



1. Introduction

1.1 Purpose of this Plan

This document has been prepared by the Gisborne District Council to assist Council to carry out its functions in order to achieve the purpose of the Resource Management Act 1991. It is an effects-based plan, aimed at implementing integrated and environmentally sound resource management across the Gisborne District.

The Resource Management Act 1991 provides a framework for dealing with the impacts of contaminants and discharges. It also promotes the sustainable management of natural and physical resources (Section 5) which is defined as:

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

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

"Natural and Physical Resources" are defined in the Act to include land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures. In turn, structure means any building, equipment, device or other facility made by people and which is fixed to land.

There are two inter-related levels at which policies and rules dealing with different resources can be integrated. One depends on ensuring that the various levels of decision-making are applied in a consistent manner and that decision-making procedures work effectively and the results are monitored.

The other level depends on ensuring that the various policies relating to specific resources are contributing to a common and agreed objective - that is, the desired result.

The Resource Management Act 1991 (RMA) provides for a framework of policy statements and plans, each of which must achieve the purpose of the Act - to promote sustainable management. Under the RMA the development of the Regional Policy Statement is mandatory. This is to be completed by all Regional Councils. Arising out of the Policy Statement is the preparation of Regional Plans which are optional except for the Regional Coastal Environment Plan which is mandatory. Regional Plans are to assist Council to carry out its function under the RMA. Plans may contain rules which prohibit, regulate or allow activities for any matter in which the Council is responsible within its region.

In addition to Regional Council responsibilities, Territorial Authorities must also prepare district plans in order to assist them to carry out their functions under the Act. They may contain rules to prohibit, regulate or allow activities in order to mitigate, avoid or remedy effects.

Gisborne District Council is in an unusual position in that as a Unitary Authority, it fulfils the responsibilities of both a Regional Council and Territorial Authority. Hence it is necessary for it to prepare both regional plans and district plans. This Regional Plan assists Gisborne District Council to fulfil its responsibilities under the RMA as a regional council, and a territorial authority.

1.2 Scope of the Plan

1. What Is Waste?

Some believe that waste is simply what they throw out in their rubbish bag or bin, or grind up in their electric waste disposal system.

But is waste useless material to be disposed of, or does it also include material that could be reused, or reprocessed in some other way? Should our definition of waste encompass only so-called "solid waste" or should it also incorporate domestic sewage, stormwater and sludges, for example? The technical definition in the glossary includes solid, liquid and gaseous wastes, as it is intended that all of these issues, and others such as contaminated sites, will fall within the purview of this Regional Waste Management Plan.

2. What are Hazardous Substances?

Hazardous substances are any substances which may pose threats to the environment, to human, plant or animal health. They are often equated with hazardous wastes but the risks can arise at any time during the existence of such a substance, from production, storage, transport, use and disposal, while the substance has value and usefulness. They include materials that can be explosive, flammable, oxidising, toxic, radioactive, corrosive and infectious.

3. Spatial Coverage of the Plan

The Resource Management Act set out that a Regional Plan may be prepared for all or a part of a Region. The Gisborne Region includes all the land within the Gisborne District and all water bodies including the sea out to the 12nm Territorial Limit. This plan covers all of the Gisborne Region including all water bodies, but excludes the Coastal Marine Area. Issues concerning discharges, waste management, hazardous substances and contaminated sites in the Coastal Marine Area are dealt with in the Regional Coastal Environment Plan.

4. The Regional Planning Process

A regional plan may be prepared for any aspect of any function for which the regional council is responsible. It may apply to the whole or part of any region (Section 65).

In particular, the Act requires regional councils to "consider the desirability of preparing a regional plan whenever any of the following circumstances arise or a likely to arise." The broad scope of waste generation and management has the potential to arise in conjunction with any of the following circumstances:

- a) *Any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict (for example, such conflicts could arise from the need to protect ground water from the effects of septic tanks).*
- b) *Any significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance. (The siting of landfills is relevant here).*
- c) *Any threat from natural hazards or any actual or potential adverse effects from the storage, use, disposal, or transportation of hazardous substances which may be avoided or mitigated.*
- d) *Any foreseeable demand for or on natural and physical resources. (This could relate to the provision of land for a landfill or sewage treatment plant);*
- e) *Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources.*
- f) *The restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration (The need to restore contaminated sites is an example).*
- g) *The implementation of a national policy statement or New Zealand Coastal Policy Statement. (There is a requirement to protect the coast from the adverse effects of waste).*
- h) *Any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality. (Improperly managed, waste and hazardous substances handling facilities have the capacity to adversely affect land, air and/or water quality).*
- i) *Any other significant issue relating to any function of the regional council under this Act. (The Gisborne District Council has a role in co-ordinating and implementing waste management activities in the District to enable it to perform its functions under the Resource Management Act).*

In order to achieve the objectives and policies set out in the regional plan, Councils may include regional rules in the plan which prohibit, regulate, or allow activities (Section 68).

Rules have the force and effect of a regulation under the Act. Regional plans provide a framework for managing the resources of the region in a sustainable way.

The Act requires regional councils to consider the following when preparing a regional plan:

- ▶ The procedures for preparing, changing or reviewing regional plans (First Schedule).
- ▶ The purpose and principles of the Act (Part II).
- ▶ The purpose of regional plans (Section 63).
- ▶ The matters which have to be considered by regional councils (Section 66) and which shall be provided for in regional plans.
- ▶ The contents of a regional plan (Section 67).
- ▶ The functions of regional councils (Section 30).
- ▶ The duty to consider alternative means, to assess the costs and benefits of alternative and chosen means, and to be satisfied as to the necessity and efficiency of chosen means (Section 32).

Regional plans shall state:

- a) *The issues to be addressed in the plan.*
- b) *The objectives sought to be achieved by the plan.*
- c) *The policies in regard to the issues and objectives, and an explanation of those policies.*
- d) *The methods being or to be used to implement the policies, including any rules.*
- e) *The principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan.*
- f) *The information to be submitted with an application for a resource consent, including the circumstances in which the powers under Section 92 may be used.*
- g) *The environmental results anticipated from the implementation of these policies and methods.*
- h) *The processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities and between regions.*
- i) *The procedures to be used to review the matters set out in paragraphs (a) - (h) and to monitor the effectiveness of the plan as a means of achieving its objectives and policies.*
- j) *Any other information that the regional council considers appropriate.*
- k) *Any additional matters that may be appropriate for the purpose of fulfilling the regional council's functions, powers, and duties under this Act. (Section 67)*

By providing for each region to prepare a regional plan, the Act signals that resource management issues vary between regions. What may be an important matter in one region may be a minor matter in another. This plan deals with issues which are important to the Gisborne District. Some are unique to this region, whilst many are shared by other regions.

The Act also allows for innovation on the part of resource managers. It does not prescribe ways in which issues should be dealt with. Consequently Council has freedom to choose a variety of ways to deal with issues, provided always that the methods are consistent with the principle of sustainable management of resources.

5. Consultation with the Community

People are entitled to information that affects their lives. Accordingly the Gisborne District Council will continue to consult widely with the community on waste management matters for which the Council has responsibility.

Consultation with Other Regulatory Authorities

Where there are matters of mutual interest or concern, such as the movement of hazardous wastes across regional boundaries, the Gisborne District Council undertakes to advise and consult with neighbouring Regional Councils and Unitary Authorities. The Gisborne District Region is bounded by Bay of Plenty region to the west and Hawkes Bay region to the south west.

The Gisborne District, through sharing of information at the regular meetings of the Regional Council Waste Officers Forum, will ensure consistency of approach, where appropriate, in waste management matters with other regional councils.

In addition to the above the Gisborne District Council should also take advice from and consult with government and regulatory authorities.

1.3 Relevant Legislation

Although this Plan is prepared pursuant to the Resource Management Act 1991, waste management in New Zealand is governed by several interrelated statutes, including the Resource Management Act, which are summarised below (Source: Milne, D.A. (ed) (1992), "Handbook of Environmental Law" Royal Forest and Bird Protection Society, Wellington).

1. Resource Management Act 1991

This Act is administered by the Ministry for the Environment.

Introduced in October 1991, this Act reforms various statutes relating to land, air and water, integrating them into a new system of environmental management.

Under the Act, regional councils have the functions of identifying resource management issues of significance to the region and developing associated Regional Policy Statements and Regional Plans.

One function identified in the Act is the prevention or mitigation of any adverse land use effects of the storage, use, disposal and transportation of hazardous substances. Waste management in general is an issue that may be dealt with by a regional council.

The Act establishes a hierarchy of national policy statements, including the mandatory New Zealand Coastal Policy Statement, regional policy and plans through which the Ministry for the Environment, the Ministry of Energy and the Department of Conservation, along with other regional councils and territorial local authorities may carry out their prescribed functions. This hierarchy, and in particular how it relates to the Gisborne Region is described in diagram one.

Regional Plans cannot be inconsistent with the objectives and policies of National Policy Statements or Regional Policy Statements. The New Zealand Coastal Policy Statement, which is a National Policy Statement was prepared by the Minister of Conservation and gazetted in 1994 and is available for inspection at the offices of the Gisborne District Council and may be obtained through Regional Conservancies of the Department of Conservation.

Each regional council is required to prepare a Regional Policy Statement which provides an overview of the main resource management issues in the region and how they are to be dealt with. Regional Councils may also prepare more detailed Regional Plans for particular issues especially where they have specific functional responsibilities. The Gisborne District Council's Regional Policy Statement contains provisions relevant to all the subjects in this Plan. The Council also has a Regional Air Quality Management Plan and a Regional Coastal Environment Plan. The latter deals with discharges into the Coastal Marine Area, and sets policy relevant to the wider coastal environment. This Plan may not be inconsistent with the Regional Policy Statement or those other plans.

Schedule 1 of the Act details matters which are to be considered in preparing Regional Policy Statements and Regional Plans, but leaves the precise form of them to each regional council. There is provision in the Act for Regional Plans to contain rules to govern activities on both land and water. Consents may be required for specified activities.

Regional Plans are to be prepared following a process of public consultation. All persons and organisations have the right to make submissions on proposed Regional Plans. Regional Plans are also open to appeal to the Environment Court.

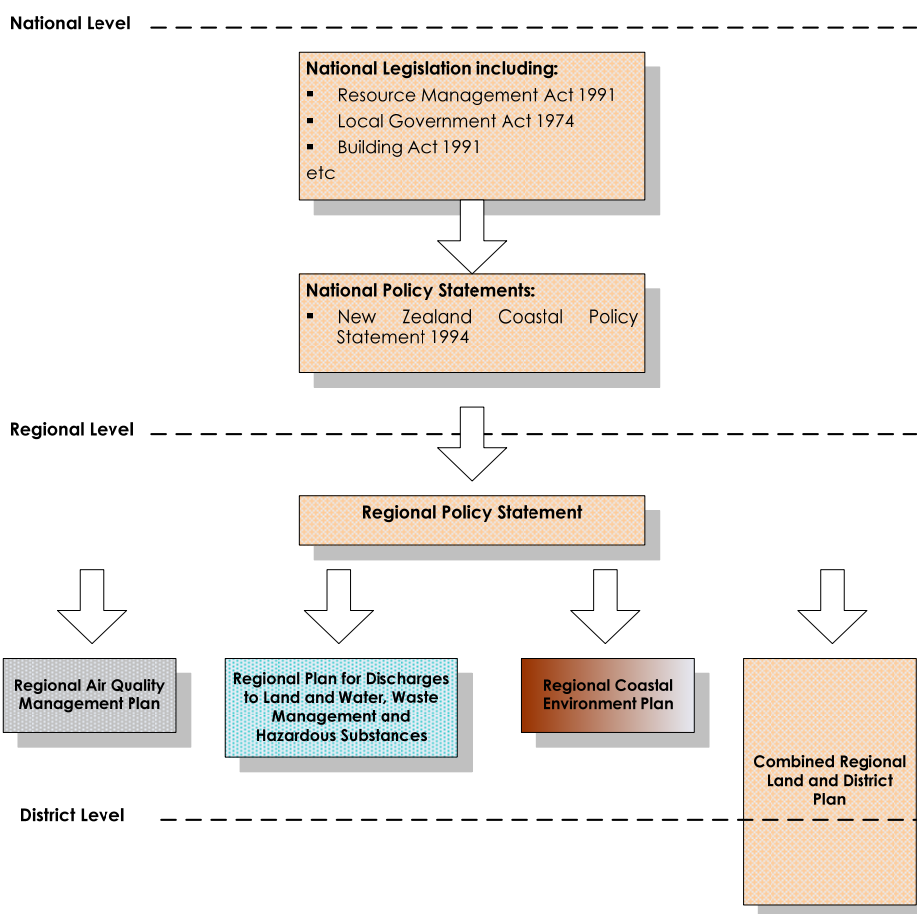


Diagram 1

2. Local Government Act 1974

This Act is administered by the Department of Internal Affairs.

The Local Government Act 1974 gives local authorities the power to establish bylaws (S.491) to control discharges through sewage pipelines (Parts 26 and 27). These controls are known as trade waste bylaws. The provisions contained in the Resource Management Act (e.g. Part II) still apply.

Bylaws can provide for the following:

- ▶ Maximum volume of discharges.
- ▶ Composition.
- ▶ Rate of discharge.
- ▶ Regulation of temperature.
- ▶ pH (acidity and alkalinity).
- ▶ Limits on the discharge of certain substances.
- ▶ Prohibitions on the discharge of certain substances.

Trade waste bylaws may only be established after public consultation (Section 492). Councils must give at least two months notice and advertise their intention in one or more daily newspapers circulating in the area. They must consult any interested party, and take into account any representations that may be made to them.

Fines of up to \$10,000 may be imposed for breaching any trade waste bylaws (Section 493). Councils may charge for receiving and treating trade wastes (Section 494). Charges may be used as an economic incentive for cleaning up trade wastes.

Part XXXI of the Local Government Act was amended in 1996. It gives local authorities the duty to encourage effective and efficient waste management, having regard to environmental and economic costs and benefits and nuisance and health aspects. Councils are required to prepare waste management plans, and are empowered to collect and dispose of waste, including waste minimisation techniques. This Plan has been prepared under the Resource Management Act and is not intended to be the Waste Management Plan referred to in the Local Government Act, which will be prepared separately. There will however inevitably be a strong relationship between these two plans.

Six parts of the Local Government Act 1974 contain provisions relating to the actual delivery of waste management services by local authorities. Such services are usually the function of district councils, although by agreement may be taken over by a regional council. The parts of the Act concerned are sewerage and water drainage by local authorities, regional drainage, trade wastes, refuse collection and disposal, public health and well-being and bylaws.

Regional Councils and territorial local authorities have the opportunity through the annual plan to present collective proposals on service delivery issues for treatment and disposal facilities for waste hazardous substances.

3. Health Act 1956

This Act is administered by the Ministry of Health.

The Health Act provides for local authorities to control nuisances, sewerage works, the collection and disposal of refuse (Section 25) and offensive trades as defined in the Third Schedule, and including refuse disposal.

Councils have wide powers to establish bylaws to control the handling and storage of noxious substances (Section 64). Environmental Health Officers must be appointed by all district and regional councils to carry out functions under the Health Act. They are the first point of call for people concerned about activities which may breach the Health Act. Territorial Local Authorities may act to abate nuisances without notice where, in the opinion of the inspector, this is necessary (Section 34).

4. Marine Pollution Act 1974

This Act is administered by the Ministry of Transport.

The Marine Pollution Act was enacted principally to ratify several conventions on oil pollution to which New Zealand is a party. These include:

- ▶ The International Convention for the Prevention of Pollution of the Sea by Oil, 1954.
- ▶ The Act includes provisions on dumping and incineration of waste thereby ratifying the Convention of the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter 1972, otherwise known as the "London Dumping Convention."

There are no public participation procedures provided for in the Marine Pollution Act.

The Marine Pollution Act deals with the dumping and discharging of waste and "pollutants", specifically including oil, and the incineration of waste within the 200 mile exclusive economic zone, harbours and inland waters navigable by ships. It prohibits the dumping of radioactive substances at sea and requires a permit to incinerate or dump wastes. To be controlled by this Act, "pollutants" must be specified by regulation by the Minister of Transport. To date, none have been specified. Thus oil is currently the only substance covered by the Act.

The Marine Pollution Act controls pollution from vessels or structures between 12 and 200 miles offshore, an area which is outside the jurisdiction of the Resource Management Act. In harbours, inland waters, and between the shore and out to the 12 mile limit, the two Acts overlap.

If pollutants have been discharged from a local vessel, the Resource Management Act will also apply in respect of the offence. Amendment to the Resource Management Act will have implications for the Regional Councils responsibilities.

Under the Marine Pollution Act, the Minister of Transport can require regional councils to provide oil pollution control equipment. A National Oil Pollution Strategy is currently being developed by the Ministry of Transport.

Under this Act, failure of an operator to report any discharge of oil or pollutants immediately may incur a fine of up to \$20,000 (Section 16). The Act also makes it an offence to dump or incinerate waste without a permit (Section 22), and Section 22B states that no permit may be issued which breaches a regional plan or resource consent granted under the Resource Management Act. The Minister of Transport can use criteria governing the dumping of waste, including impacts on the environment and the "practical availability of land-based methods of treatment, disposal or elimination (Section 24). Fines of up to \$100,000 may be levied for illegal dumping and/or incineration.

5. Dangerous Goods Act 1974

This Act, administered by the Department of Labour, licences the packing, marking, handling, carriage, storage and use of dangerous goods.

Dangerous goods are defined according to criteria established by the United Nations Committee on the Transport of Dangerous Goods but the Act deals only with the handling of dangerous goods containing substances listed in the Schedules to the Act. The Department of Labour and local authorities licence premises under this Act, and have enforcement powers. The authority responsible for licensing premises is determined by the degree of risk posed by the substance. More dangerous goods and greater quantities are licensed by the Department of Labour.

This Act is to be repealed, as from a date to be appointed by Order in Council, by s150(1) Hazardous Substances and New Organisms Act 1996 (1996 No 30).

6. Transport Act 1962

This Act is administered by the Ministry of Transport and establishes "classes" of substances and places a duty on transporters of goods to label and provide documentation for hazardous substances. The Act does not allow the mixing of certain substances in the same load or container, for example food and certain hazardous substances.

The legislation also requires training and testing for drivers before being allowed to transport hazardous substances which are listed in New Zealand Standard 5433:1988. A complete list of classes and substances may be obtained from the Standards Association of New Zealand or the Ministry of Transport.

7. Transport Amendment Act 1989

The Transport Act 1962 governs the transport of people and goods. It is administered by the Ministry of Transport.

In 1989, an amendment was made relating specifically to the transport of hazardous substances. It requires that transport operators carrying hazardous substances clearly label the vehicle and the load as to the nature of the hazardous substance carried. They must segregate the hazardous substances from other substances being carried, according to the New Zealand Standard for the transport of hazardous substances on land.

Drivers are required to have a licence with a hazardous substances endorsement, indicating that they are trained in the handling of hazardous substances. The Act also requires that the consignor advise the transport operator of the presence and nature of the hazardous substances to be carried.

8. Toxic Substances Act 1979

This Act is administered by the Department of Health and establishes a Toxic Substances Board which recommends policies and regulations relating to the import, manufacture, labelling, sale, disposal and general handling of toxic substances. The Second Schedule of regulations under this Act controls the disposal of containers that have held specified deadly poisons. The Board's register of licensed substances is held by every Medical Officer of Health and is available for inspection by the public during normal business hours.

This Act is to be repealed, as from a date to be appointed by Order in Council, by s150(1) Hazardous Substances and New Organisms Act 1996 (1996 No 30).

9. Pesticides Act 1979

This Act, administered by the Ministry of Agriculture and Fisheries, regulates the control, sale and use of pesticides, and establishes a Pesticides Board which includes representatives of a number of Ministers, including the Minister for the Environment, and agricultural organisations.

The Board registers and deregisters pesticides and specifies controls, including labelling, but these functions are not subject to public process. The board is required to make the registers publicly available (Section 33).

The Board can refuse registration for use of a pesticide on the grounds that it is likely:

- ▶ To be materially prejudicial to the health or safety of human beings or any livestock or protected wildlife; or
- ▶ Because of the nature or quantity of any ingredients of any pesticides, to have a detrimental effect on meat, dairy produce or other produce intended for human consumption; or
- ▶ To have substantial adverse environmental effect (Section 27).

The Act also establishes a category of "controlled" pesticides that can only be applied by operators licensed by the Board. These pesticides include 1080 and cyanide. The board is required to maintain a register of all licensed operators and to make it available to the public (Section 51).

Inspectors appointed by the Board have an important role in the enforcement of the Act and Regulations.

This Act is to be repealed, as from a date to be appointed by Order in Council, by s150(1) Hazardous Substances and New Organisms Act 1996 (1996 No 30).

10. Explosives Act 1957

This Act is administered by the Department of Labour and provides for the storage and transport of explosives. Explosives Inspectors are the major enforcement officers in the Act. There is no provision for public participation in the Act.

This Act is to be repealed, as from a date to be appointed by Order in Council, by s150(1) Hazardous Substances and New Organisms Act 1996 (1996 No 30).

11. Radiation Protection Act 1965

The Radiation Protection Act is administered by the Department of Health and deals with the control of radioactive substances, including radiation emitting equipment such as X-ray machines, and the occupational safety and health of workers who use radioactive substances.

The National Radiation Laboratory, based in Christchurch, is the principal agency providing advice on this Act.

Any transport of radioactive material under this Act must comply with the requirements of the International Atomic Energy Agency Regulations for the safe Transport of Radioactive Materials.

There is no public participation process. This legislation also meshes with controls under the Atomic Energy Act 1947 concerned with the occupational safety and health aspects of mining uranium or thorium compounds.

12. Building Act 1991

This Act, administered by the Ministry of Internal Affairs, covers health issues connected with construction and design, including access for disabled people, and fire protection. It provides for the safe storage of hazardous substances to prevent their release into the environment in the case of fire [Section 6(2)(c)].

It also provides for the efficient use of energy during the intended life of new buildings [Section 6(2)(f)].

The purposes of the Act are intended to be achieved through a building code, formed by regulation (Section 48), as recommended by the Building Industry Authority (Section 12) to the Minister of Internal Affairs.

The day-to-day administration of the Act lies with local authorities who are required to ensure that all building work complies with the Act before issuing a building consent (Section 32). The provision also applies to changes in the use of a building (Section 46).

13. Litter Act 1979

This Act deals with the prevention of littering and provides penalties for related offences. It requires district councils to provide litter receptacles in public places and empowers them to appoint litter wardens and spend money on anti-litter campaigns. The Act is administered by the Department of Internal Affairs.

14. Maritime Transport Act 1994

This Act contains provisions to protect the marine environment; and to continue, or enable, the implementation of obligations on New Zealand under various international conventions relating to pollution of the marine environment. It contains provisions on the discharge or escape of harmful substances, protection of the marine environment from hazardous ships, structures, and offshore operations, and protection of the marine environment from dumping, incineration, and storing of wastes.

1.4 Other Gisborne Plans and Policy Statements

The Gisborne District Council has prepared a Regional Policy Statement under the Resource Management Act, and will in due course prepare several other Regional Plans on topics related to waste management and hazardous substances, together with a District Plan which will manage many aspects of land use. The Regional Coastal Environment Plan, Regional Air Quality Management Plan, and District Plan are the planning documents most closely related to this Plan.

This section presents a synopsis of some of the ways in which waste management links into the Gisborne District Council's Regional and District planning documents, and the Gisborne District Annual Plan. The purpose in presenting this section is to alert readers to the Regional Policy Statement and other plans that should be considered in conjunction with this Regional Plan.

1. Gisborne District Council's Annual Plan

All local authorities must prepare an annual plan under the Local Government Act 1974. The Annual Plan outlines the nature and scope of activities to be undertaken by the organisation over the financial year, along with the funds required to undertake these activities, which will, in turn determine the rating level for the district.

As this Plan contains objectives, policies and methods for achieving the sustainable management of the Region's wastes, it follows that the Plan will influence the contents of the Council's Annual Plan and Budget.

Sustainable management of the District's wastes is a long-term goal. The pace of achievement will be determined by cost and the resources allocated through the annual plan process.

The majority of methods used in this Plan will require the Gisborne District Council to do something - although many are in fact already being put into effect, while others are required by the Act. Methods requiring commitment of Council resources will be scrutinised through the annual plan and budget process which will determine priorities, time-frames and the affordability of the methods. Many of the methods will need to be implemented progressively.

However, the cost of not managing the District's wastes in an integrated and environmentally sustainable way are also high, adversely affecting human and environmental health, and New

Zealand's crucial "clean, green image" on which our vital agricultural, forestry and tourism industries depend.

2. The Gisborne District Regional Policy Statement

The Regional Policy Statement contains a number of parts which are relevant to this Plan. In particular it contains sections relating to tangata whenua, the coastal environment, water quality, air quality, waste management and hazardous substances. The objectives and policies in the Regional Policy Statement relating to waste management and hazardous substances are largely the same as those in this Plan.

The Gisborne District Regional Policy Statement sets out a number of guiding principles and assumptions outlined here, which form the basis for this Plan.

3. District Plan Relationship

For a Unitary Authority there are opportunities to deal with some waste management issues in either a Regional Plan or District Plan. A key principle adopted in selecting aspects to be dealt with in the Regional Plan has been whether there are effects or potentially serious effects on soil, water, air or the coastal environment.

3.1 Relationship with Iwi Authorities

Waste management is an issue of particular importance to iwi of the Gisborne District who have long been concerned about the discharge of raw sewage into the rivers and the sea. While the Resource Management Act provides no clear guidance on how the Council should proceed to recognise its relationship with iwi, it has been guided by the principle of partnership when preparing this Regional Plan.

Principles have been incorporated from several sources including the Report of the Maori Working Groups on Waste included in the Ministry for the Environment Landfill Guidelines.

These principles include the following:

- ▶ That the mauri of the District's environment is protected.
- ▶ That the principles of the Treaty of Waitangi are taken into account in resource management.
- ▶ That there are increased opportunities for tangata whenua to exercise kaitiakitanga in the District.
- ▶ That there are increased opportunities for cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met.

3.2 Coastal Issues

Several waste management issues have been identified in the coastal environment section of the Regional Policy Statement. These include:

- ▶ The need for integrated management of the coastal environment;
- ▶ Degradation of coastal water quality;
- ▶ Contamination of sediments.

A healthy and accessible coastal environment, where the natural character has been preserved and degraded areas have been enhanced has been identified as an objective for the District's coastal environment. This is to be achieved through development of an integrated management approach to the coastal environment.

The Regional Policy Statement has signalled that the Gisborne District Council will prepare regional plans to deal with the discharge of contaminants to land, water and air and extraction of water, in order to avoid, remedy or mitigate adverse effects on the quality of water entering the coastal marine area. The principle mechanism for addressing issues in the coastal marine area is the Regional Coastal Environment Plan.

3.3 Air Quality

Air quality issues arising from waste management identified in the Regional Policy Statement include:

- ▶ Assessment and management of odours from waste management practices such as land filling and composting as an important amenity issue in the region.
- ▶ Problems associated with the release of contaminants to air from waste management and disposal practices (port, industrial, agricultural and medical wastes, and landfill management).
- ▶ How to determine which disposal method and which receiving environment - land, air or water - ensures the least environmental effect.
- ▶ Problems associated with the burning and incineration of refuse.

The maintenance of the highest possible standard of air quality through the consistent application of integrated air quality management policies was identified as a significant objective in the Regional Policy Statement.

This Regional Plan is concerned with air quality issues which relate to waste management such as the effects of odour from landfills, discharges from the blow down from air conditioning units which should discharge into sewers and the collection and storage of ozone depleting substances at waste treatment facilities.

Other air quality management issues (such as industrial discharges to air) will be dealt with through the preparation of a Regional Air Quality Management Plan by the District Council.

3.4 Water Quality

Water Quality issues arising from waste management identified in the Regional Policy Statement include:

- ▶ Maintenance and improvement of natural water quality for all purposes through development of minimum water quality standards and consequent control of potential sources of water pollution such as for land, liquid wastes and stormwater.
- ▶ Development of land management policies in both the regional and district plans and to take account of the effects of land use practice on water quality.

The need to maintain and enhance water quality to meet current and future user-needs and to safeguard its life supporting capacity is a major objective of the Regional Policy Statement.

This plan can ensure that the adverse effects of waste generation as they affect water quality are avoided, remedied or mitigated. This is achieved for example by addressing issues such as leachate control, landfill and transfer station siting criteria, stormwater and sewerage, contamination arising from industrial processes.

1.5 Other Principles

The following principles are an integral element in the Regional Plan because they set the scene against which the Plan itself has been developed. In the absence of specific guidance or a rule determining a particular course of action, these principles will provide an indication of the sorts of appropriate actions that might be contemplated in any given situation.

Many principles are common across regions. In this plan Section 1.5.1 (International Principles) and 1.5.2 (National Principles) are drawn from the Wellington Regional Waste Plan (WRC, 1993).

1. International Principles

1.1 Agenda 21

Chapter 21 of Agenda 21 - the Report of the United Nations Conference for Environment and Development (UNCED) - affirms that environmentally sound management of wastes is among the environmental issues of major concern in maintaining the quality of the Earth's environment.

In particular, 21.4 states that "environmentally sound waste management must go beyond the mere safe disposal or recovery of wastes that are generated and seek to address the root cause of the problem by attempting to change unsustainable patterns of production and consumption". This implies the application of the integrated life cycle management concept - the waste hierarchy detailed in Section 1.5.1.2.

Agenda 21 seeks to:

- ▶ Stabilise or reduce the production of wastes destined for final disposal, over an agreed time-frame, by formulating goals based on weight, volume and composition and to induce separation to facilitate waste recycling and reuse.
- ▶ Strengthen procedures for assessing waste quantity and composition changes for the purpose of formulating operational waste minimisation policies utilising economic or other instruments to induce beneficial modifications of production and consumption patterns.

1.2 International Waste Management Hierarchy

The Districts waste should be managed in accordance with the internationally recognised waste management hierarchy which advocates the principles of:

- ▶ Avoiding the production and/or toxicity of waste at source.
- ▶ Reusing and recycling as many products as possible, subject to careful analysis of the environmental and economic benefits of the intended activities.
- ▶ Recovering energy, and other resources, such as compost, where practicable.
- ▶ Pre-treating wastes when necessary prior to disposal.
- ▶ Disposing of residues in a manner which avoids adverse environmental effects.

2. National Principles

2.1 Treaty of Waitangi

The general mandate for Maori involvement in resource management stems from Section 8 of the Act which states that:

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

The Treaty is based on the tino rangatiratanga of hapu and iwi, a notion that includes self-management, independence, autonomy and self determination within the tribal area. In recognising tino rangatiratanga, the Treaty of Waitangi also recognises the environmental management system maintained by the iwi, hapu and whanau of the District. In exercising their tino rangatiratanga, the iwi/hapu has maintained runanga and various other kinds of representative and administrative bodies.

The Treaty created the term kawanatanga or governorship and, as such, provides the constitutional basis of government in New Zealand. In 1991 the Crown, in exercising its kawanatanga, passed the Resource Management Act, thereby divesting certain roles and functions that impact on the tino rangatiratanga of iwi to local authorities.

Under the Act, the delegation of resource management powers by the Crown to local authorities is subject to the guarantee of tino rangatiratanga to Maori and recognition of the partnership between the Maori and the Crown (Source: Waitangi Tribunal, 1983. Report Findings and Recommendations of the Waitangi Tribunal on an Application by Aila Taylor for and on behalf of the Te Atiawa Tribe in Relation to Fishing Grounds in the Waitara District, WAI 6). The implication of the Tribunal's findings is that functions divested from the Crown are accompanied by Treaty responsibilities.

The Gisborne District Regional Policy Statement indicates that the Treaty of Waitangi is the basis of the relationship of tangata whenua with the district council and territorial authorities.

The Government has acknowledged (Ministry for the Environment 1992) that present waste policies generally fail to take adequate account of Maori cultural values towards the environment generally and towards waste in particular.

Continuing discussion and negotiation with iwi and Maori is essential to ensure their views are reflected in waste management policy and practice.

Attitudes to resource use need to be reconciled with concepts based on the relationship between iwi and te taiao, rangatiratanga, mana, mauri and wairua.

The Treaty of Waitangi guarantee of rangatiratanga to hapu and iwi should be reflected in the provision of adequate and appropriate opportunities for participation in waste management policy and practice.

In achieving the purpose of this Plan, all persons exercising functions or powers under it in relation to waste management, shall take into account the principles of the Treaty of Waitangi.

In the context of waste management, this means that consultation with tangata whenua on waste issues should occur from the outset of the decision-making process, and should endeavour to take into account concerns raised in the course of such consultations.

The Maori environmental world view includes a presumption against resource use which results in degradation of the environment. Degradation is measured both in terms of ecosystems and with respect to maintaining the abundance of an individual resource.

In particular:

Management of waste cannot be considered in isolation from environmental management as a whole.

- ▶ Resources should not be used beyond their capacity to regenerate themselves.
- ▶ In the modern context, the duty to sustain resource abundance is also expressed as an obligation to restore resources and the environment where degradation has resulted from past practices.
- ▶ Restoration of environments degraded as a result of poor waste management practices, such as contaminated dump sites, is regarded by Maori (and others) as an important objective of current and future waste management.
- ▶ Sustainable use of individual resources will include cradle to grave management which takes account of environmental effects at each stage of use, including final disposal back into the receiving environment.
- ▶ Integrated management throughout the waste cycle is a subset of a holistic approach to resource management overall.
- ▶ Action to reduce waste, particularly problem wastes, begins at the point of resource allocation.

The waste minimisation principles reflected in the international waste management hierarchy should be preceded by an obligation to ensure that use of a resource is justified in relation to all the environmental implications of its use, including the ability to re-use and recycle, and the ease of disposal.

(Source: Landfill Guidelines, Ministry for the Environment, 1992).

2.2 Principles of the Treaty of Waitangi

A number of principles have been developed over recent years about the meaning, application and jurisdiction of the Treaty of Waitangi.

The principles are a means by which the District Council and iwi can begin to reconcile the implications of tino rangatiratanga with the management of the District's resources. The principles are described in Chapter 5 of the Regional Policy Statement.

2.3 Government Policy on Waste Management

The Government has agreed that New Zealand's waste management policy should be:

- (i) To ensure that as far as practicable, New Zealand's waste generators should meet the costs of the waste they produce; and

- (ii) To encourage the implementation of the internationally recognised hierarchy of waste reduction, reuse, recycling, recovery, and safe disposal of residual wastes.

These are being encouraged by a voluntary approach including use of the Waste Analysis Protocol to gather data, Landfill Guidelines and Cleaner Production promotion.

Government has also adopted ANZECC Guidelines (1992) as a basis of its policy on contaminated site management.

- ▶ To render the site suitable and safe for the long-term continuation of its existing use.
- ▶ To minimise environmental and health risks.
- ▶ To achieve suitable standards and advise future affected parties.

2.4 Waste Analysis Protocol

Reliable information on the nature and origins of the waste stream is essential for the sound management of waste.

The Waste Analysis Protocol released by the Ministry for the Environment in December 1992 will help to achieve a number of Gisborne District Council objectives including the following:

- ▶ Assistance in developing waste management objectives.
- ▶ It will assist the Gisborne District Council to develop appropriate objectives for waste management at the regional level.
- ▶ Assistance in waste management planning.

Basel Convention and Marpol Government have ratified the Basel Convention on the control of trans-boundary movements of hazardous wastes and their disposal which aims to:

- ▶ Reduce waste generation.
- ▶ Ensure wastes are disposed of in an environmentally sound and efficient manner.
- ▶ Ensure wastes are disposed of as close to the point of generation as possible.
- ▶ Prevent trans-boundary movement of waste if there is reason to believe it will not be managed in an environmentally sound manner.

2.5 Hazardous Substances and New Organisms Act 1996

This reform of hazardous substances and new organism's legislation is founded on a number of principles. In summary:

- ▶ The legislation requires that all hazardous substances and new organisms are assessed prior to their introduction, development or manufacture in New Zealand. This is a preventive rather than reactive approach to their management.
- ▶ All hazardous substances and new organisms will follow a similar assessment process. Decision making and setting of conditions are to be based on achieving the purpose of the legislation. The purpose will be supported by including in the legislation decision criteria detailing the risks to be considered. The intended result is more effective and efficient management of risks.

- ▶ As with the Resource Management Act, management is to focus on the adverse effects of hazardous substances and new organisms on the environment rather than on the end use to which they may be put. These effects may include those outlined in section 3 of the Resource Management Act.
- ▶ Hazardous substances are to be controlled at those points in their life cycle where the environment and health and safety of New Zealanders are most at risk. Because the potential impacts may vary in different parts of the life cycle, the controls applied will also differ.
- ▶ Stages in the life cycle for which controls may be imposed include: manufacture and processing, import and export, packaging and labelling, introduction to the market place, storage, handling, transport and distribution, advertising and sale, use, release to the environment, and disposal.
- ▶ It is intended that those who make, sell, transport, import or use hazardous substances or new organisms have a duty to society to manage them in ways that minimise the risks to human health, safety and the environment. This duty is to include responsibility for any costs of cleaning up damage to the environment resulting from incidents involving hazardous substances, in accordance with the same strict liability provisions of the Resource Management Act [Section 341].
- ▶ The hazardous substances and new organisms legislation is to ensure that New Zealand's obligations under international agreements relating to hazardous substances and new organisms are met.

Generally the Government intends that the hazardous substances and new organism's legislation should apply to the Crown as well as to the public. There is however an exception. The Act does not apply to any hazardous substances controlled by the Minister of Defence. A separate management regime has been provided for the New Zealand Defence Force in respect of hazardous substances contained in weapons systems. This is to enable codes of practice specific to the Armed Forces to be developed by the Chief of Defence Force which will meet the requirements prescribed by regulations made in accordance with section 75 of the Act and may incorporate or adapt any relevant international code of practice.

1.6 Applying for a Resource Consent

An application for a resource consent under this plan shall be made on the prescribed form and shall include the matters set out in Appendix 3 Schedule A of this Plan.

Note: Any activity in the bed of a lake or river may also be affected by provisions in the combined Regional and District Land Plan. For discharges in the Coastal Marine Area see the Regional Coastal Environment Plan.