

18. *Statutory Planning*

Explanation

This work involves the promotion of the conservation of natural and historic resources through the statutory planning processes of the Resource Management Act 1991.

Section 6 of the Conservation Act 1987 sets out the functions of the Department. Section 6(b) and (c) enables the Department at the Minister's discretion to advocate for and to promote the benefits to present and future generations of the conservation of natural and historic resources.

Under the Resource Management Act, the Minister of Conservation has statutory powers related to the coastal marine area and the coastal environment. The Department's involvement in coastal planning and advocacy is to be undertaken in terms of the Minister's coastal function under the Resource Management Act, and not under the Minister's or Director-General's functions under the Conservation Act.

Part II of the Resource Management Act sets out the purpose and principles of the Act. The matters listed here include matters which concern the Department. Of particular interest are the matters of national importance listed in section 6 and section 7 clauses (c), (d), (e) and (h).

Taken together these Acts enable the Department to promote the conservation of ecosystems and the indigenous species and natural processes within them, historic sites, landscapes, freshwater and the coastal environment, both on and off the areas it manages.

The conservation of the natural and historic resources in the Conservancy cannot be achieved by the Department alone, nor by the conservation of only those resources managed by the Department. It considers conservation can only be achieved:

- With the co-operation of the tangata whenua, other private and public owners of natural resources, local government, other government agencies, organisations with an interest in conservation and natural and historic resources, and the public
- By the integrated management of natural and historic resources across the artificial boundaries created by ownership of land and resources. The remnant natural areas in the Conservancy will not remain viable ecosystems without consideration of the effects of activities on surrounding land and their connections to other natural areas. The preservation and protection of freshwater fisheries and freshwater habitats depends upon the integrated management of entire catchments and waterways across the Conservancy.

Wellington Conservancy

The diverse physical characteristics and patterns of human settlement in the Conservancy means there are many planning issues concerning the effects of human activities on the conservation of natural and historic resources. The

focus of the Conservancy's statutory planning work is to achieve the conservation of natural resources not managed by the Department, and recognition of the lands and resources managed by the Department.

Local government (two regional councils, and 11 city and district councils) have varying populations, land areas and resource management issues. The resources available for the resolution of issues related to resource management, particularly the conservation of natural and historic resources, also vary. The Department's advocacy must recognise this variation. The allocation of the Department's statutory planning efforts across the Conservancy will therefore be determined by the natural and historic resources present, the threats to those resources and the initiatives being taken by local government to consider the resources and threats.

The boundaries of the Conservancy do not correlate with local authority boundaries. The Conservancy liaises with Hawke's Bay Conservancy about the Tararua District and with Wanganui Conservancy about the Horowhenua District and both Conservancies about the Manawatu-Wanganui Regional Council.

Management Issues

Coastal

The Resource Management Act 1991 (RMA) established a new coastal management regime based on day-to-day management of coastal resources by local government. The regime retains a central government involvement to ensure the national interest in coastal management is represented. The Minister of Conservation is given that responsibility.

The RMA requires the Minister to prepare and put into effect at least one New Zealand Coastal Policy Statement (NZCPS). The NZCPS establishes a national policy framework to promote sustainable management of coastal resources. The Minister has input to the preparation of regional coastal plans prepared by regional councils for the coastal marine areas of their region and has the authority to require regional councils to amend the plans. The Minister approves regional coastal plans.

The Minister may require that regional coastal plans specify activities for which the Minister will approve resource consent applications. These Restricted Coastal Activities are specified either because they have significant or irreversible adverse effects, or because they occur in areas of significant conservation value in the coastal marine area. The Department will make known at an early stage its views on a particular application by way of a formal submission prepared by the Conservancy acting under delegated authority from the Minister. Following receipt of the Hearing Committee's recommendation, the advice to the Minister will be made by the Head Office of the Department.

The conservation advocacy role of the Department in relation to the coastal environment above mean high water springs is directed largely by the NZCPS, the Department's interest in matters which relate to Part II of the RMA generally, and its other advocacy priorities.

The Department is required to ensure that, in the regional coastal plan, any part of the coastal marine area that is of significant conservation value is not adversely affected by any activity. The NZCPS sets out criteria for identifying areas of significant conservation value. The Department will seek to ensure that all activities, whether above or below mean high water springs, will be carried out in a manner that maintains the value of areas of significant conservation value. [*Refer Section 17, p 169 for other opportunities for the Department to seek conservation of marine habitats.*]

Priorities

In the Conservancy, the years 1994-1997 will be crucial for policy and plan formulation under the RMA. The Department will focus on working with regional and local authorities proposing policy statements and plans, and on applications which involve natural resources of national or regional significance or major policy issues.

Priority issues the Department will be advocating for in its advocacy on plan preparation and resource consent applications are (but not in priority order):

- Protecting the natural character of the coastal environment and the functioning of natural coastal processes.
- Improved water quality of water bodies and the coastal environment. Primary water quality issues for the Department are the untreated sewage discharges from the Wellington urban area, the over-loaded treatment plants on the Kapiti Coast, discharges of primary treated waste into waterbodies (primarily in the Wairarapa), and disposal of dairy shed effluent.
- Water quantities in waterbodies to sustain aquatic life: water quantity in Kapiti/Horowhenua is of concern, as water is in demand for agricultural and domestic use, and summer flows have been low in some rivers.
- Land management practices, especially riparian management and soil conservation practices, necessary to protect aquatic environments. Of particular concern are the peripheral land uses in the catchments of Wellington Harbour, Pauatahanui Inlet, Waikanae Estuary and the inland waterways which are subject to urban development and rural run-off.
- Protecting the indigenous biodiversity of the Conservancy and ensuring indigenous ecosystems and populations of indigenous species remain viable.
- Monitoring and ecologically conservative decision-making.
- Conservation of significant landscape and geological features. [*refer Section 16, p 161*]
- Opportunities will also be taken to raise the awareness of the public, business community, and landowners of significant natural resources and the importance of biodiversity and sustainable management, and to seek to improve public access to key places and rivers, lakes and the coast.

Landscape Protection

Landscape conservation provides an opportunity for enhancing total environmental awareness by developing an understanding of the natural, historic and cultural values of the region.

Landscape values can be conserved both on and off the areas managed by the Department. The distinctive landscape characteristics and qualities which give local and regional areas a sense of place and identity need to be recognised and integrated with future development and land use changes.

The Department recognises the need to establish a close working relationship with local authorities in order to assess the region's landscape characteristics. Where opportunities and resources permit, awareness programmes will be established and conservation of landscapes will be advocated for under the RMA.

Landforms, Geological and Soil Sites

The conservancy contains a wide range of natural landforms, geological sites and soils which are unique to New Zealand. These natural features are potentially threatened by earthworks, quarrying, landfills, reclamations and by pressure of visitor numbers.

The recognition of natural features in policy statements and plans under the RMA will ensure the effect of land uses on significant sites will be avoided, remedied or mitigated.

The Department will be advocating for recognition of significant sites as identified in Kenny J. A and Hayward B. A. (eds) 1993: *Inventory of Important Geological Sites and Landforms in the Manawatu and Wellington Regions* (First edition), and any subsequent updates.

Areas Managed by the Department

Policies and rules in plans will be sought to reflect the natural and historic values of the areas managed by the Department, and the activities which take place there, such as recreational and commercial hunting, tramping, weed, pest and fire control, conservation of indigenous flora and fauna and the construction of facilities to provide for these activities. Appropriate policies in Regional Policy Statements and rules in Regional Plans will be sought.

Objective

- 1 Planning documents under the RMA contain policies and rules which achieve the conservation of natural and historic resources and the coastal environment.
- 2 Planning documents provide for conservation of the natural and historic resources of the land managed by the Department and the activities which occur there.
- 3 Resource consents issued under the RMA include appropriate provisions to protect the natural character of the coastal environment and waterbodies and their margins and other natural and historic resources.
- 4 Landscape character of the Conservancy is protected.

Implementation

- 1 Encourage regional and district authorities to make policies and provision for conservation, focusing on priority issues identified in policy statements and plans by:
 - Providing information about natural resources.
 - Consulting with planners and policy makers at an early stage in the plan preparation process.
 - Assisting with the formulation of relevant policies and performance standards if requested.
 - Making submissions on any pre-notification discussion documents, draft annual plans and management plans.
 - Making submissions on draft policy statements and plans under the RMA.
 - Attending hearings and appeals when necessary.
 - Requesting plan changes when necessary.
- 2 Seek the conservation of natural and historic resources in the assessment of resource consent applications under the RMA by:
 - Providing information about the conservation significance of natural resources to territorial local authorities, applicants for environmental assessments and other interested parties.

- Making submissions to resource consent applications.
 - Attending pre-hearing meetings and site visits.
 - Using the other statutory processes in the RMA to achieve planning objectives.
- 3 Participate in assessment of landscape character types in the Conservancy to determine those representative of its natural and cultural identity on all scales.
 - 4 Advocate and promote greater awareness of landscape character in all the Department's activities and in liaison with relevant agencies.
 - 5 Establish and maintain effective working relationships with organisations which have statutory roles in the management of, or are interested in, the conservation and sustainable management of natural and historic resources and landscape values.
 - 6 Undertake monitoring of planning responses to conservation of natural and historic resources under the RMA, and publicise the findings.
 - 7 Identify significant areas of indigenous flora or habitat of indigenous species in each district, provide this information to local authorities, and advocate for their protection from adverse effects of resource use.
 - 8 Advocate conservation of significant landforms, geological sites and soil sites, as identified in Inventory of Important Geological Sites and Landforms in the Manawatu and Wellington Regions.