
Appendix 3 –Extracts from Relevant Policy Statements and Statutes

Resource Management Act 1991

Section 63 Purpose of regional plans

- (1) *The purpose of the preparation, implementation, and administration of regional plans is to assist a regional council to carry out any of its functions in order to achieve the purpose of this Act.*
- (2) *Without limiting subsection (1), the purpose of the preparation, implementation, and administration of regional coastal plans is to assist a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of this Act in relation to the coastal marine area of that region.*

Section 65 Preparation and change of other regional plans

- (1) *A regional council may prepare a regional plan for the whole or part of its region for any function specified in section 30(1)(c), (ca), (e), (f), (fa), (fb), (g), or (ga).*
 - (1A) *A regional council given a direction under section 25A(1) must—*
 - (a) *prepare a regional plan that implements the direction; or*
 - (b) *prepare a change to its regional plan in a way that implements the direction; or*
 - (c) *prepare a variation to its regional plan in a way that implements the direction.*
- (2) *A plan must be prepared in accordance with Schedule 1.*
- (3) *Without limiting the power of a regional council to prepare a regional plan at any time, a regional council shall consider the desirability of preparing a regional plan whenever any of the following circumstances or considerations arise or are likely to arise:*
 - (a) *any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict:*
 - (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:*
 - (c) *any threat from natural hazards or any actual or potential adverse effects of 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:*
 - (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:*

- (f) *the processes for dealing with issues—*
 - (i) *that cross local authority boundaries; or*
 - (ii) *that arise between territorial authorities; or*
 - (iii) *that arise between regions; and*
 - (g) *the information to be included with an application for a resource consent; and*
 - (h) *any other information required for the purpose of the regional council's functions, powers, and duties under this Act.*
- (3) *A regional plan must give effect to—*
- (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement.*
- (4) *A regional plan must not be inconsistent with—*
- (a) *a water conservation order; or*
 - (b) *any other regional plan for the region; or*
 - (c) *a determination or reservation of the chief executive of the Ministry of Fisheries made under section 186E of the Fisheries Act 1996.*
- (5) *A regional plan must record how a regional council has allocated a natural resource under section 30(1)(fa) or (fb) and (4), if the council has done so.*
- (6) *A regional plan may incorporate material by reference under Part 3 of Schedule 1.*

Section 68 Regional rules

- (1) *A regional council may, for the purpose of—*
- (a) *carrying out its functions under this Act (other than those described in paragraphs (a) and (b) of section 30(1)); and*
 - (b) *achieving the objectives and policies of the plan,— include rules in a regional plan.*
- (2) *Every such rule shall have the force and effect of a regulation in force under this Act but, to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.*
- (2A) *Rules may be made under this section for the protection of other property (as defined in section 7 of the Building Act 2004) from the effects of surface water, which require persons undertaking building work to achieve performance criteria additional to, or more restrictive than, those specified in the building code as defined in section 7 of the Building Act 2004.*
- (3) *In making a rule, the regional council shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*

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- (3A) *[Repealed]*
- (3B) *[Repealed]*
- (4) *A rule may specify an activity as a restricted coastal activity only if the rule is in a regional coastal plan and the Minister of Conservation has required the activity to be so specified on the grounds that the activity—*
- (a) has or is likely to have significant or irreversible adverse effects on a coastal marine area; or*
 - (b) occurs or is likely to occur in an area having significant conservation value.*
- (5) *A rule may—*
- (a) apply throughout the region or a part of the region:*
 - (b) make different provision for—*
 - (i) different parts of the region; or*
 - (ii) different classes of effects arising from an activity:*
 - (c) apply all the time or for stated periods or seasons:*
 - (d) be specific or general in its application:*
 - (e) require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.*
- (6) *[Repealed]*
- (7) *Where a regional plan includes a rule relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, the plan may state—*
- (a) whether the rule shall affect, under section 130, the exercise of existing resource consents for activities which contravene the rule; and*
 - (b) that the holders of resource consents may comply with the terms of the rule, or rules, in stages or over specified periods.*
- (8) *Where regulations have been made under section 360(1)(ha) deeming rules to be included in a regional coastal plan or proposed regional coastal plan, the relevant regional council shall, as soon as reasonably practicable after the date on which the regulations are made, revoked, or cease to apply to its region,—*
- (a) give public notice of the fact that such regulations have been made or revoked or have ceased to apply, as the case may be, and in such detail as the council considers appropriate, generally describe the nature of any rules deemed to be included in the plan or proposed plan by those regulations; and*
 - (b) ensure that a copy of any regulations deeming rules to be included in the plan or proposed plan is annexed to, and appropriate annotations are made in, every copy of that plan or proposed plan that is under the regional council's control.*

- (9) *Notwithstanding anything to the contrary in this section, no rule of a regional coastal plan shall authorise as a permitted activity any of the following activities to which section 15A applies:*
- (a) *the dumping in the coastal marine area of any waste or other matter from any ship, aircraft, or offshore installation:*
 - (b) *the dumping in the coastal marine area of any ship, aircraft, or offshore installation:*
 - (c) *the incineration in the coastal marine area of any waste or other matter in any marine incineration facility.*
- (10) *Subject to subsection (9), sections 69 and 70(2) shall, with all necessary modifications, apply to the inclusion of rules in regional coastal plans about the dumping of waste or other matter as if every reference in those provisions to a discharge of a contaminant included a reference to a dumping of waste or other matter.*
- (11) *A rule may exempt from its coverage an area or class of contaminated land if the rule—*
- (a) *provides how the significant adverse effects on the environment that the hazardous substance has are to be remedied or mitigated; or*
 - (b) *provides how the significant adverse effects on the environment that the hazardous substance is reasonably likely to have are to be avoided; or*
 - (c) *treats the land as not contaminated for purposes stated in the rule.*

National Policy Statement – Freshwater Management 2011

A. Water quality

Objective A1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2

The overall quality of fresh water within a region is maintained or improved while:

- a) *protecting the quality of outstanding freshwater bodies*
- b) *protecting the significant values of wetlands and*
- c) *improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a) *establish freshwater objectives and set freshwater quality limits for all bodies of fresh water in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:*
 - i) *the reasonably foreseeable impacts of climate change*
 - ii) *the connection between water bodies*
- b) *establish methods (including rules) to avoid over-allocation.*

Policy A2

Where water bodies do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory) to assist the improvement of water quality in the water bodies, to meet those targets, and within a defined timeframe.

Policy A3

By regional councils:

- a) *imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met and*
- b) *where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a 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.*

Policy A4 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative:

- "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.*
- 2. This policy 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.

3. *This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.*

C. Integrated management

Objective C1

To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

Policy C1

By every regional council managing fresh water and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.

Policy C2

By every regional council making or changing regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure.

D. Tangata whenua roles and interests

Objective D1

To provide for the involvement of iwi and hapu, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) *involve iwi and hapu in the management of fresh water and freshwater ecosystems in the region*
- b) *work with iwi and hapu to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region and*
- c) *reflect tangata whenua values and interests in the management of, and decisionmaking regarding, fresh water and freshwater ecosystems in the region.*

New Zealand Coastal Policy Statement (2008)

Policy 21: Enhancement of water quality

Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:

- a. *identifying such areas of coastal water and water bodies and including them in plans;*
- b. *including provisions in plans to address improving water quality in the areas identified above;*
- c. *where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;*
- d. *requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and*
- e. *engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.*

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.*