

## 1.1 Introduction

This document is the Regional Policy Statement (RPS) for the Auckland Region. It is a statement about managing the use, development and protection of the natural and physical resources of the Region. It sets in place the policy for promoting the sustainable management of these resources. It also clarifies the respective roles of the agencies with responsibilities under the Resource Management Act (RM Act) in this Region. Its aim is to achieve integrated, consistent and co-ordinated management of the Region's resources. Its aim is also to provide greater certainty over the ways that natural and physical resources are to be managed and hence create an awareness of the constraints and opportunities in this Region.

The Auckland Regional Council (ARC) has prepared the RPS in accordance with the provisions of the RM Act. Section 59 of the Act states that the purpose of the regional policy statement is:

*“... to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.”*

The RM Act defines natural and physical resources as:

*“Land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.”*

The purpose of the Act is defined in Section 5:

- “(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act ‘sustainable management’ means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*
- (a) sustaining the potential of the 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.”*

In preparing regional policy statements, regional councils are required to comply with sections 59 through 62, and the Second Schedule, Parts I and II, of the RM Act.

## 1.2 Structure of the Regional Policy Statement

The policy content of this RPS is in four parts:

### **Regional Overview and Strategic Direction: Chapter 2**

This chapter integrates the whole RPS into a consistent framework for resource management in the Auckland Region.

### **Resource Management Matters of Significance to Iwi: Chapter 3**

This identifies significant matters of concern to Tangata Whenua and policies for dealing with those issues which are consistent with the RM Act. Appropriate cross-referencing has been included between this and other chapters.

### **Transport and Energy: Chapters 4 and 5**

Policies are set out to ensure that development and change in the Region is managed in a manner which improves urban efficiency in terms of energy use and transportation.

### **Environmental Protection: Chapters 6 to 18 inclusive**

Objectives, policies and methods are set out to achieve sustainable and integrated management of major natural and physical resources and the Regionally significant activities in the Region.

### 1.3 Structure of Chapters

The content of each chapter is organised in a uniform way:

- **Issues** which are significant to the Region are identified, where a resource is affected by an activity, in ways which cause or have the potential to cause effects.
- **Objectives** are stated in the form of environmental outcomes to be achieved.
- **Policies** are expressed as courses of action designed to achieve objectives and may also include:
  - (a) criteria for assessing issues or resources; and
  - (b) statements defining the respective roles of organisations under the RM Act.
- **Methods** are stated which specify the actions to be taken, and identify the persons responsible for taking the actions, in order to achieve the policies. A number of methods which may be generally applied in many situations are set out in Section 1.9.
- **Reasons** are set out which explain the approach taken, and background information is also provided.
- **Environmental Results Anticipated** are stated. These identify the outcomes which are expected as a result of implementing the objectives, policies and methods.
- **Monitoring** of the effectiveness of the objectives, policies and methods will be undertaken in terms of section 35 of the RM Act, and the means of doing this are stated.

Chapters include cross-references. In such instances, it is necessary for the chapters to be read in conjunction with the material to which reference has been made.

Terms which are defined in the RM Act shall have the same meaning in this RPS. A number of other terms are defined, and their meanings are set out in Appendix D – Definitions and Abbreviations.

### 1.4 Timeframe

This RPS provides long-term direction for the Region, and a review will commence no later than 10 years after the date on which it becomes operative. The RPS will remain operative until the review is completed (see section 79(5) of the RM Act).

As circumstances alter, changes to the RPS may be initiated, in accordance with the relevant provisions of the RM Act.

### 1.5 Monitoring

Monitoring is an integral part of the RPS framework, providing feedback on whether the objectives and policies of each chapter are effective and suitable, and whether the environmental results anticipated from those provisions are being achieved. Furthermore, it is a key mechanism in determining whether the RPS is achieving its primary purpose, namely the integrated management of natural and physical resources.

Section 35 of the RM Act lists four types of monitoring required to be carried out by the ARC: state of the environment; suitability and effectiveness of the RPS and regional plans; transferred or delegated powers; and resource consents. In addition to the monitoring provisions related to section 35, the RPS is required to be reviewed not less than 10 years after the date on which it becomes operative.

Monitoring of policies for their suitability and effectiveness will be reported at three-yearly intervals and will be integrated with a state of the environment report. Baseline studies are necessary to establish a point from which improvements in environmental quality can be measured. Some areas, for example water quality and water allocation, already have extensive databases. Where appropriate, each chapter has indicated where baseline data is absent or incomplete. Concurrent with this will be development of indicators which will act as measures of change in the environment and provide the basis for monitoring environmental trends and status. The ARC has to some extent made progress in developing regional indicators. National indicators are also needed in some areas so that standards can be applied appropriately on a nationwide basis.

Compliance monitoring of resource consents is important both as a mechanism for monitoring changes in the availability or condition of a particular resource (e.g., aquifers) and anticipating cumulative effects on the environment. The ARC will predominantly undertake compliance monitoring of those consents which the ARC has granted. However, periodically, the ARC will request results of monitoring by TAs where this will assist in assessing the effectiveness of objectives and policies and whether environmental outcomes consistent with the RPS are being achieved.

Monitoring of transferred powers will either be undertaken by the ARC in the course of a review of that transfer or will be carried out by the public authority as a condition of the transfer.

## 1.6 Integration

In order to achieve integrated management of the natural and physical resources of the Region, the RM Act provides that district plans and regional plans shall not be inconsistent with the RPS. There is a similar requirement in the Transit NZ Act relating to the Regional Land Transport Strategy (RLTS). The RPS provides the broad environmental outcomes to be achieved and the objectives, policies and methods to reach those outcomes. The RPS is part of a hierarchy of plans and policy statements dealing with resource management and conservation at central, regional and local government, and Iwi authority levels. These include the New Zealand Coastal Policy Statement (NZCPS), national policy statements, DoC Conservation Management Strategy, regional and district plans, and Iwi management plans and Hauraki Gulf Marine Park Act 2000 (HGMPA).

The HGMPA requires the Council to ensure that any part of the RPS that applies to the Hauraki Gulf, its islands and catchments does not conflict with sections 7 and 8 of the Act. The matters relating to sections 7 and 8 of the Act need consideration when the Council considers an application for resource consent and its impact in the Hauraki Gulf Marine Park

The HGMPA requires the Council maintains the interrelationship between the Hauraki Gulf, its islands and catchments to sustain the life supporting capacity of the environment. Sections 7 and 8 of the Act recognise the national significance of the Hauraki Gulf and sets out objectives for its management.

Figure 1.1 shows the relationship between the RPS, Regional Land Transport Strategy (RLTS), regional plans and district plans.

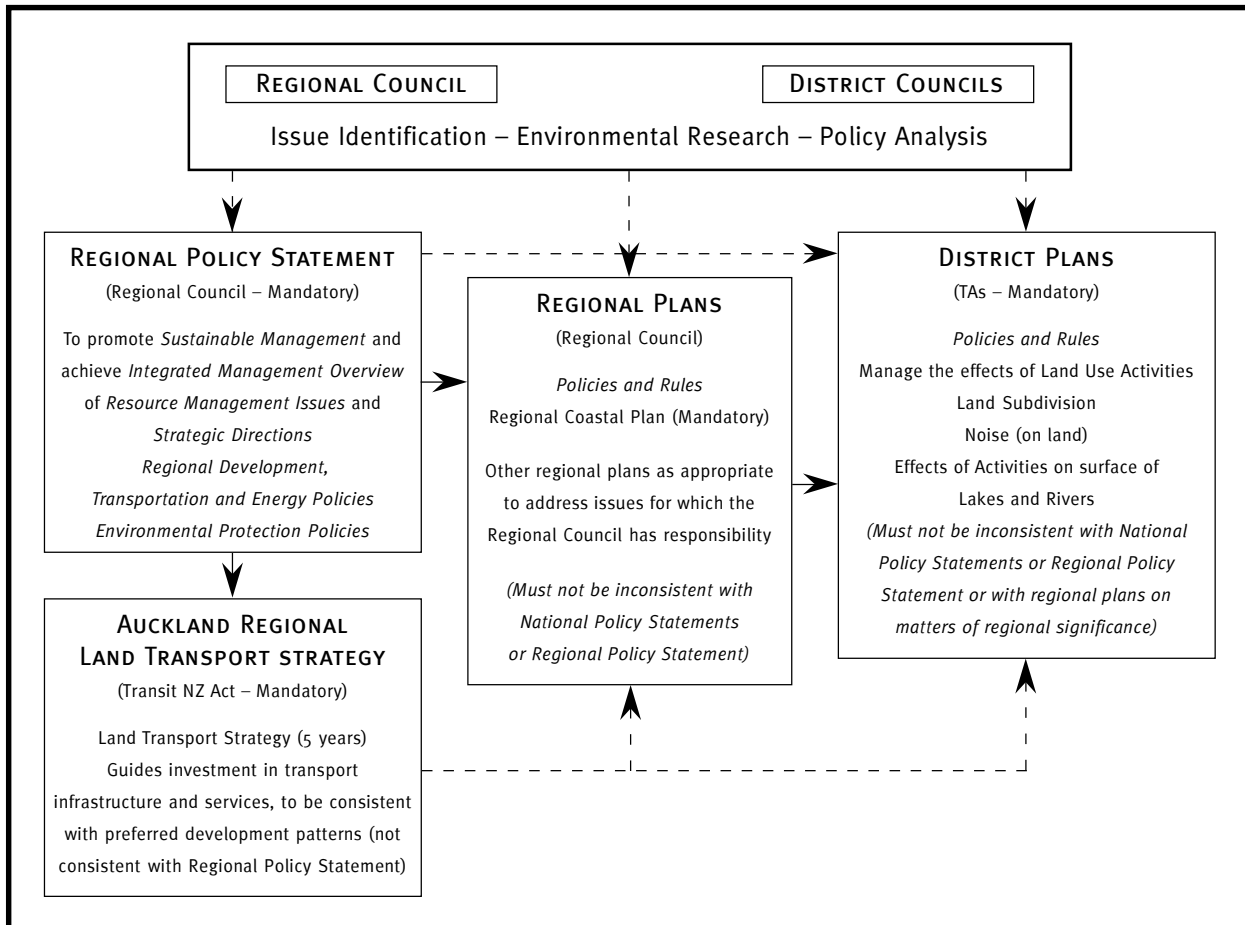
In achieving integrated management it is also necessary to co-ordinate policies and programmes between TAs and with adjoining regions where there are issues of a cross-boundary nature. Some cross-boundary issues (between TAs and between regions) have been identified in the individual chapters of the RPS. Policies and methods identify appropriate procedures for dealing with them. Generally, the ARC will address any such matter through consultation. Where this does not achieve resolution, mediation or arbitration may be used if those processes are acceptable to the parties involved. Alternatively, the processes of submissions, hearings and referral of matters to the Planning Tribunal, as provided in the RM Act, may be followed. When new, significant resource management issues arise, the ARC will encourage consultation amongst affected resource management agencies with a view to developing appropriate joint action to address these issues.

## 1.7 Administration of Resource Management

The RM Act is administered by the Ministry for the Environment (MfE), and the ARC and the seven territorial authorities (TAs) have functions and powers under the Act. The TAs are: Auckland, Manukau, North Shore and Waitakere City Councils and Papakura, Rodney and Franklin District Councils. The sea boundary extends to the 12 mile limit and includes the islands of the Hauraki Gulf. The MfE has an important advisory and monitoring function. The ARC is the administrative body responsible for the management of the coastal marine area (CMA) in association with the Minister of Conservation. The functions of regional councils and TAs are detailed in sections 30 and 31 of the RM Act respectively.

Joint hearings as provided in section 102 of the RM Act will be held in circumstances where they assist integrated resource management and facilitate the efficient consideration of resource consent applications. A procedure has been agreed upon with each of the seven constituent TAs in the Region for the administration of joint hearings. Generally a joint hearing committee will consist of two councillors or commissioners from the ARC and two or more from the respective TA.

**Fig. 1.1 Integration of Statutory Resource Management Instruments, Regional Policy Statements and Plans**



Section 33 of the RM Act establishes a process and criteria for the transfer by local authorities of certain functions, powers and duties under the Act to other public authorities. The ARC may from time to time investigate the potential to make such transfers, and may do so where the criteria specified in the Act are met, and agreement is reached with the transferee as to the terms and conditions of the transfer.

Some transfers of this nature have already been effected. The ARC has transferred to TAs responsibilities relating to some aspects of air quality, coastal bylaws and coastal building permits.

As well as having powers under the RM Act, TAs and the ARC have responsibilities under other legislation. These Acts, together with other legislation administered by other agencies which may affect resource management, are listed in Appendix C – Legislation Dealing with Resource Management. Where appropriate, the RPS refers to the use of these Acts.

## 1.8 Consultation

The term ‘consultation’ is defined in Appendix D.

The preparation of the RPS has involved a high degree of consultation with government agencies, local authorities and Tangata Whenua as well as the wider public. Consultation has meant that alternatives and new directions have been canvassed and evaluated. In late 1992, a Discussion Document on the RPS was released for public submission. Written submissions assisted in clarifying the policy directions. Workshops and meetings on specific issues have also assisted in considering alternatives.

## 1.9 Adverse Environmental Effects

All users of resources have a responsibility under section 17 of the RM Act to avoid, remedy, or mitigate adverse effects on the environment. The ARC will take appropriate legal action where adverse effects and/or

contamination of the environment occur through neglect or deliberate actions. The RM Act provides mechanisms for dealing with adverse effects as conditions of resource consents. Section 108 (2) (a) of the Act permits the use of financial contributions and this policy tool should be included in district plans since this is the means by which the policy instrument is given statutory effect.

The ARC will include appropriate policies in the Regional Plan: Coastal and any other regional plans.

The phrase ‘avoid, remedy, or mitigate’ and combinations thereof are used in various places throughout the RPS. While the meaning and applicability of each of these words can depend on the context of the situation, overall, the ARC has adopted an approach to the use of these words as encapsulated by Policy 3.2.2 of the NZCPS which states that:

*“Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.”*

The word ‘minimise’ has also been used, predominantly in Chapter 10 – Air Quality and Chapter 15 – Waste. Its use is consistent with the precautionary approach (refer to Section 1.10) and the adoption of the best practicable option.

### **1.10 General Approach to the Management of Natural and Physical Resources**

Amendments to the Local Government Act (LG Act), and other legislation have had the effect of substantially reducing the range of methods through which regional councils can give effect to the function, powers and duties for which they have responsibility under the RM Act. Because of this, regional councils must rely on the requirements of the RM Act that:

- Regional and district plans be not inconsistent with national or regional policy statements;
- when considering applications for resource consents under the RM Act consent authorities must have regard to (amongst other matters) any RPS or proposed RPS, and any other relevant regional plan or proposed regional plan.

Regional councils also rely on the introduction of regional plans as a means of giving effect to their functions under the Act. Under section 75(2) of the RM Act, district plans are required

to be not inconsistent with any regional plan on a matter of regional significance or when the ARC has primary responsibility under section 30 of the RM Act. In addition, TAs are required to consult with the ARC during the preparation of district plans. In turn, the regional council may make submissions and further submissions to proposed district plans as provided for under the First Schedule of the RM Act.

The ARC is in the process of making operative the Regional Plan: Coastal, the Farm Dairy Discharges Plan and the Regional Sediment Control Plan. The ARC will also prepare additional provisions for inclusion in regional plan(s) for those significant resource management issues that require such a structure to give effect to objectives and policies in the RPS, or in order to carry out its other resource management responsibilities. This has been included as a method in appropriate chapters of the RPS. The ARC will establish an up-to-date list of the components of these regional plan(s) and make this information available to the public.

A number of methods which are often used, and which have a place in the processes of resource management generally, are outlined below. Where any of these are appropriate to the issues being addressed, they may be applied in this Region, whether or not they are included in the methods provided for in the relevant chapter.

#### **Precautionary Approach**

Within the RPS there are references to taking a “precautionary approach” to resource management decision making. Where there is reason to believe that any adverse effects, including cumulative effects, that may arise from a proposed activity may be significant but those potential effects cannot be fully assessed due to inadequate information or understanding of these effects on the environment, then a precautionary approach should be taken. In such situations, when making decisions about managing the use, development or protection of natural and physical resources, local authorities should consider such options as:

- Taking account of the level of uncertainty about the nature, extent, intensity and duration of potential adverse effects in classifying activities as permitted, controlled, discretionary, non-complying or prohibited or framing assessment criteria or conditions to apply to particular consents for proposed activities.
- Declining or limiting the duration of a consent, or requiring a review during the period of the consent so that the results of monitoring can be considered.
- The local authority undertaking monitoring and research to provide additional information and understanding.
- Applicants undertaking appropriate monitoring of the effects of their activities on the environment as conditions of resource consents.
- Sharing information and knowledge gained about natural and physical values and processes, or the effects of activities on natural and physical values and processes, where this information and knowledge has changed or was previously unknown or little known.

### **Catchment Management Plans**

Catchment management plans are non-statutory plans, which can be prepared for catchments where issues arise which affect the use, development or protection of a range of natural and physical resources. The part they play in resource management processes, and their relationship to strategic planning and structure planning processes, is outlined in Appendix A – Planning processes. The provisions of catchment management plans may be given effect through resource consent processes, or their findings may be incorporated in regional, district and/or annual plans.

### **Structure Plans**

Structure plans should be used as a means of identifying land which is to be urbanised or subject to urban intensification and/or redevelopment. The structure plan process is described in Appendix A.

### **Surveys and Research**

Sustainable management of natural and physical resources requires resource management agencies to understand the resources which they are mandated to manage. Surveys, research (and modelling as described below) are undertaken to achieve this. Surveys and research can include the collection, collation and analysis of information about the state of natural and physical resources, the ways in which they are valued, and the demands/pressures for their use, development or protection.

### **Modelling**

In order to understand the resources being managed, modelling techniques are often used. These involve the use of computerised simulations of natural, social or economic dimensions of resource systems. The use of models can enable the implications of changes to the utilisation or management of resources to be explored and better understood before they are brought into effect. Modelling can also provide a context for monitoring the effectiveness of policies and the state of the environment.

### **Pollution Abatement/Enforcement**

Pollution abatement work is carried out to prevent and/or minimise pollution being caused by a range of activities. Pollution abatement staff inspect sites to identify any actual or potential sources of pollution. The effectiveness of discharge treatment and disposal systems and site management processes to prevent pollution are evaluated. Owners are then advised of any remedial action that is required and given an appropriate time frame in which to carry out the work. Major potential sources of pollution are targeted and sites may be inspected on a catchment saturation basis, random basis or activity specific basis.

Pollution abatement staff also investigate pollution complaints, (the ARC operates a 24 hour pollution hotline) clean up spills and undertake other action to ensure pollution is avoided or minimised. Prosecutions are undertaken by the ARC where appropriate to ensure compliance with the RM Act.

### **Formal Submissions (within statutory processes)**

Formal submissions are made by the ARC, where appropriate, to fulfil the ARC's functions under the RM Act, during statutory consultation procedures. These include submissions to:

- Annual plans.
- District plans and applications for TA resource consents.
- Proposed law changes, including changes to the RM Act, the NZ Coastal Policy Statement and the like.

### **Non-Statutory Submissions**

Informal submissions are also sometimes made by the ARC during the preparation of non-statutory documents which relate to the ARC's RM Act functions. These include submissions to:

- Draft development proposals, including Assessment of Environmental Effects (AEE) preparation processes for major developments.
- The preparation process of non-statutory plans, such as strategic planning discussion documents and catchment management planning documents.

### **Advocacy or Education**

Advocacy is used to educate people on their responsibilities under the RM Act and to effect changes

(which can be to people's behaviour or to the policies of other agencies) to enable desired RM Act outcomes to be achieved. Advocacy includes:

- Education programmes including the preparation of newsletters, brochures and the like, and giving presentations to interested groups.
- Releases to the media.
- Non-statutory guidelines and industry codes of practice.
- Giving advice and advocating change to applicants, other resource management agencies and government.

### **Co-operation**

The RM Act requires that consultation be undertaken in the course of resource management processes. Consultation can serve a variety of purposes, ranging from the collection of information and opinions, to the avoidance or resolution of conflicts. Consultative approaches to resource management are also important. These can include facilitated forums or workshops where information is shared and activities co-ordinated on particular resource management issues. Joint projects between local authorities, government agencies and Iwi authorities can also be beneficial in promoting integrated resource management.

