mitigation measures.	**Activity status where compliance not achieved:** Discretionary
Discretionary Activities	
NH - R22	**Additions and Alterations to Existing Residential Buildings and New Residential Buildings not meeting Restricted Discretionary Standards, Additions and Alterations to Existing Commercial and Industrial Buildings and New Commercial and Industrial Buildings in the Earthquake Hazard Overlay - 50m**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
Non-complying Activities	
NH - R23	**Additions and Alterations to Existing Community Facilities, Education Facilities and Health Facilities and New Community Facilities, Education Facilities and Health Facilities in the Earthquake Hazard Overlay - 50m**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
Rules - Earthquake Hazard Overlay - 100m	
Permitted Activities	
NH - R24	**Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 100m**
Activity Status Permitted	**Activity status where**

Where: 1. There is no increase in the area of the building used for Critical Response Facility	**compliance not achieved**: **Non-complying** For critical response facilities in brownfield areas under Rule NH - R16 **Prohibited** For critical response facilities in greenfield areas under Rule NH - R17

Restricted Discretionary Activities	
NH - R25	**Additions and Alterations to Existing Residential Buildings, and New Residential Buildings in the Earthquake Hazard Overlay - 100m**
Activity Status Restricted Discretionary Where: 1. These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner. **Discretion is restricted to:** a. Implementation of recommendations in accompanying hazard risk assessment; b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks; c. The location, design and construction materials of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and d. Any adverse effect on the environment of any proposed mitigation measures.	**Activity status where compliance not achieved:** Discretionary
Discretionary Activities	
NH - R26	**Additions and Alterations to and New Residential Buildings not meeting Restricted Discretionary Standards, Additions and Alterations to and New Commercial and Industrial Buildings, Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 100m**
Activity Status Discretionary	**Activity status where compliance not achieved:**

	N/A

Rules - Earthquake Hazard Overlay - 150m

Permitted Activities	
NH - R27	**Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 150m**
Activity Status Permitted **Where**: 1. There is no increase in the area of the building used for Critical Response Facility purposes	**Activity status where compliance not achieved**: **Non-complying** For critical response facilities in brownfield areas under Rule NH - R16 **Prohibited** For critical response facilities in greenfield areas under Rule NH - R17

Restricted Discretionary Activities	
NH - R28	**Additions and Alterations to New and Existing Residential, Commercial and Industrial Buildings in the Earthquake Hazard Overlay - 150m**
Activity Status Restricted Discretionary Where: 1. These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner. **Discretion is restricted to:** a. Recommendations in accompanying hazard risk assessment; b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks; c. The location, design and construction materials of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and d. Any adverse effect on the environment of any proposed mitigation measures.	**Activity status where compliance not achieved:** Discretionary

Discretionary Activities	

NH - R29	Additions and Alterations to and New Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 150m
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

Rules - Earthquake Hazard Overlay - 200m

Permitted Activities

NH - R30	Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 200m
Activity Status Permitted Where: a. Repairs and maintenance do not increase the area of a building used for Critical Response Facility purposes.	**Activity status where compliance not achieved**: **Non-complying** For critical response facilities in brownfield areas under Rule NH -R16 **Prohibited** For critical response facilities in greenfield areas under Rule NH - R17

Restricted Discretionary Activities

NH - R31	Additions and Alterations New and Existing New Residential, Commercial and Industrial Buildings and Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 200m
Activity Status Restricted Discretionary Where: 1. These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner. **Discretion is restricted to:** a. Implementation of recommendations in the accompanying hazard risk assessment; b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks;	**Activity status where compliance not achieved:** Discretionary

c. The location, design and construction materials of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and d. Any adverse effect on the environment of any proposed natural hazard mitigation measures.	

Discretionary Activities	
NH - R32	**Additions and Alterations to Existing Buildings and New Buildings not meeting Restricted Activity Standards in the Earthquake Hazard Overlay - 200m**
Activity Status Discretionary Where: 1. These are not Critical Response Facilities.	**Activity status where compliance not achieved:** **Non-complying** For critical response facilities in brownfield areas under Rule NH -R11 **Prohibited** For critical response facilities in greenfield areas under Rule NH - R12

Rules - Land Instability Overlay	

Restricted Discretionary Activities	
NH - R33	**New Buildings for Sensitive Activities in the Land Instability Overlay**
Activity Status Restricted Discretionary Where: 1. These are accompanied by a geotechnical assessment prepared by a suitably qualified and experienced geotechnical engineer. **Discretion is restricted to:** a. Requirements for measures in relation to building location, design or construction that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building or structure; and b. Requirements for geotechnical certification that subject to those measures specified:	**Activity status where compliance not achieved:** Non-complying

i. The proposed building or structure will not be likely to be subject to damage from slope instability during its useful life; and ii. The proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the natural hazard overlay – land instability alert.	
Non-complying Activities	
NH - R34	**New buildings for Sensitive Activities in the Land Instability Overlay not meeting Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

Rules - Lake Tsunami Hazard Overlay

Permitted Activities

NH - R35	**Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures, or New Buildings and Structures in the Lake Tsunami Hazard Overlay**
Activity Status Permitted Where: 1. There is no increase in the area of the building used for sensitive activities.	**Activity status where compliance not achieved**: Restricted Discretionary

Restricted Discretionary Activities

NH - R36	**Buildings for Sensitive Activities not meeting Permitted Activity Standards in the Lake Tsunami Hazard Overlay**
Activity Status Restricted Discretionary Where: 1. This is accompanied by a hazard assessment prepared by a suitably qualified and experienced natural hazard practitioner. **Discretion is restricted to:** a. The level of risk as assessed by suitably qualified and experienced person; b. The location and design of proposed sites, buildings, structures and vehicle access in relation to natural hazard risk; c. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk;	**Activity status where compliance not achieved:** Non-complying

d. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site; and e. Any adverse effect on the environment of any proposed natural hazard mitigation measures.	
Non-complying Activities	
NH - R37	**Buildings for sensitive activities in the Lake Tsunami Hazard Overlay not meeting Restricted Discretionary Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

Rules for the Coastal Severe and Coastal Alert Overlays

Permitted Activities	
NH - R38	**Reconstruction, Repairs and Maintenance to Existing Buildings in the Coastal Severe and Coastal Alert Overlays**
Activity Status Permitted Where: 1. For repairs and maintenance there is no increase in the area of the building; 2. For reconstruction of a building lawfully established at the time of notification of the Plan where: a. The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God; b. The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay; c. The reconstructed building is similar in character, intensity and scale to the building it replaces.	**Activity status where compliance not achieved**: NA
NH - R39	**New Unoccupied Buildings and Structures in the Coastal Severe and Coastal Alert Overlays**
Activity Status Permitted	**Activity status where compliance not achieved**: N/A
NH - R40	**Additions and Alterations for Commercial and Industrial Buildings and Critical Response Facilities in the Coastal Severe and Coastal Alert Overlays**
Activity Status Permitted Where: 1. There is no increase to the net floor area used for any	**Activity status where compliance not achieved**: Restricted

sensitive activity; and 2. Where any increase in net floor area meets a minimum finished floor level of 300mm above a 1% annual exceedance probability (AEP) event.	Discretionary

NH - R41	**Additions and Alterations of Existing Buildings used for Sensitive Activities in the Coastal Severe and Coastal Alert Overlays**

Activity Status Permitted Where: 1. There is no increase in net floor area used for a sensitive activity.	**Activity status where compliance not achieved**: Discretionary for Coastal Alert Non-complying for Coastal Severe

Restricted Discretionary Activities

NH - R42	**New Commercial, Industrial, or Critical Response Facilities Buildings, Additions and Alterations to Commercial, Industrial or Critical Response Facilities Buildings not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary Where: 1. There is no increase in net floor area for use by a sensitive activity. **Discretion is restricted to:** a. The effects of natural hazards on people and property; b. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; c. Any freeboard requirements to be included; d. The management of vegetation or other natural features to mitigate natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site and adjacent properties; g. Any adverse effects on the environment of any proposed natural hazard mitigation measures.	**Activity status where compliance not achieved:** Discretionary for Coastal Alert Non-complying for Coastal Severe

Discretionary Activities

NH - R43	**Coastal Alert Overlay: New Buildings for Sensitive Activities and Additions and Alterations of existing Buildings that increase the net floor area for Sensitive Activities**

Activity Status Discretionary	**Activity status where**

Where: 1. These are located in the Coastal Alert Overlay	**compliance not achieved:** N/A
Non-complying Activities	
NH - R44	**Coastal Severe Overlay: New Buildings for Sensitive Activities and Additions and Alterations of Buildings that increase the net floor area for Sensitive Activities**
Activity Status Non-complying Where: 1. These are located in the Coastal Severe Overlay	**Activity status where compliance not achieved:** N/A

Coastal Setback Overlay

Restricted Discretionary Activities	
NH - R45	**New Buildings for Sensitive Activities in the Coastal Setback Overlay**
Activity Status Restricted Discretionary Where: 1. This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person. **Discretion is restricted to:** a. The level of risk as assessed by a suitably qualified and experienced person; b. The location and design of proposed sites, building, structures, vehicle access in relation to natural hazard risk c. The modification or retention of vegetation or other natural features to mitigate natural hazard risk; d. The impact of underlying geology and topography of the site on hazard risk; e. The potential of the proposal to exacerbate natural hazard risk, including transferring risk to another site; f. Any adverse effects on the environment of any proposed natural hazard mitigation structures.	**Activity status where compliance not achieved:** Non - complying
Non-complying Activities	
NH - R46	**New Buildings for Sensitive Activities in the Coastal Setback Overlay not meeting Restricted Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

Coastal Tsunami Overlay	
Permitted Activities	
NH - R47	**Repairs, Maintenance, Additions and Alterations to Existing Buildings within the Coastal Tsunami Overlay**
Activity Status Permitted Where: 1. Any works do not increase the building footprint used for Critical Response Facility purposes; 2. Any works do not increase the area of the building used for Critical Response Facility purposes; and 3. No building used for a Critical Response Facility is reconstructed or replaced in a position that is seaward of the building it replaces.	**Activity status where compliance not achieved**: Discretionary where Standard 1 is not complied with Non-complying where Standard 2 or 3 is not complied with
Discretionary Activities	
NH - R48	**Repairs, Maintenance, Additions and Alterations to Existing Buildings within the Coastal Tsunami Overlay not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. Any addition or alteration does not increase the area of the building used for Critical Response Facilities 2. No building used for a Critical Response Facility is reconstructed or replaced in a position that is seaward of the building it replaces.	**Activity status where compliance not achieved:** Non-complying
Non-complying Activities	
NH - R49	**New Buildings for Critical Response Facilities within the Coastal Tsunami Overlay and Additions and Alterations to existing buildings for Critical Response Facilities not meeting Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

Hokitika Coastal Overlay	
Permitted Activities	
NH - R50	**New Buildings in the Hokitika Coastal Overlay**
Activity Status Permitted	**Activity status where**

Where: 1. All new buildings are protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event, as certified by the West Coast Regional Council. 2. Where new buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event: a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event; b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.	**compliance not achieved**: Discretionary
Discretionary Activities	
NH - R51	**New Buildings in the Hokitika Coastal Overlay not meeting Permitted Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

Westport Hazard Overlay	
Permitted Activities	
NH - R52	**New Buildings and Additions and Alterations to Existing Buildings in the Westport Hazard Overlay**
Activity Status Permitted Where: 1. New occupied buildings and additions and alterations to existing occupied buildings where these are protected by the Westport Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (1%ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP) flood event as certified by the West Coast Regional Council; or 2. New occupied buildings in areas not protected by the Westport Flood and Coastal Erosion Protection Scheme from a 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event, where these are: a. Buildings for sensitive activities where the finished floor level is 500mm above a 1% ARI plus 1m sea level rise	**Activity status where compliance not achieved**: Discretionary

coastal event and a 1% AEP flood event; b. Commercial and industrial buildings where the finished floor level is 300mm above a 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event; 3. These are new unoccupied buildings or additions or alterations to existing unoccupied buildings; or 4. These are additions and alterations to critical response facilities, commercial and industrial activities where there is no increase in area of building that does not meet a minimum finished floor level of 300mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event; 5. These are additions and alterations to buildings for sensitive activities in areas not protected by the Westport Flood and Coastal Erosion Protection Scheme from a 1% ARI plus sea level rise coastal event and a 1% AEP flood event, where there is no increase in area of building that does not meet a minimum finished floor level of 500mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event.	
Discretionary Activities	
NH - R53	**New Buildings and Additions and Alterations to Existing Buildings in the Westport Hazard Overlay not meeting Permitted Activity Standards.**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

This chapter contains provisions that have legal effect. They are identified with a to the right-hand side of the provision.

ECO Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora

Overview

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand/Aotearoa me Te Waipounamu and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction.

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. Te Tai o Poutini Plan is responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki.

The RMA requires Te Tai o Poutini Plan to manage indigenous biodiversity in two particular ways. Firstly, the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Because of the extremely large land area covered by indigenous vegetation on the West Coast/Te Tai o Poutini, detailed assessment of each piece of vegetation for its significance has not yet been undertaken.

In the Grey District, an evaluation process has been underway for a number of years, and this has enabled 37 Significant Natural Areas to be identified within the Grey District. The list of these Significant Natural Areas can be found in Schedule Four and they are also shown on the maps.

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, Te Tai o Poutini Plan has general vegetation clearance rules, with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.

Te Tai o Poutini Plan also encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

Where indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and wetlands refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance.

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (NES-PF). However the NES-PF allows that district plans can be more stringent to protect significant natural areas and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter over-rule the requirements of the NES - PF an advice note to that effect is included within the Rule.

Strategic Objectives

The Strategic Objectives are particularly relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Mineral Extraction and Connections and Resilience Strategic Objectives are particularly relevant.

Wetlands on the West Coast

The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands. In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas and have specific Rules around their management in the Regional Land and Water Plan. They are also subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management - which also has regulations around how other wetlands can be managed.

Ecosystems and Indigenous Biodiversity Objectives	
ECO- O1	To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o

	Poutini.
ECO - O2	To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.
ECO - O3	To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu land.
ECO - O4	To maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.

Also the Strategic Objectives and Policies

Ecosystems and Indigenous Biodiversity Policies	
ECO - P1	Identify areas of significant indigenous vegetation and fauna habitat: 1. In the Grey District these areas are identified in Schedule Four; 2. In the Buller and Westland Districts: i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance; ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken; iii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and iv. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change.
ECO - P2	Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where: a. This is for a lawfully established activity; or b. It is for a Poutini Ngāi Tahu cultural purpose; or c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or d. The activity has a functional need to be located in the area; e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.
ECO - P3	Encourage the protection, enhancement and restoration of significant indigenous biodiversity by: a. Allowing additional subdivision rights if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision;

	b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity; c. Promoting the use of eco-sourced species from the relevant ecological district; d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; and e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity.
ECO - P4	Provide for eco-tourism activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the economy and wellbeing of the community.
ECO - P5	Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on any significant values of the vegetation or fauna habitat.
ECO - P6	When assessing consents for subdivision, use and development, avoid activities which will: a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District; b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and c. Result in a reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable.
ECO - P7	When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna, consider the following matters: a. The necessity for the activity to provide for critical infrastructure or renewable electricity generation; b. Whether formal protection and active management of all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development; c. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests; d. The cumulative effects of activities within or adjacent to any area of significant indigenous vegetation or habitat;

	e. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic; f. The impacts on mahinga kai; g. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species and how any potential impact could be avoided, remedied or mitigated; and h. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied.
ECO - P8	Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by: a. Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands; b. Minimising adverse effects on, and providing access to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu; c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands; d. Preserving protected wildlife; and e. Recognising the benefits of active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.
ECO - P9	Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where: a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity; b. The conservation outcomes are measurable and positive; and c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.
ECO - P10	Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by: a. Avoiding adverse effects on significant indigenous biodiversity; and b. Avoiding, remedying or mitigating other adverse effects on indigenous vegetation, habitats and species within the coastal environment.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.

Ecosystems and Indigenous Biodiversity Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as

rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities	
ECO - R1	**Indigenous vegetation clearance and disturbance outside of the coastal environment**

Activity Status Permitted Where: 1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four; 2. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1; or 3. It is necessary for one of the following purposes: i. It is the removal of windthrown timber through: a. Use of helicopter recovery methods; or b. Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or ii. The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, critical infrastructure, network utilities, renewable electricity generation activities or natural hazard mitigation activities; iii. For the installation of temporary network activities following a regional or local state of emergency declaration; iv. To prevent a serious threat to people, property, structures or services; v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access; vi. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals; vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; viii. To comply with section 43 of the Fire and Emergency Act 2017; ix. For construction or operation of an above ground or below ground network utility or the national grid where: a. The construction corridor does not exceed 3m in width; and b. All machinery used in construction is cleaned and	**Activity status where compliance not achieved**: Discretionary where standard 1 or 4 is not achieved. Refer Natural Character and Margins of Waterbodies Chapter where standard 2 is not achieved. Within the Grey District refer standard 4 where standard 3 is not achieved. Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.

made free of weed material and seeds prior to entering the site; and
c. Rehabilitation of disturbed areas is undertaken following the completion of construction;

x. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
xi. It is on MPZ - Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
xii. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;

4. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five; or
5. Within the Buller and Westland Districts:
   i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:
      a. Details of the location of the proposed clearance;
      b. Area of the proposed clearance; and
      c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or
   ii. It is a maximum area of 5000m^2 per site, in total, over any continuous three year period.

Advice Notes:

1. Where clearance of mānuka, kānuka or bracken is proposed under Standard 5 (i) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.
2. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.
3. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.
4. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

5. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF in relation to significant natural areas.	

ECO - R2	Indigenous Vegetation Clearance in the Coastal Environment

Activity Status Permitted Where: 1. This is for: i. Walking/cycling tracks, roads, farm tracks or fences; ii. Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable electricity generation activities; or iii. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; 2. The extent of indigenous vegetation disturbed and/or cleared per site does not exceed an area of 500m^2 in area per site in any three year period; 3. The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected species; and 4. The indigenous vegetation clearance does not occur in any area identified as a Significant Natural Area in Schedule Four. **Advice Notes:** 1. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance. 2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply. 3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council. 4. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved**: Restricted Discretionary

Controlled Activities

ECO - R3	Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949

Activity Status Controlled Where:	**Activity status where compliance not**

1. The indigenous vegetation clearance and disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; 2. The indigenous vegetation clearance is outside of any Significant Natural Area identified in Schedule Four and outside of the Coastal Environment; and 3. The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification. **Matters of control are:** a. The matters outlined in Policies ECO - P6, ECO - P7 and where relevant NFL - P6; b. The protection of habitats of threatened or at risk species; c. Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and d. The measures to avoid, remedy, or mitigate any adverse effects on any significant indigenous vegetation and significant habitats of indigenous fauna. **Advice Note:** 1. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance. 2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply. 3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.	**achieved:** Restricted Discretionary
ECO - R4/SUB - R7	**Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity**
Activity Status: Controlled Where: 1. One new allotment with a minimum lot size of 4,000m^2 is created from the parent title**,** provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and 2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;	**Activity status where compliance not achieved:** Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with

3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for future access to any site; and 4. Subdivision standards S2-S11 are complied with. **Matters of control are:** a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity; b. Management of earthworks, including earthworks for the location of building platforms and access ways; c. The protection of habitats of threatened or at risk species; and d. The measures to minimise any adverse effects on: i. The significant indigenous biodiversity; ii. The cultural significance to Poutini Ngāi Tahu. **Advice Note**: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.	

Restricted Discretionary Activities	
ECO - R5	**Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is not within: i. A Significant Natural Area identified in Schedule Four; ii. An area of land environment of category one or two of the Threatened Environment Classification; iii. An Outstanding Natural Landscape identified in Schedule Five; iv. An Outstanding Natural Feature identified in Schedule Six; v. An area of High Coastal Natural Character identified in Schedule Seven; or vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight. **Discretion is restricted to:** a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses; b. Constraints imposed by functional or operational need of network utilities and critical infrastructure;	**Activity status where compliance not achieved:** Discretionary

c. Effects on habitats of any threatened or protected species; d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; e. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; f. Effects on the intrinsic values of ecosystems; g. Effects on recreational values of public land; and h. The matters outlined in Policies ECO - P6 and ECO - P7. **Advice Note:** 1. Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody refer to this section of the Plan for the Rules around this clearance. 2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply. 3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council. 4. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF and the indigenous vegetation clearance is within the coastal environment.	
ECO - R6/SUB - R9	**Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO - R4**
Activity Status Restricted Discretionary Where: 1. Up to three allotments with a minimum lot size of 4,000m^2 are created from the parent title; 2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and 4. Subdivision standards S2-S11 are complied with. **Discretion is restricted to:** a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses; b. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;	**Activity status where compliance not achieved:** Discretionary

c. Management of earthworks including earthworks for the location of building platforms and access ways; d. The protection of habitats of threatened or at risk species. e. The measures to minimise any adverse effects on: i. The significant indigenous biodiversity; and ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.	

Discretionary Activities	
ECO - R7	**Indigenous vegetation clearance not meeting ECO - R5**
Activity Status Discretionary **Advice Note:** 1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the policies of both the Ecosystems and Biodiversity Chapter and Natural Features and Landscapes Chapters will be required. 2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved:** N/A
ECO - R8/SUB - R15	**Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO - R6**
Activity Status Discretionary Where: 1. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and 3. Subdivision Standards S2 - S11 are complied with.	**Activity status where compliance not achieved:** Non-complying

Non-complying Activities	
ECO - R9/SUB - R27	**Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Rule ECO - R8**
Activity Status Non-complying	**Activity status where**

	compliance not achieved: N/A
ECO - R10	**Planting of Plant Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
ECO - R11	**The intentional release or farming of Animal Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

NFL Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Overview

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features and Outstanding Natural Landscapes which are identified as overlays on the Planning Maps and described in Schedule Five and Schedule Six. The identification of these areas is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development.

The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include critical infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification.

The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.

The West Coast/Te Tai o Poutini Outstanding Natural Landscapes are identified in Schedule Five and Outstanding Natural Features are identified in Schedule Six.

The rules in this chapter relate to earthworks, buildings, structures, plantation forestry and Māori Purpose Activities in Outstanding Natural Landscapes and Outstanding Natural Features. Where Outstanding Natural Landscapes and Outstanding Natural Features are located in the Coastal Environment, the Objectives, Policies and Rules of the Coastal Environment Chapter apply.

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (NES-PF). However the NES-PF allows that district plans can be more stringent to protect ONLs, and ONFs and their values. Where provisions within this chapter over-rule the requirements of the NES - PF an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:

- **Ecosystems and Indigenous Biodiversity -** the Ecosystems and Indigenous Biodiversity Chapter contains objectives, policies and rules relating to native vegetation clearance including that within outstanding natural features and landscapes.
- **Natural Character and Activities Adjacent to Waterbodies -** the Natural Character and Margins of Waterbodies contains the objectives, policies and rules relating to activities adjacent to waterbodies.
- **Coastal Environment** - the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks.
- **Activities on the Surface of Water -** objectives, policies and rules for activities undertaken on the surface of a lake or river (including jetties, pontoons, fish farms and boating activities), are found in the Activities on the Surface of Water Chapter.

Natural Features and Landscapes Objective	
NFL - O1	To protect the values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.

Also the Strategic Objectives and Policies

Natural Features and Landscapes Policies	
NFL - P1	Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for: a. Existing land uses and lawfully established activities including existing network utilities, energy activities, agricultural, horticultural and pastoral activities; b. Conservation activities; c. Recreational activities; d. Natural hazard mitigation activities; e. Operation, maintenance and upgrade of renewable electricity generation facilities; f. Operation, maintenance and upgrading of network infrastructure; g. Upgrading and/or new infrastructure and renewable electricity generation facilities where there is a functional need for it to be located in these areas; h. Poutini Ngāi Tahu uses; or i. The alteration, maintenance or removal of existing buildings or structures.
NFL - P2	Where possible, avoid significant adverse effects on the values that

	contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are remedied, mitigated or offset.
NFL - P3	Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected.
NFL - P4	Require that new buildings, structures within outstanding natural features or landscapes minimise any adverse visual effects by: a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location; b. Using naturally occurring building platforms, materials and colour that blends into the landscape; and c. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
NFL - P5	Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: a. The scale of modification to the landscape; b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; d. The temporary or permanent nature of any adverse effects; e. The functional, technical, operational or locational need of any activity to be sited in the particular location; f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu; g. Any positive effects the development has on the identified characteristics and qualities; h. Any positive effects at a national, regional and local level; i. Any relevant public safety considerations; and j. The measures proposed to mitigate the effects on the values and characteristics, including: i. The location, design and scale of any buildings or structures, or earthworks; ii. The intensity of any activity; and iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.
NFL - P6	Enable the use of Māori Purpose Zoned land in outstanding natural

	landscapes and on outstanding natural features where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on the outstanding values of the landscape or feature.
NFL - P7	Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.

Natural Features and Landscapes Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

NFL - R1	**Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, railway, critical infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**	
Activity Status Permitted **Advice Note**: 1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Biodiversity Chapter. 2. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply. 3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.		**Activity status where compliance not achieved:** Refer to other relevant Overlay Chapter where these activities occur in multiple overlays.
NFL - R2	**Conservation Activities within an Outstanding Natural**	

	Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six
Activity Status Permitted **Advice Note:** Any indigenous vegetation clearance associated with Conservation Activities is subject to the provisions in the Ecosystems and Biodiversity Chapter	**Activity status where compliance not achieved:** N/A
NFL - R3	**Natural hazard mitigation activities including earthworks in an Outstanding Natural Landscape described in Schedule Five**
Activity Status Permitted Where: 1. The natural hazard mitigation activities are to protect critical infrastructure; 2. The natural hazard mitigation activities are undertaken by a statutory agency or their nominated contractor; and 3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six. **Advice Notes:** 1. Any indigenous vegetation clearance associated with natural hazard mitigation activities is subject to the provisions in the Ecosystems and Biodiversity Chapter 2. For any natural hazard mitigation activity within Outstanding Natural Landscapes in the coastal environment, refer to the Coastal Environment Chapter. 3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.	**Activity status where compliance not achieved**: Controlled
NFL - R4	**Demolition and Removal of a Structure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**
Activity Status Permitted **Advice Note**: Where structures are identified as Historic Heritage Items in Schedule One, then the Historic Heritage Rules apply.	**Activity status where compliance not achieved**: N/A
NFL - R5	**Additions or alterations to buildings and structures within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**
Activity Status Permitted 1. The maximum height of buildings and structures above ground level is 5m.	**Activity status where compliance not achieved**: Restricted

Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.	Discretionary
NFL - R6	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**
Activity Status Permitted Where: 1. All performance standards for Earthworks Rule EW - R1 are complied with; and 2. This is ancillary to: a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or b. An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG - R4; 3. For other earthworks, the following standards are complied with: a. The cut height or fill depth does not exceed one metre vertically; b. No more than 500m^3 of earthworks are undertaken/12 month period/site; and c. The earthworks are undertaken outside of the Coastal Environment. **Advice Note:** 1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3. 2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF. 3. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.	**Activity status where compliance not achieved**: Controlled Refer to the Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment
NFL - R7	**Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**
Activity Status Permitted Where: 1. These are: a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or b. Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; and	**Activity status where compliance not achieved**: Restricted Discretionary

2. All Permitted Activity standards in Rule EW - R1 are complied with.	

NFL - R8	**Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five**
Activity Status Permitted Where the structure is: 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7; or 5. For a small-scale renewable electricity generation activity with a maximum height above ground level of 5m; or 6. For agricultural, pastoral and horticultural activities or any accessory building where: a. The maximum height is 3m above ground level; and b. The gross floor area of any building does not exceed 100m^2.	**Activity status where compliance not achieved**: Restricted Discretionary

Controlled Activities	
NFL - R9	**Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3**
Activity Status Controlled Where: 1. These are to protect Critical Infrastructure; and 2. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. **Matters of control are:** a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Landscape measures. **Notification:** Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.	**Activity status where compliance not achieved:** Discretionary

NFL - R10	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in**

	Schedule Six not meeting Rule NFL - R6
Activity Status Controlled Where: 1. These are for: a. Walking/cycling tracks; b. Roads, farm tracks or fences; c. Installation of network utility infrastructure; or d. Installation of a renewable electricity generation facility; or e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; f. Protection of critical infrastructure from natural hazards; and 2. Earthworks are the minimum required to undertake the activity. **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Landscape measures. **Advice Note**: 1. For earthworks within Outstanding Natural Features and Landscapes in the Coastal Environment refer to the Coastal Environment Rules. 2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved:** Discretionary

Restricted Discretionary Activities	
NFL - R11	**Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7**
Activity Status Restricted Discretionary Where: 1. These are on land within a Māori Purpose Zone; and 2. This includes earthworks and buildings associated with the activity. **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Landscape measures.	**Activity status where compliance not achieved:** Discretionary

NFL - R12	Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules.
Activity Status Restricted Discretionary Where: 1. This is an addition to an existing building or a building accessory to an existing building; or 2. The building is identified on an approved subdivision plan for the site or for a residential building where there is no existing residential building on the property; or 3. This is required for: a. A network utility; b. A renewable electricity generation activity; c. An agricultural pastoral or horticultural activity; d. A conservation activity; or e. A recreational activity in an Open Space Zone. **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Landscape measures.	**Activity status where compliance not achieved:** Discretionary

Discretionary Activities	
NFL - R13	**Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NFL - R14	**Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, Controlled or Restricted Discretionary rules**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NFL - R15	**Earthworks and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules**
Activity Status Discretionary	**Activity status where compliance not**

Notification: 1. Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified. 2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.	**achieved:** N/A

This chapter contains provisions that have legal effect. They are identified with a to the right-hand side of the provision.

NC

Natural Character and Margins of Waterbodies Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Overview

Waterbodies and their margins are an important part of the West Coast/Te Tai o Poutini. Waterbodies are connected (*Ki uta ki tai* - from the mountains to the sea) and have important values, including for biodiversity, cultural or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers, including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural character of the margins of wetlands, lakes, and rivers thereby avoiding duplication with Regional Council functions.

The three district councils work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/Te Tai o Poutini are identified as statutory acknowledgement areas and there are also nohoanga entitlements in place in some locations. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character and hydrological values and they provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life.

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular the councils must have regard to its objectives and policies in consent decision-making.

The National Environmental Standard for Freshwater Management 2020 (NESFM) has specific rules which relate to freshwater, in particular as relate to activities in the margins of freshwater wetlands.

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (NES-PF). However the NES-PF allows that district plans can be more stringent where this gives effect to an objective in the National Policy Statement for Freshwater Management. Where provisions within this chapter over-rule the requirements of the NES - PF an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the zone chapters, a number of District Wide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- **Public Access** - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- **Subdivision -** The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation to the provision of esplanade reserves and strips, in particular SUB - S9.
- **Activities on the Surface of Water** - The Activities on the Surface of Water Chapter contains provisions that manage activities that occur on the surface of water.
- **Coastal Environment** - The Coastal Environment Chapter contains provisions that manage the natural character of the coastal environment
- **Earthworks** - The Earthworks Chapter includes provisions around earthworks management.

Natural Character and the Margins of Waterbodies Objectives	
NC - O1	To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development where adverse effects can be avoided or mitigated.
NC - O2	To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins.
NC - O3	To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.

Also view the Strategic Objectives and Policies

Natural Character and the Margins of Waterbodies Policies	
NC - P1	Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision and land use maintains the elements, patterns and processes that contribute to their natural character.
NC - P2	Provide for indigenous vegetation removal and earthworks within riparian

	margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised as far as practicable and: a. It is for the purpose of natural hazard mitigation; or b. It is for the maintenance, repair, upgrade and extension of network utilities and infrastructure including the national grid; or c. It is for the establishment, operation, maintenance or upgrading of renewable electricity generation structures or infrastructure where this has a functional or operational need to be located in a riparian margin; or d. It is for Poutini Ngāi Tahu cultural purposes; or e. It is for the repair and maintenance of legally established structures; or f. The activity has a functional or operational need to be located adjoining a waterbody.
NC - P3	Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: a. Have a functional need for their location; and b. They are of a form and scale that will not adversely effect the natural character of the riparian area.
NC - P4	Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands.
NC - P5	Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including: a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.

Natural Character and the Margins of Waterbodies Rules
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities	
NC - R1	**Indigenous Vegetation Clearance and Earthworks within the**

	Riparian Margin of a River, Lake or Wetland
Activity Status Permitted 1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for: a. Fence lines; or b. Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities; c. Connections to wastewater, stormwater and reticulated network utility systems; or d. Installation of an environmental monitoring and extreme weather event monitoring facility; or e. Maintenance and repair of lawfully established structures; or f. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or g. The establishment of a river crossing point up to 3m wide; or h. Poutini Ngāi Tahu activities; i. Activities on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or j. Natural hazard mitigation activities undertaken by a statutory agency or their nominated contractor; 2. The amount of indigenous vegetation clearance is not greater than $20m^2$ per 200m length of Riparian Margin; 3. The amount of earthworks is not greater than $20m^3$ per 200m length of Riparian Margin; 4. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody; and 5. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures. **Advice Note:** 1. Rules in other Overlay Chapters particularly {Link, 7433,Historic Heritage, Sites and Areas of Significance to Māori, {Link, 8446,Natural Hazards and Natural Features and Landscapes may also apply in these locations. 2. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater and the West Coast Regional Land and Water Plan. 3. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved**: Discretionary

NC - R2	Buildings and Structures within the Riparian Margin of a River, Lake or Wetland
Activity Status Permitted 1. Where the buildings and structures are: a. Network utilities; b. Temporary whitebait stands; c. Environmental monitoring facilities; d. Parks facilities and parks furniture within an Open Space and Recreation Zone; e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or f. Renewable electricity generation facilities where these have a functional need to locate within the riparian margin; or g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure. **Advice Note:** Rules in other Overlay Chapters particularly {Link, 7433,Historic Heritage, Sites and Areas of Significance to Māori, {Link, 8446,Natural Hazards and Natural Features and Landscapes may also apply in these locations.	**Activity status where compliance not achieved**: Discretionary

NC - R3	New Natural Hazard Mitigation Structures
Activity Status Permitted Where: 1. These are constructed by a Statutory Agency or their authorised contractor.	**Activity status where compliance not achieved**: Discretionary

Discretionary Activities	

NC - R3	Indigenous Vegetation Clearance and Earthworks not meeting the Permitted Activity Rules
Activity Status Discretionary **Advice Note:** 1. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF 2. The NES - Freshwater has extensive regulation around works that can be undertaken in or near any natural wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.	**Activity status where compliance not achieved:** N/A

NC - R4	Buildings and Structures within the Riparian Margin of a River,

	Lake or Wetland not meeting the Permitted Activity Rules
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NC - R5	**Natural Hazard Mitigation Structures not meeting the Permitted Activity Rules**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

CE Coastal Environment - Te Taiao o te Takutai

Overview

The West Coast/Te Tai o Poutini Coastline stretches from Kahurangi Point in the north of the Buller District to Awarua Point in South Westland - a distance of more than 500 kilometres. The natural character, landscape and biodiversity values of this coastal environment contribute to the distinctive and unique character of the West Coast/Te Tai o Poutini. The narrow strip of land between the mountains and the sea in the West Coast/Te Tai o Poutini means that most of the community lives on or near the coast - with three of the four major towns and many small settlements being located on or near the coast.

The Buller, Grey and Westland District Councils are responsible for managing activities on land - the landward side of Mean High Water Springs (MHWS) and the West Coast Regional Council is responsible for activities in the Coastal Marine Area - the land seaward of MHWS. Integrated management is needed to manage activities that cross the jurisdictional boundary between the regional and territorial authorities as well as with the Department of Conservation and Poutini Ngāi Tahu.

Approach to managing the coastal environment

Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay that recognises the extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.

Natural Character, Landscape and Natural Features

The protection of the natural character of the coastal environment is a matter of national importance under the RMA and a requirement of the NZCPS. This chapter contains the overarching objective and policy framework and rules to protect and manage the natural character of the coastal environment.

Because of the very high natural values associated with the coastal environment in parts of the West Coast/Te Tai o Poutini, Te Tai o Poutini Plan also identifies areas within the coastal environment which are:

- High coastal natural character detailed in Schedule Seven;
- Outstanding coastal natural character detailed in Schedule Eight.

Alongside this there are outstanding natural landscapes in Schedule Five and outstanding natural features in Schedule Six identified in the coastal environment. Areas of outstanding natural character, outstanding natural landscape and outstanding natural features within the coastal environment are known as the Outstanding Coastal Environment Area within the rules.

The rules below are grouped into different categories to reflect these different areas within the Coastal Environment.

Coastal Natural Hazards
The NZCPS also requires Te Tai o Poutini Plan to identify coastal natural hazards and to manage subdivision, use and development within areas potentially affected by coastal hazards over a 100 year timeframe, including taking into account the effects of climate change. Because of the complex interaction of natural hazards at the coast - particularly around river mouths, and the overlap with flood hazards, coastal hazard provisions are included within the Natural Hazards Chapter.

Plantation Forestry
Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (NES-PF). However the NES-PF allows that district plans can be more stringent in relation to any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.
Policy 13 of the NZCPS relates to the preservation of natural character and therefore more stringent rules can be applied to areas with outstanding and high natural character within the coastal environment. Where provisions within this chapter over-rule the requirements of the NES - PF an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter and the underlying zone chapter, a number of Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the coastal environment, including:

- **Indigenous Biodiversity -** The objectives, policies and rules in relation to clearance of indigenous vegetation in the coastal environment are located in the ECO - Ecosystems and Biodiversity Chapter.
- **Sites and Areas of Significance to Māori** - The coastal environment is of high significance to Poutini Ngāi Tahu, who have kaitiakitanga and rangatiratanga responsibilities in respect of it. Many Statutory Acknowledgement Areas are also within the coastal environment. The Sites and Areas of Significance to Māori Chapter contains objectives, policies and rules relating to the protection of these important cultural areas.
- **Public Access** - The Public Access Chapter contains additional provisions relating to recreational and public access to and along the coastal environment, in particular relevant objectives and policies.

Coastal Environment Objectives	
CE - O1	To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.
CE - O2	The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino

	rangatiratanga and kaitiakitanga.
CE - O3	To provide for activities which have a functional need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.

Also the Strategic Objectives and Policies

Coastal Environment Policies

Identification of the Coastal Environment

CE - P1	Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including: a. Areas where coastal processes, influences or qualities are significant; b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values; c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk should accelerated sea level rise occur; d. Historic heritage and Poutini Ngāi Tahu cultural areas or features; e. Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species; and f. The built environment and infrastructure which have modified the coastal environment.
CE - P2	Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment that have: a. Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four b. Outstanding natural landscapes as described in Schedule Five; c. Outstanding natural features as described in Schedule Six; d. High coastal natural character as described in Schedule Seven; and e. Outstanding coastal natural character as described in Schedule Eight
CE -P3	Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained; b. Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided;

	c. The development is of a size, scale and nature that is appropriate to the environment; d. It is for a Poutini Ngāi Tahu cultural purpose; or e. It is National Grid infrastructure that has a functional and operational need to locate in these areas.
CE -P4	Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where: a. These are existing lawfully established activities; or b. The use does not degrade the elements, patterns or processes that contribute to the outstanding or high values.
CE -P5	Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these: a. Are existing lawfully established structures; or b. Are of a size, scale and nature that is appropriate to the area; or c. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or d. Have a functional or operational need to locate within the coastal environment.
CE - P6	Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts of Westport, Greymouth and Hokitika and enable new subdivision, buildings and structures within and expansion of towns and settlements where: a. These are located in areas already modified by built development or primary production activities, or b. Where located in unmodified areas, any adverse impact on natural character can be mitigated; c. In areas of outstanding or high natural character: i. Provide for lawfully established land uses and activities to continue; ii. Allow for other uses with a functional need to locate in the coastal environment; iii. Allow for Poutini Ngāi Tahu cultural uses; iv. Avoid encroachment into unmodified areas of the coastal environment; and v. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised.
CE - P7	Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures effects on public access should be

	considered and ways to minimise them found, including: a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity and function of the structure is maintained.
CE - P8	Enable the maintenance, repair and operation of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.

Coastal Environment Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

CE - R1	**Maintenance and repair of lawfully established structures, network utilities, renewable electricity generation, fence lines and tracks within the Coastal Environment**
Activity Status Permitted Where: 1. When the maintenance and repair is within an area of High Coastal Natural Character or the Outstanding Coastal Environment: a. The activity is limited to what is necessary to maintain the existing structure, within the footprint or modified ground compromised by the existing structure; and b. The activity does not involve the installation of any new structures. **Advice Note:** 1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter. 2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment. 3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.	**Activity status where compliance not achieved**: Refer to relevant rules for the High Coastal Natural Character Area and Outstanding Coastal Environment.
CE - R2	**Conservation Activities within the Coastal Environment**

Activity Status Permitted **Advice Note:** 1. Any indigenous vegetation clearance associated with conservation activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter. 2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment. 3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.	**Activity status where compliance not achieved**: N/A
CE - R3	**Māori Purpose Activities and Buildings in the Coastal Environment**
Activity Status Permitted Where: 1. These are: a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, collection of Pounamu, Aotea stone or rock; or b. Māori Purpose Activities undertaken within the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values, including, where relevant, natural character, natural landscape and natural features. **Advice Note:** 1. Any indigenous vegetation clearance associated with Poutini Ngāi Tahu or Māori Purpose Activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter. 2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment. 3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.	**Activity status where compliance not achieved**: Restricted Discretionary
CE - R4	**Buildings and Structures in the Coastal Environment**
Activity Status Permitted Where: 1. These are not located within: a. An Outstanding Natural Landscape identified in Schedule Five; b. An Outstanding Natural Feature identified in Schedule	**Activity status where compliance not achieved**: Outside of the scheduled overlay chapter areas and the Rural Zones, the

Six; c. An area of High Coastal Natural Character identified in Schedule Seven and subject to Rule CE - R5; d. An area of Outstanding Coastal Natural Character identified in Schedule Eight; and 2. These: a. Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone: i. Maximum height is 7m for new buildings; ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and iii. The gross ground floor area is: I. A maximum of 200m^2 per building for new buildings; II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; or b. Are Energy Activities or Network Utilities, including ancillary earthworks, subject to provisions in the Energy, Infrastructure and Transport Chapters of the Plan; or c. Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor. **Advice Note:** Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and Margins of Waterbodies Overlay Chapters for rules in relation to buildings and structures in these areas.	relevant zone rules apply. In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply. Otherwise Restricted Discretionary

Permitted Activities within the High Coastal Natural Character Overlay	
CE - R5	**Buildings and Structures in the Coastal Environment within the High Coastal Natural Character Overlay as identified in Schedule Seven**
Activity Status Permitted Where: 1. These buildings and structures are required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or 2. Within the Open Space and Recreation Zones, this is parks facilities or parks furniture; or 3. Within the Māori Purpose Zone, these are Māori Purpose	**Activity status where compliance not achieved**: Restricted Discretionary

Activities; or 4. In all other zones: a. Any new building is no more than 100m^2 ground floor area; b. Any addition increases the total building footprint by no more than 50m^2; c. The maximum height above ground level is for any building or structure is 7m. **Advice Note:** Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and the Margins of Waterbodies Overlay Chapters for rules in relation to buildings and structures in these areas.	
CE - R6	**Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment within the High Coastal Natural Character Overlay identified in Schedule Seven**
Activity Status Permitted Where: 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity; 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; 5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from the consented structure, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the consented structure; and 6. The activity is undertaken by a Statutory Agency or their designated contractor. **Advice Note:** 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6. 2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.	**Activity status where compliance not achieved**: Controlled
CE - R7	**Earthworks within the Coastal Environment in the High Coastal**

	Natural Character Overlay identified in Schedule Seven
Activity Status Permitted Where: 1. These are for: a. Walking/cycling tracks, roads, farm tracks or fences; b. Operation, maintenance, repair, upgrade or installation of new network utility infrastructure or renewable electricity generation; or c. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; 2. Any fill, excavation or removal is not more than 250m^2/ha and 250m^3/ha. **Advice Note:** 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. 2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved**: Restricted Discretionary

Permitted Activities within the Outstanding Coastal Environment Area	
CE - R8	**Additions and Alterations to Buildings and Structures in the Outstanding Coastal Environment Area**
Activity Status Permitted Where: 1. The addition or alteration increases the building footprint or footprint of the structure by no more than 50m^2; 2. The maximum height of building and structures above ground level is 5m. **Advice Note:** 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. 2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.	**Activity status where compliance not achieved**: Restricted Discretionary
CE - R9	**Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area**

Activity Status Permitted Where: 1. The structure has been lawfully established; 2. Earthworks and land disturbance are the minimum required to undertake the activity; 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; 5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that originally consented, or consented variation, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the originally consented or consented variation; and 6. The activity is undertaken by a Statutory Agency or their designated contractor. **Advice Note**: 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R9. 2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters. 3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.	**Activity status where compliance not achieved**: Controlled
CE - R10	**Erection of a Building or Structure in the Outstanding Coastal Environment Area**
Activity Status Permitted Where the structure is: 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or 4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or 5. For agricultural pastoral and horticultural activities or an accessory building; and i. The height of any building or structure does not exceed 5m above ground level; and ii. The gross floor area of any building does not exceed 100m^2	**Activity status where compliance not achieved**: Restricted Discretionary

Advice Note: 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. 2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.	

CE - R11	**Earthworks in the Outstanding Coastal Environment**
Activity Status Permitted Where these are for: a. Maintenance repair or upgrade of walking/cycling tracks, roads, farm tracks or fences; b. Operation, maintenance, repair and upgrade of network utility infrastructure or renewable electricity generation. **Advice Note:** 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. 2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved**: Restricted Discretionary

Controlled Activities	
CE - R12	**Natural Hazard Mitigation Structures and Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area identified in Schedule Seven and the Outstanding Coastal Environment not provided for as a Permitted Activity**
Activity Status Controlled Where: 1. These are to protect the coastal State Highway, Special Purpose Roads or other Critical Infrastructure; 2. These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor. **Matters of control are:** a. Effects on habitats of any threatened or protected flora or fauna species; b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; c. Effects on ecological functioning and the life supporting	**Activity status where compliance not achieved:** Restricted Discretionary except Discretionary where these are within the Outstanding Coastal Environment Area

capacity of air, water, soil and ecosystems; d. Effects on the intrinsic values of ecosystems; e. Effects on recreational values of public land; f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; g. Landscape and visual effects; h. Effects on natural character and natural features; i. Location, dimensions and appearance of the structure; j. Effects on public access to the coast. **Advice Note:** 1. The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE - R11. 2. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.	

Restricted Discretionary Activities	
CE - R13	**Māori Purpose Activities and Buildings in the Coastal Environment not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Effects on habitats of any threatened or protected flora or fauna species; b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; c. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; d. Effects on the intrinsic values of ecosystems; e. Effects on recreational values of public land; f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; g. Landscape and visual effects; h. Effects on natural character and natural features; i. Location, dimensions and appearance of any structure; and j. Effects on public access to the coast.	**Activity status where compliance not achieved:** N/A
CE - R14	**Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment and High Coastal Natural Character Overlay identified in Schedule Seven**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. The extent to which the site is visible from a road or public place;	**Activity status where compliance not achieved:** N/A

c. The effects on the natural character of the coast; d. The effects on Poutini Ngāi Tahu values or any Site and Areas of Significance to Māori identified in Schedule Three; e. The effects on potential or current public access to the coast; f. Design and location of any buildings, structures or earthworks; g. Volume and area of earthworks; h. Area and location of any vegetation clearance; i. Impacts on biodiversity values; and j. Landscape measures.	
CE - R15	**Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. The extent to which the site is visible from a road or public place; c. The effects on the natural character of the coast; d. The effects on landscape and natural features of the coast; e. The effects on potential or existing public access to the coast; f. Design and location of any buildings, structure or earthworks; g. Volume and area of earthworks; h. Effects on habitats of any threatened or protected flora or fauna species; i. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; j. Effects on recreational values of public land; k. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; l. Landscape and visual effects; and m. Location, dimensions and appearance of any structure **Advice Note:** 1. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved:** N/A
CE - R16	**Additions to Existing Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary	**Activity status where**

Where: 1. This is an addition to an existing building or a building accessory to an existing building; or 2. The building or structure is identified on an approved subdivision plan for the site or where there is no existing residential building on the site; or 3. The building or structure is required for: i. A network utility or renewable electricity generation activity; ii. An agricultural pastoral or horticultural activity in a RURZ - Rural Zone; iii. A conservation activity; or iv. A recreational activity in any OSZ - Open Space Zone. **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. Any effects on the values that make the site Outstanding; f. The effects on potential or current public access to the coast; g. The effects on Poutini Ngāi Tahu values and Sites and Areas of Significance to Māori identified in Schedule Three; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of indigenous vegetation clearance and its effects on biodiversity values; k. Landscape measures; and l. Where relevant, matters included within Policy NFL - P6.	**compliance not achieved:** Discretionary
CE - R17	**Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards**
Activity Status Restricted Discretionary Where: 1. These are not within the Outstanding Coastal Environment Area. **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. Any effects on the natural character of the coast;	**Activity status where compliance not achieved:** Discretionary

f. The effects on potential or current public access to the coast; g. The effects on Poutini Ngāi Tahu values; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of indigenous vegetation clearance; and k. Landscape measures.	
CE - R18	**Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity**
Activity Status Restricted Discretionary Where: 1. These are for: i. Walking/cycling tracks; ii. Roads, farm tracks or fences; iii. Installation of network utility infrastructure or renewable electricity generation activities; or iv. For establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and 2. Earthworks are the minimum required to undertake the activity. **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. The extent to which the site is visible from a road or public place; c. Any effects on the values that make the site Outstanding; d. Effects on habitats of any threatened or protected species; e. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; f. The effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; g. Design and location of any earthworks; h. Volume and area of earthworks; i. Area and location of vegetation clearance; j. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; and k. Where relevant, matters included within Policy NFL - P6. **Advice Note:** 1. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved:**Discretionary

Discretionary Activities

CE - R19	**Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment not meeting Rule CE - R11**

Activity Status Discretionary Where: 1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except 2. Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property. **Notification:** Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Limited Notified to the Geosciences Society of New Zealand and may be publicly notified. **Advice Note**: When assessing resource consents for natural hazard mitigation activities under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.	**Activity status where compliance not achieved:** Non-complying
CE - R20	**Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment**
Activity Status Discretionary **Advice Note**: When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.	**Activity status where compliance not achieved:** N/A
CE - R21	**Buildings, Structures and Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules**
Activity Status Discretionary Where: 1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. **Advice Note**: 1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required. 2. This rule also applies to plantation forestry activities where	**Activity status where compliance not achieved:** Non-complying

this provision is more stringent than the NES - PF.	

Non-complying Activities	
CE - R22	**Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding**

Activity Status Non-complying **Notification:** Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Limited Notified to the Geosciences Society of New Zealand and may be publicly notified. **Advice Note**: 1. When assessing resource consents for activities under this rule, assessment against both the Coastal Environment, and Natural Features and Landscapes policies will be required. 2. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.	**Activity status where compliance not achieved:** N/A

EW Earthworks - Te Huke Whenua

Overview

Earthworks are usually an essential prerequisite for development. Earthworks are the physical works that modify land so that it can be used for living, business, and recreation purposes, farming and forestry and the construction and maintenance of infrastructure. The scope and scale of earthworks range from large bulk earthworks, which can alter the landform and its topography, to small and discrete areas of works most often associated with minor development.

Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic) and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, earthworks and land disturbance are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies ; Natural Hazards; and the Coastal Environment. Where earthworks are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.
- **Earthworks Associated with Mineral Extraction** - the Zone Chapters have provisions in relation to mineral extraction and its ancillary activities including earthworks.

Other relevant regulations

A number of other regulatory and non-regulatory methods also manage the effects of earthworks. For instance, certain earthworks carried out as part of building work are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004.

Earthworks and land disturbance affecting archaeological sites may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin.

Earthworks may need additional resource consents from the West Coast Regional Council under the Regional Land and Water or Coastal Plans for the West Coast/Te Tai o Poutini, or under the National Environmental Standard for Freshwater 2020 including

earthworks that may result in silt or sediment contamination of water or those which will affect wetlands.

Where earthworks associated with the removal of contaminated land and soil are undertaken, the provisions of the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil for Human Health will also apply.

The National Environmental Standard for Plantation Forestry 2017 regulates earthworks for plantation forestry and these rules do not apply to those works.

Earthworks Objectives	
EW - O1	To provide for earthworks to facilitate subdivision, use and development of the West Coast/Te Tai o Poutini's land resource, while ensuring that their adverse effects on the surrounding environment are avoided or mitigated.

Also the Strategic Objectives and Policies

Earthworks Policies	
EW - P1	Enable temporary and small scale earthworks for the subdivision, use and development of land, the provision of utilities, and hazard mitigation, while managing those with the potential to create significant adverse effects..
EW - P2	Manage the effects of earthworks to minimise impacts on landscape character, amenity, natural features, water quality, biodiversity, cultural and heritage sites and the quality of the environment.
EW - P3	Require the use of accidental discovery protocols to mitigate the potential risk to earthworks to archaeological sites and sites and areas of significance to Māori and archaeological sites that are not scheduled in the Plan.
EW - P4	Protect critical infrastructure and natural hazard defences from the adverse effects of earthworks.

Earthworks Rules
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities	
EW - R1	**Earthworks General Standards**
All Permitted activities must comply with the following relevant standards. 1. Earthworks must not exceed a maximum depth or height above ground level of 1.5m measured vertically within 1.5m of a boundary except where these are undertaken by a network utility operator for the purpose of: a. Pole foundations; b. Backfilled trenches; or c. Installation of services by trenchless methods such as directional drilling; 2. All fill must consist of cleanfill material; 3. Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies; 4. No diversion of stormwater and overland flow shall occur beyond the site boundary and water must not be diverted to adjacent properties or the road; 5. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001); 6. No earthworks are to be undertaken on or within 10m of any public natural hazard defence structure unless under the written approval has been obtained from the relevant local government agency; and 7. In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed. **Advice Notes:** 1. Earthworks are also regulated by the West Coast Regional Land and Water Plan and the NES - Freshwater 2020 administered by the West Coast Regional Council. 2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.	**Activity status where compliance not achieved**: Restricted Discretionary
EW - R2	**Earthworks - All Zones**
Activity Status Permitted Where: 1. All standards in Rule EW - R1 are complied with; and 2. These earthworks are: a. Associated with the construction of an approved building	**Activity status where compliance not achieved**: Restricted Discretionary

platform and access; or b. These are earthworks associated with an approved subdivision consent; or c. These are earthworks associated with an approved well or bore; or d. These are earthworks including stockpiles required for network utility or critical infrastructure maintenance, operation, repair, upgrade, or installation of new network utilities including public roads; or e. These are earthworks associated with installation of swimming pools; or f. The earthworks are for interments in a cemetery or urupā; g. The earthworks are for natural hazard mitigation structures constructed by a statutory agency or their authorised contractor; or h. The earthworks are test pits for geotechnical or contaminated land assessment where the land is reinstated within 48 hours; or i. They are earthworks within the National Grid Yard where: i. Any earthworks must not exceed a depth or fill from original ground level of 300mm, except for: A. Earthworks for a network utility or as part of a renewable electricity generation activity; and B. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track. **Advice Notes**: 1. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters of this Plan. 2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.	Refer Overlay Chapters for Earthworks Rules in relation to these overlay areas.
EW - R3	**Earthworks in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, any INZ - Industrial Zone, FUZ - Future Urban Zone, AIRPZ - Airport Zone, any OSRZ - Open Space and Recreation Zone and the MPZ - Māori Purpose Zone**
Activity Status Permitted Where: 1. All standards in Rule EW - R1 are complied with; and 2. These are ancillary earthworks for: i. A Permitted Activity, except that in the Rural Lifestyle Zone a maximum of 500m^2/site of land is disturbed in any 12 month period; or ii. An Energy Activity, Network Utility Operation or Transport	**Activity status where compliance not achieved**: Restricted Discretionary where standard 1 and 2 are not complied with. Refer to the relevant Overlay Chapter where

Activity. 3. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay chapter.	standard 3 is not complied with.
EW - R4	**Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone**
Activity Status Permitted Where: 1. All standards in Rule EW - R1 are complied with; and 2. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay area; 3. These are ancillary earthworks for an Energy Activity, Network Utility Operation or Transport Activity; and 4. Where earthworks are undertaken for any other activity: a. A maximum of 250m^2/site of land is disturbed in any 12 month period; b. A maximum of 200m^3 of material is transported off site in any 12 month period; and c. There is a maximum 1m change of existing ground level. **Advice Note**: Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.	**Activity status where compliance not achieved**: Restricted Discretionary Refer to the relevant Overlay Chapter where standard 2 is not complied with.
EW - R5	**Earthworks in any COMZ - Commercial and Mixed Use Zone, SVZ - Scenic Visitor Zone, HOSPZ - Hospital Zone or STADZ - Stadium Zone**
Activity Status Permitted Where: 1. All standards in Rule EW - R1 are complied with; and 2. Where the earthworks are undertaken within a Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay area; and 3. These are ancillary earthworks for an Energy Activity, Network Utility Operation or Transport Activity; and 4. Where earthworks are undertaken for any other activity a maximum of 1000m^2/site or land is disturbed in any 12 month period. **Advice Note**: Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.	**Activity status where compliance not achieved**: Restricted Discretionary Refer to the relevant Overlay Chapter where standard 2 is not complied with.
EW - R6	**Earthworks in the BCZ - Buller Coalfield Zone and MINZ - Mineral Extraction Zone**
Activity Status Permitted	**Activity status where**

Where: 1. All standards in Rule EW - R1 are complied with; and 2. Where the earthworks are undertaken within a Overlay Chapter area these need to meet the Permitted Activity standards for the relevant overlay area. **Advice Note**: 1. Rules in relation to mineral extraction and ancillary activities can be found in the relevant zone rules. 2. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.	**compliance not achieved**: Controlled Activity under the relevant zone rule - Rule BCZ - R5 or MINZ - R6 Refer to the relevant Overlay Chapter where standard 2 is not complied with.

Restricted Discretionary Activities	
EW - R7	**Earthworks within the National Grid Yard Not Meeting Rule EW - R2**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Effects on the operation, maintenance, upgrading and development of the National Grid; b. The risk to the structural integrity of the National Grid support structure (s); c. Any impact on the ability to access the National Grid; d. Management of stormwater and overland flow; e. Any adverse effects on landscape, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, and the quality of the environment; f. The risk of electrical hazards affecting public or individual safety and the risk of property damage; and g. The outcome of any consultation with the owner and operator of the National Grid.	**Activity status where compliance not achieved:** N/A
EW - R8	**Earthworks in any Zone not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. The impact on visual amenity, landscape character, outlook and privacy; b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects; c. Effects that result from the stockpiling in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy; d. The effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond	**Activity status where compliance not achieved:** N/A

the property boundary of the activity; e. Any changes to the patterns of surface drainage or subsoil drains that could result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table; f. The impact of earthworks on critical infrastructure; g. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; h. Any adverse effects on landscape, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, and the quality of the environment; i. The impact on stormwater infrastructure and any overland flow paths; and j. The impact on any natural hazards infrastructure and the effectiveness of its operation. **Advice Note**: Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.	

LIGHT Light - Ngā Rama

Overview

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours. It also enables night-time activities to be conducted safely and provides for site security. However, if outdoor lighting is poorly designed, controlled, located or orientated, it may adversely affect the amenity of neighbouring properties and light sensitive areas; result in a loss or reduction of views of the night sky; and potentially disturb wildlife. It may also affect human health and/or safety.

The provisions for artificial outdoor lighting provide for adequate lighting to support activities and site security, while minimising potential adverse effects.

Light Objectives	
LIGHT - O1	Artificial outdoor lighting enables night-time work, rural productive activities, recreation activities, sport, entertainment activities, transportation and public health and safety.
LIGHT - O2	Artificial outdoor lighting is located, designed and operated to maintain the character and amenity values within zones, so that it does not adversely affect the health and safety of people, the safe operation of the transport network, protects views of the night sky, the habitats and ecosystems of nocturnal native fauna and the species themselves.

Also the Strategic Objectives and Policies

Light Policies	
LIGHT - P1	Provide for the use of artificial outdoor lighting that: a. Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces; b. Maintains the character and amenity values of the zone and surrounding area; c. Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety; d. Minimises sky glow and light spill; and e. Protects the health and well-being of people and ecosystems.
LIGHT - P2	Enable artificial outdoor lighting where this is: a. Of short duration outside of daylight hours associated with temporary activities; and b. Artificial outdoor lighting for the purpose of emergency response or public health and safety.

LIGHT - P3	Control the intensity, location and direction of any artificial outdoor lighting to: a. Ensure that any artificial outdoor lighting avoids conflict with existing light sensitive areas and uses; b. Internalise light spill within the site where the outdoor lighting is located; c. Minimises adverse effects on views of the night sky and intrinsically dark landscapes including in areas of outstanding coastal natural character; d. Minimises adverse effects on the significant habitats of light sensitive native fauna and the species themselves; and e. Minimises adverse effects on the health and safety of people and communities in the surrounding area.

Light Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

LIGHT - R1	All Zones: General Permitted Activity Standards
Where Activity Status is Permitted All artificial outdoor lighting must: 1. Be directed so that light is emitted away from any adjoining and adjacent properties; 2. Be directed so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic; and 3. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the adjoining zone at the zone boundary. **Advice Notes:** 1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting. 2. Where conformance with the limits set out in the Rules in this chapter is to be determined by calculation, the calculation must be undertaken by a person who is professionally qualified and competent in the discipline of illuminating engineering.	**Activity Status Where Compliance Not Achieved**: Restricted Discretionary

3. Any calculation for the purposes of these Rules must be based on a maintenance factor of 1.0 (i.e. no depreciation shall be taken into account for reduction in light levels over time).	
LIGHT - R2	**Artificial Outdoor Lighting in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, PORTZ - Port, HOSZ - Hospital, STADZ - Stadium, AIRPZ- Airport and all INZ - Industrial Zones**
Activity Status Permitted Where: 1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels: a. 7.00am – 10.00pm: 25 Lux; b. 10.00pm – 7.00am: 10 Lux in the PORTZ - Port Zone; and c. 10.00pm - 7am: 5 Lux in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, HOSZ - Hospital, STADZ - Stadium, AIRPZ - Airport and all INZ - Industrial Zones; d. The above standards a-c shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.	**Activity status where compliance not achieved**: Restricted Discretionary
LIGHT - R3	**Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 2 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay**
Activity Status Permitted Where: 1. Artificial outdoor lighting must not exceed the following vertical or horizontal light levels: a. 7.00am – 10.00pm: 2 Lux; and b. 10.00pm – 7.00am: 1 Lux; where c. This is measured at the boundary of the site. 2. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must: a. Be fully shielded or use a controlled optic; b. Have a colour corrected temperature of no greater than 3000K (warm white); and c. Be installed in a manner that precludes operation between 10pm and 7am the following day.	**Activity status where compliance not achieved**: Restricted Discretionary except Discretionary where this is within the Outstanding Coastal Natural Character Overlay
LIGHT - R4	**Artificial Outdoor Lighting in locations not provided for in Rule LIGHT - R2 or LIGHT - R3**
Activity Status Permitted	**Activity status where**

Where: 1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels: a. 7.00am – 10.00pm: 10 Lux; and b. 10.00pm – 7.00am: 2 Lux; c. The above standards a-b shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.	**compliance not achieved**: Restricted Discretionary

Restricted Discretionary Activities	
LIGHT - R5	**Artificial Outdoor Lighting in any zone not meeting Permitted Activity Standards outside of the Outstanding Coastal Natural Character Overlay**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures; b. The amount of light spill and sky glow and associated effects on views to the night sky; c. Effects on visual amenity; d. Effects on the safety of the transport network; e. Effects on established uses and their operation; f. Effects on coastal natural character; g. Effects on native wildlife; and h. Any positive effects generated from the use of artificial lighting.	**Activity status where compliance not achieved:** N/A

Discretionary Activities	
LIGHT - R6	**Artificial Outdoor Lighting within the Outstanding Coastal Natural Character Overlay and not meeting the Permitted Activity Standards.**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

NOISE Noise - Ngā Oro

Overview

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.

The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

Noise Objectives	
NOISE - O1	The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not compromise community health, safety and wellbeing.
NOISE - O2	The function and operation of existing and permitted future noise generating activities and community infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.
NOISE - O3	The health and wellbeing of people and communities are protected from significant levels of noise.

Also the Strategic Objectives and Policies

Noise Policies

NOISE - P1	Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to: a. The purpose, character and qualities of the zone that the activity is located in; b. The nature, frequency and duration of the noise generating activity; c. Whether the noise generating activity is critical infrastructure; d. Methods of mitigation; and e. The sensitivity of the surrounding environment.
NOISE - P2	Require sensitive activities sited in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account: a. The type of noise generating activity; and b. Other noise sources in the area; and c. The nature and occupancy of the noise sensitive activity; and d. Mitigation measures, including acoustic insulation, screening and topography. For the purpose of NOISE - P2 higher noise environments include: 1. CMUZ - Commercial and mixed use zones; 2. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; and 3. Locations in close proximity to a State Highway and the Railway Corridor.
NOISE - P3	Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.
NOISE - P4	Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to: a. maximum noise limits to reflect the character and amenity of each zone; b. type, scale and location of the activity in relation to any noise sensitive activities; c. hours of operation and duration of activity; d. the temporary or permanent nature of any adverse effects; and e. the ability to internalise and/or minimise any conflict with adjacent activities.

Noise Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure

and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities	
NOISE - R1	**General Standards**
All activities must comply with the following relevant standards. 1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply. 2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS6803:1999 Acoustics – Construction noise. 3. Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources"; 4. Noise from wind turbines shall be measured in accordance with section 7.7 of NZS 6808: 2010 Acoustics Wind Farm Noise; 5. Noise from Helicopter Landing areas shall be managed in accordance with and comply with the noise standards and limits of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.	**Activity status where compliance not achieved**: Restricted Discretionary
NOISE - R2	**Emissions of Noise in All Zones**
Activity Status Permitted Where the following activities are exempted from meeting Zone noise standards: 1. Intermittent residential activities, use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications and used on an intermittent basis (e.g. spraying, harvesting, etc); 2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these); 3. Activities at emergency service facilities associated with	**Activity status where compliance not achieved**: Restricted Discretionary

emergency response and emergency response training; 4. Helicopters used for an emergency and as an air ambulance; 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services or lifeline utilities; 6. People noise at recreational activities, such as sporting events or the noise from children at school or daycare facilities or in residential dwellings. This does not include any amplified noise; 7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a normal residential activity; 8. Trains on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption does not apply to the testing (when stationary), maintenance, loading or unloading of trains; 9. Road construction work where management controls are in place to mitigate the emission of noise; 10. Any residential activity on the same site as a noise source being assessed; 11. Agriculture, horticulture and pastoral farming activities undertaken for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis in the General Rural and Rural Lifestyle zones; 12. Infrequent aircraft landing for rural production purposes on an intermittent basis, including aerial topdressing and helicopter movements; 13. Non-commercial motorised watercraft operating on the surface of waterbodies; 14. Rifle ranges located within the Rifle Range Protection Area; 15. Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise; 16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour; and 17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm only, and if operating outside of these hours complies with the underlying noise standards of the zone.	
NOISE - R3	**Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity**

Activity Status Permitted Where: 1. The building will be used by a sensitive activity and is located within: a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or b. 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where i. Any habitable room used for a sensitive activity must be designed and constructed to achieve a minimum internal noise limit of 40dB $L_{Aeq\ (24h)}$; and ii. Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and iii. Any building must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95); c. 40m of the edge of the tracks of a railway line where: i. Any habitable room used for a sensitive activity must be designed and constructed to achieve a maximum internal noise limit of 35 dB $L_{Aeq\ (1h)}$; ii. Compliance with i. above must be achieved based on an assumption of 70 $LA_{eq\ (1h)}$ at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m; iii. Any building must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95); d. The 50 dBA Noise Contour boundary of Franz Josef Heliport or the 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome; where: i. Any habitable room must be designed and constructed to achieve a minimum indoor design noise level of 40 dB L_{dn}; e. Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where i. The building is designed and constructed to ensure that the following indoor design noise levels are not	**Activity status where compliance not achieved**: Restricted Discretionary

exceeded: A. 35dB LA_{eq} inside bedrooms; B. 40dB LA_{eq} inside any other habitable room, except for bedrooms; and f. Where windows need to be closed to achieve the internal noise levels specified in a. to e. above an alternative ventilation system shall be provided which achieves the following requirements: i. Satisfies clause G4 of the New Zealand Building Code; ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and iii. Provides relief for equivalent volumes of spill air; and iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and v. Does not generate more than 35 $dBLA_{eq(30s)}$ when measured 1m away from any grille or diffuser. **Advice Note:** 1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a habitable room, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate.	
NOISE - R4	**Emission of Noise for Temporary Military Training Activities**
Activity Status Permitted Where the following noise standards are complied with: 1. Weapons firing and/or the use of explosives: a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity; b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity: i. 7am to 7pm: 500m; ii. 7pm to 7am: 1.250m c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity: i. 7am to 7pm: 95 dBC;	**Activity status where compliance not achieved**: Restricted Discretionary

ii. 7pm to 7am: 85 dBC. 2. Mobile noise sources: a. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources. 3. Fixed (stationary) noise sources: a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity: i. 7am to 7pm 55 dB $L_{Aeq\ (15\ min)}$ ii. 7pm to 10pm 50 dB $L_{Aeq\ (15\ min)}$ iii. 10pm to 7am 45 dB $L_{Aeq\ (15\ min)}$ and 75 dB $L_{AF\ max}$	
NOISE- R5	**Emission of Noise in the RESZ -Residential Zones and NOSZ - Natural Open Space Zone**
Activity Status Permitted Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone: a. 7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$ b. 7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$ c. 7:00pm to 7:00am all days - 70 dB L_{AFmax}	**Activity status where compliance not achieved**: Restricted Discretionary
NOISE - R6	**Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, SETZ - Settlement Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone.**
Activity Status Permitted Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise: a. 7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$ b. 10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB L_{Aeq}	**Activity status where compliance not achieved**: Restricted Discretionary

(15min) c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}	
NOISE - R7	**Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct.**
Activity Status Permitted Where: 1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise: a. 6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$ b. 11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$ c. 11:00pm to 6:00am all days - 75 dB L_{AFmax}	**Activity status where compliance not achieved**: Restricted Discretionary
NOISE - R8	**Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone**
Activity Status Permitted Where: 1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise: a. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 60 dB $L_{Aeq\ (15\ min)}$ b. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$ c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}	**Activity status where compliance not achieved**: Restricted Discretionary
NOISE - R9	**Emission of Noise within the PORTZ - Port Zone**
Activity Status Permitted Where: 1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.	**Activity status where compliance not achieved**: Restricted Discretionary
NOISE - R10	**Emission of Noise within the AIRPZ - Airport Zone**
Activity Status Permitted Where:	**Activity status where compliance not**

1. Noise from aircraft operations at Hokitika and Westport Airports and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning; 2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas; 3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed: a. on any day 7.00am to 10.00pm exceed 55 dB $L_{Aeq\ (15\ hour)}$ b. on any day 10.00pm to 7.00am not exceed 45 dB $L_{Aeq\ (9\ hours)}$ and 75 dB L_{Amax}; and 4. The maximum noise generated from aircraft operations at Hokitika Airport over any 90 continuous days shall not exceed: a. 55 dB L_{dn} at or beyond the noise contour boundary shown on the planning maps; and 5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any 7 continuous days, shall not exceed: a. 50 dB L_{dn} at or beyond the noise contour boundary shown on the planning maps; and 6. Standards 4 and 5 above do not apply to: a. Aircraft landing or taking off in an emergency; and b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and c. Aircraft undertaking firefighting duties; and d. Military aircraft movements; and e. Aircraft using the Hokitika Airport in preparation for and participation in air shows. 7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.	**achieved**: Restricted Discretionary
NOISE - R11	**Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone**
Activity Status Permitted Where:	**Activity status where compliance not**

1. The maximum noise generated from activities does not exceed the following limits at at any point within the notional boundary of any sensitive activity within any site receiving noise: 1. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$ 2. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$ 3. 10:00pm to 7:00am all days - 75 dB L_{AFmax}	**achieved**: Restricted Discretionary

Restricted Discretionary Activities	
NOISE - R12	**Emission of Noise not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Effects on the health and wellbeing of people; b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; c. The level, hours of operation, duration and nature of the noise; d. The primary purpose and the frequency of use of the activity; e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise; f. Effects on character and amenity values on the surrounding environment; and g. Effects on the health and wellbeing of people; h. Effects on wildlife and habitat values; i. The temporary or permanent nature of any adverse effects; j. Any noise reduction measures.	**Activity status where compliance not achieved:** N/A
NOISE -R13	**New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future	**Activity status where compliance not achieved:** N/A

residents of the site; and b. The impact of any sensitive activity that does not provide the required acoustic insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint.	

MINZ Mineral Extraction Zone - Te Takiwā Kohuke

Overview

The West Coast/Te Tai o Poutini has a wide range of minerals located across the region and the mineral extraction industry is a key industry and employer on the West Coast/Te Tai o Poutini. It is arguably the most mineral rich region in New Zealand/Aotearoa me Te Waipounamu. Minerals found on the West Coast/Te Tai o Poutini in economic quantities include coal, gold, garnets, ilmenite and a wide range of alluvial and outwash deposited minerals as well as rock materials used for road construction, and engineered hazard protection works.

Mineral extraction has a functional need to occur where the mineral resource is located, and the MINZ -Mineral Extraction Zone recognises this requirement, and that mineral extraction will continue to be an important activity in the West Coast/Te Tai o Poutini.

The MINZ - Mineral Extraction Zone covers areas where there are discrete, long term mineral extraction activities that are currently authorised. This authorisation is from three different mechanisms and includes:

1. Coal mining licences under the Coal Mines Act (1979);
2. Ancillary coal mining licences under the Coal Mines Act (1979); and
3. Resource consents issued under the Resource Management Act (1991).

Because of its size and significance, and particular operational requirements, the BCZ - Buller Coalfield Zone is a separate Special Zone.

Not all minerals of significance are found in discrete locations. Gold, garnets, ilmenite and gravel are all examples of minerals that are widely spread across the West Coast in alluvial and outwash deposits. Where mineral deposits occur outside of the Special Zones, mineral extraction will be managed within the relevant zone rules. It is anticipated that there will continue to be widespread mineral extraction outside of the MINZ - Mineral Extraction Zone.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for mineral extraction activities, including:

- **Overlay Chapters** - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; ecosystems and indigenous biodiversity; landscape and natural features; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **General District Wide Matters -** provisions in relation to NOISE and LIGHT in particular may be relevant to activities undertaken in the MINZ - Mineral Extraction Zone.

Regional Council Consenting Requirements

Alongside Te Tai o Poutini Plan provisions, often mineral extraction activity will require

regional consents from the West Coast Regional Council, generally in relation to water takes, discharges and land disturbance activity.

Mineral Extraction Zone Objectives	
MINZ - O1	Mineral extraction activities in the MINZ - Mineral Extraction Zone are enabled recognising the scale and operational characteristics and the contribution that these activities make to the economic and social wellbeing of the region and districts.
MINZ - O2	To ensure exploration, extraction and processing of minerals within the MINZ - Mineral Extraction Zone minimises adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga.

Also the Strategic Objectives and Policies

Mineral Extraction Policies	
MINZ - P1	To identify and provide for significant mineral resources (where these are found in a discrete location) by identifying MINZ - Mineral Extraction Zones and applying provisions to facilitate mineral extraction activities.
MINZ - P2	To recognise the importance of the mineral deposits in the MINZ - Mineral Extraction Zone and prevent future activities or developments from establishing in locations which could compromise access to these mineral deposits.
MINZ - P3	To ensure that after mineral extraction, all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to best practice environmental standards and to provide for future use and activities appropriate to the area.
MINZ - P4	Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ - Mineral Extraction Zone as far as practicable by: a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool; b. Managing dust, noise, vibration, access and lighting to maintain amenity values; c. Managing traffic generation, load type and vehicle characteristics on the operation and maintenance of the transport network; d. Managing impacts on significant indigenous vegetation and significant habitats of indigenous fauna; e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;

	f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; g. Undertaking remediation alongside extraction operations; and h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
MINZ - P5	Where the removal of an area of significant indigenous vegetation or significant fauna habitat in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be mitigated, remedied, offset or compensated to achieve no net loss in biodiversity values.
MINZ - P6	Protect the relationship and mana of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga within the MINZ - Mineral Extraction Zone by: a. Ensuring Poutini Ngāi Tahu input to any resource consenting processes; b. Requiring ongoing liaison and communication where Poutini Ngāī Tahu cultural resources may be affected by mineral extraction, processing or rehabilitation activities; c. Recognising the ownership of the pounamu resource lies with Poutini Ngāi Tahu; and d. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.
MINZ - P7	Manage conflicts between mineral extraction activities and other land uses by ensuring that: a. Performance standards to minimise impacts on the amenity, rural character and natural values of adjacent areas are met; and b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.
MINZ - P8	Co-ordinate the approach to mineral extraction activity consents with the West Coast/Te Tai o Poutini Regional Council, particularly where water resources and soil conservation are affected.

Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

MINZ - R1	**Mineral Prospecting and Exploration**

Activity Status Permitted Where: 1. Notice is provided to the relevant district council 5 working days ahead of work being undertaken; 2. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 3. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat; and 4. The site shall be rehabilitated as far as practicable to its original condition. **Advice Note:** 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7. 3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.	**Activity status where compliance not achieved**: Controlled
MINZ - R2	**Mineral Extraction and Processing**
Activity Status Permitted Where: 1. The mineral extraction and processing are lawfully established at the date the Plan becomes operative; 2. Where the site is active, or intended to be active within the next 12 months: a. To the extent not already required by any coal mining licence or resource consent, a Mineral Extraction Management Plan shall be prepared in accordance with the outline provided in Appendix Seven and be submitted to the relevant district council within 12 months for certification. This plan will: i. Provide an outline of the issues and values that need to be managed at the site; ii. Provide the detail of how these issues and values will be managed; iii. Set out a schedule of annual monitoring to be undertaken; and iv. Outline the rehabilitation and mine closure process for the site; b. To the extent not already required by any coal mining	**Activity status where compliance not achieved**: Controlled

licence or resource consent, an annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the Consent Authority by 30 March of each calendar year. These Plans will be required until the relevant district council certifies that rehabilitation is complete; 3. During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan; 4. Upon ceasing of mineral extraction and processing activity, a programme of mine closure shall be undertaken in accordance with the mine closure programme in the Mineral Extraction Management Plan; 5. No blasting or vibration shall occur outside the hours of 0700 to 2200 hours weekdays and 0800 to 1800 hours on weekends and public holidays; 6. A bond is in place with the relevant district council; 7. Noise meets the Permitted Activity Standards in Rule NOISE - R7; and 8. Light and glare meet the Permitted Activity standards in Rule LIGHT - R4. **Advice Note**: 1. Only active mineral extraction sites, or those expected to be active within 12 months are required to prepare a Mineral Extraction Management Plan, Annual Work Plan or Environmental Monitoring Report. 2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM - R7. 3. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 4. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.	
MINZ - R3	**Activities ancillary to lawfully established mineral extraction and processing**
Activity Status Permitted Where: 1. This includes maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout and structures existing at the date of notification of the Plan; 2. Maximum building height above ground level is 10m;	**Activity status where compliance not achieved**: Controlled

3. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries; 4. There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site); 5. There shall be no offensive or objectionable dust nuisance at or beyond the property boundary of the mineral extraction site as a result of the activity; 6. A bond is in place with the relevant district council; 7. Noise meets the Permitted Activity Standards in Rule NOISE - R7; and 8. Light and glare meet the Permitted Activity standards in Rule LIGHT - R4. **Advice Note**: 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.	

MINZ - R4	**Conservation, Recreation and Research Activities**
Activity Status Permitted Where: 1. Maximum building height above ground level is 10m; and 2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.	**Activity status where compliance not achieved**: Discretionary

MINZ - R5	**Grazing of Animals**
Activity Status Permitted **Advice Note**: 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.	**Activity status where compliance not achieved**: N/A

Controlled Activities

MINZ - R6	**Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards**
Activity Status Controlled Where: 1. This does not occur within: i. An area of indigenous vegetation greater than 5000m^2 in size that has not been assessed for its significance; 2. This includes all earthworks associated with the mineral extraction activity; and 3. This includes ancillary activities, buildings, structures and	**Activity status where compliance not achieved:** Restricted Discretionary

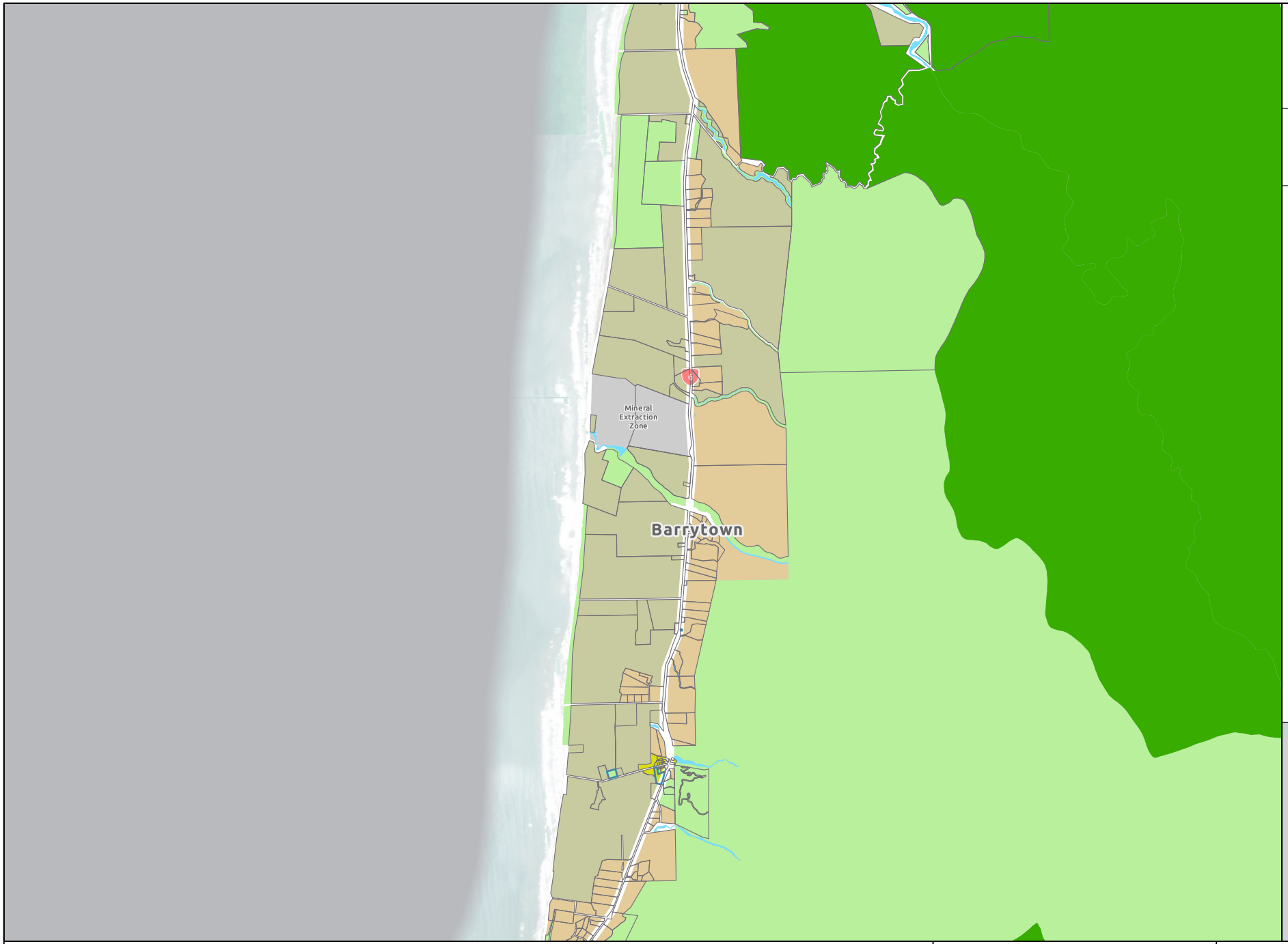
infrastructure required to enable the mineral extraction activity. **Matters of control are:** a. Management of access, parking, traffic generation and transport of minerals from the site; b. Noise, glare, light, dust, blasting and vibration management; c. Hours of operation; d. Hazardous substances and waste management; e. Historic heritage and cultural heritage requirements; f. Extent and design of earthworks and indigenous vegetation clearance; g. Effects on ecological values including any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Overburden management; j. Monitoring, reporting and community liaison requirements; k. Financial contributions and any requirement for bonds; and l. Site rehabilitation and mine closure requirements. **Advice Note**: 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.	

Restricted Discretionary Activities	
MINZ - R7	**Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards**
Activity Status Restricted Discretionary **Where:** 1. This includes all earthworks associated with the mineral extraction activity; and 2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral extraction activity. **Discretion is restricted to:** a. Management of access, parking and traffic generation from the site; b. Noise, glare, light, dust, blasting and vibration management; c. Hours of operation; d. Hazardous substances and waste management; e. Historic and cultural heritage requirements; f. Extent and design of earthworks and indigenous vegetation	**Activity status where compliance not achieved:** N/A

clearance; g. Effects on ecological values including any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Overburden management; j. Monitoring, reporting and community liaison requirements; k. Financial contributions and any requirement for bonds; and l. Site rehabilitation and mine closure requirements. **Advice Note**: 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.	

Discretionary Activities	
MINZ - R8	**Conservation, research and recreation activities not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

Non-complying Activities	
MINZ - R9	**Residential Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
MINZ - R10	**Any activity not provided for in another rule in the zone**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A



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Grey District

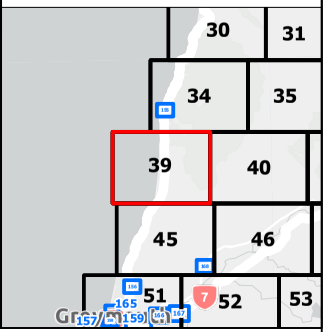
Scale: 1:50,000

0 1 2

Kilometers

Legend

- Designations
- District Plan Zones
- Settlement Zone
- Rural Lifestyle Zone
- General Rural Zone
- Open Space Zone
- Natural Open Space Zone
- Special Purpose Zone – Mineral Extraction Zone
- Waterbody



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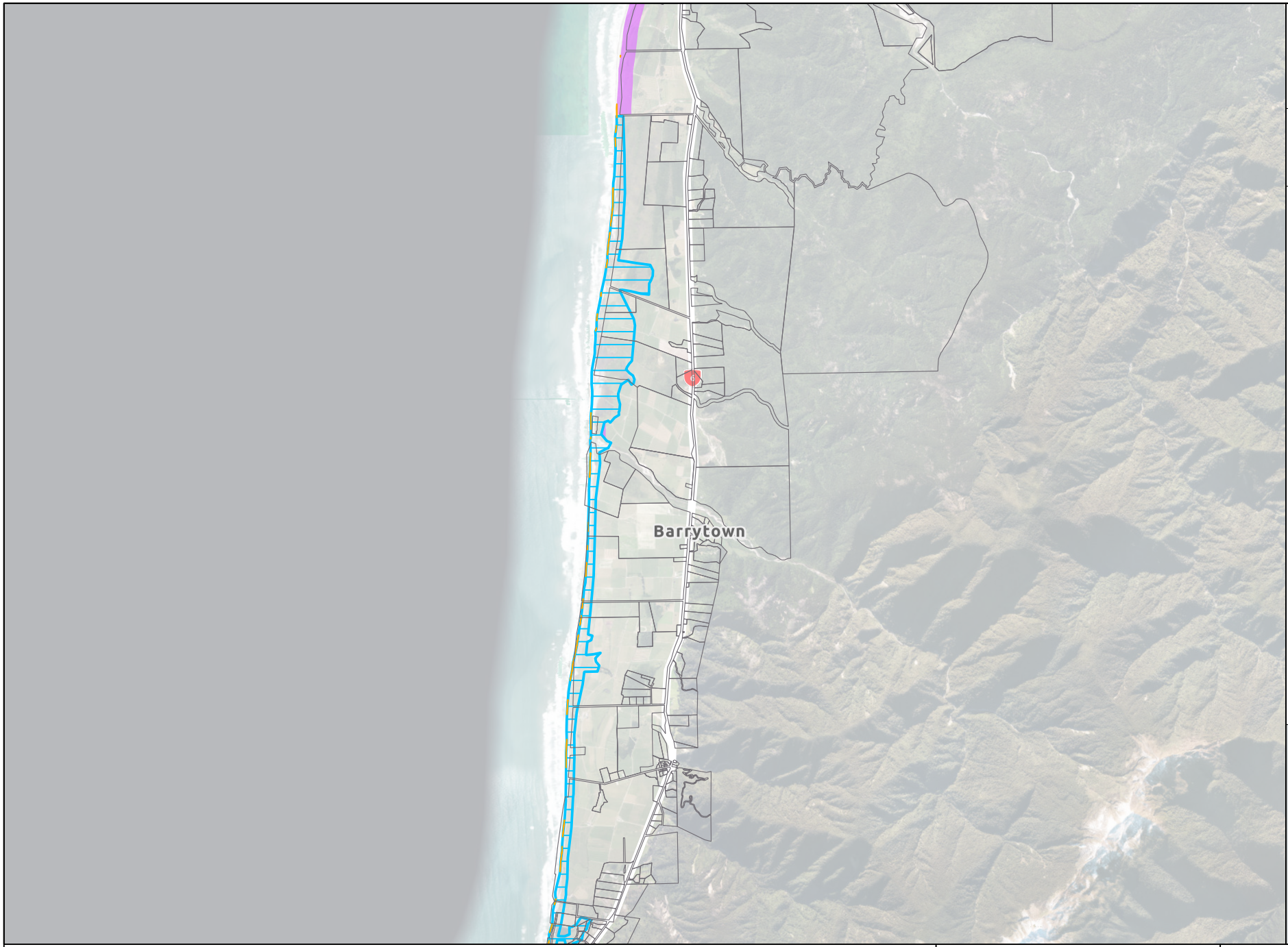
Te Tai o Poutini PLAN

A combined district plan for the West Coast

Proposed District Plan - Zoning

NOTE
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road.

DISCLAIMER
Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the West Coast Regional Council cannot accept any responsibility for such errors and omissions.



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Grey District

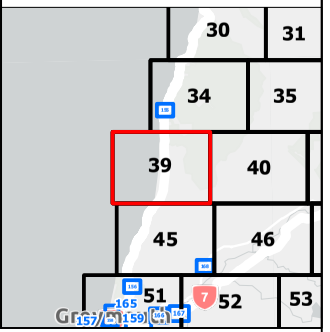
Scale: 1:50,000

0 1 2

Kilometers

Legend

- Coastal Tsunami Hazard
- Coastal Setback
- Coastal Alert



Te Tai o Poutini PLAN

A combined district plan for the West Coast

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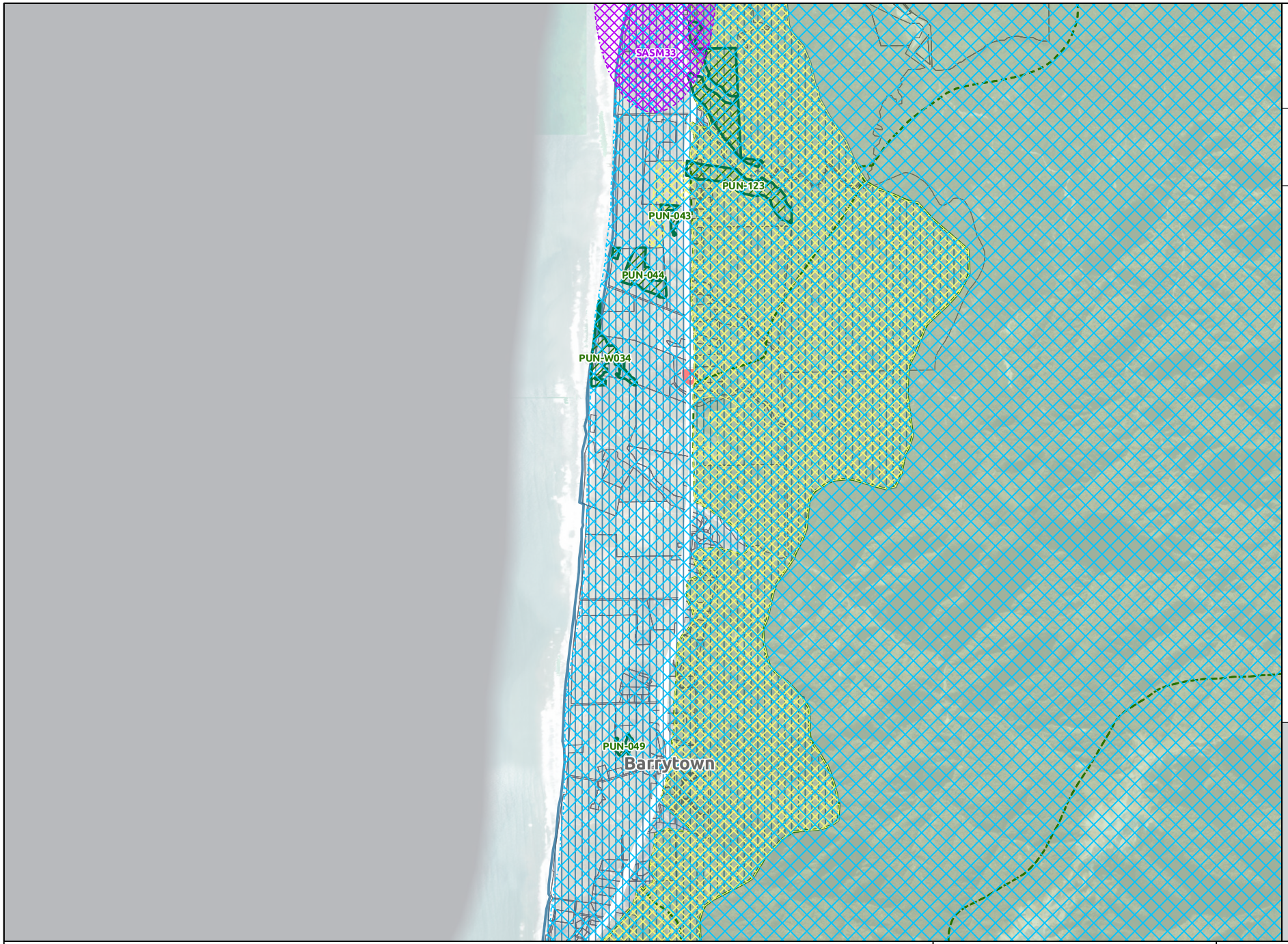
Proposed District Plan - Natural Hazards

NOTE
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road.



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Grey District

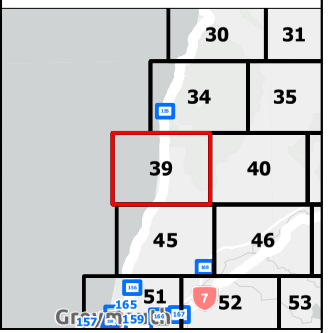
Scale: 1:50,000

0 1 2

Kilometers

Legend

- Sites and Areas of Significance to Māori
- Pounamu Management Areas
- Significant Natural Areas
- Outstanding Natural Character
- Outstanding Natural Landscape
- Coastal Environment



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Te Tai o Poutini PLAN

A combined district plan for the West Coast

Proposed District Plan - Environmental and Cultural Values

NOTE
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road.

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