2 Values

2.0 Introduction

The Values chapters address the use, development and protection of air, land and water resources that are values by the Auckland regional community for a number of environmental, social, economic and cultural purposes. Some of these natural and physical resources are important for their high environmental values. Other resources are important for their contribution to the community's health and safety, while other resources are used for economic, social and cultural development.

Section 5 of the RMA requires that this Plan promotes the sustainable management of natural and physical resources. The Values chapters implement this purpose by identifying how land, air and water resources that are within the ARC's responsibilities are to be sustainably managed in terms of their use, development and protection. Section 1.3 of Chapter 1 explains the ARC's functions under Section 30 in more detail.

The Values part of the Plan is in three chapters. The first chapter (2.1) addresses the management of natural values and in particular those natural values that are specifically identified in Sections 6(a) and (c) of the RMA as being matters of national importance, which the Plan must address. It contains objectives and policies that outline how the activities that are within the ARC's jurisdiction are managed in terms of their effects on the natural character of waterbodies and their ecosystems. A major factor influencing the management approach to these natural values is whether they are located inside or outside ***Urban Areas***. The chapter also contains policies relating to the use of offset mitigation measures to compensate for adverse effects that cannot be avoided, remedied or mitigated directly.

The second chapter (2.2) sets out the broad strategy by which the Plan addresses the use and development of air, land and water in the Auckland Region. This second chapter recognises that management of air, land and water in the Region occurs within a framework of ongoing urban growth and its associated resource use requirements. The objectives and policies link to the regional policy framework within which growth is managed. Particular attention is given to managing the effects of growth inside ***Urban Areas*** and in rural parts of the Region, and the operative of physical infrastructure. The chapter also contains provisions relating to ***public access*** and cultural heritage ***protection***, together with an indication of how effects of activities on these will be assessed.

These provisions only deal with the management of the ARC's responsibilities under Section 30 and Sections 9 (3), 13, 14 and 15. These responsibilities relate to the control of the use of land for soil conservation and water quality and quantity purposes, control of the quality and quantity of freshwater, control of the discharge of contaminants into, or onto land, air or water and activities in the beds of lakes and rivers. They do not control the subdivision and use of land which is the responsibility of district plans.

The third chapter (2.3) specifically addresses Matters of Significance to Tangata Whenua.

The Values chapters contain issues, objectives, policies and other methods, but not rules. The rules, which give effect to the Values chapters, are contained in Chapter 4: Air Quality, Chapter 5: Discharges to Land or Water and Land Management, Chapter 6: Water Allocation, and Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water. The objectives and policies of these chapters form one part of the assessment against which resource consent applications will be evaluated to determine whether they promote the sustainable management of natural and physical resources

The provisions of Chapter 2: Values are relevant to the activities in Chapters 4 to 7 which require a resource consent. This means that reference should be made to the objectives and policies of Chapters 2.1, 2.2 and 2.3 in assessing any activity for which a resource consent is required under Chapters 4 to 7, where the Chapter 2 matters are relevant to the activity. Where an activity is a controlled or restricted discretionary activity, reference to Chapters 2.1, 2.2 and 2.3 will not always be necessary. The relevance of the Values chapters to controlled and restricted discretionary activities is dependent on the matters over which the ARC has exercised its control or discretion. These are listed in the relevant rules in Chapters 4 to 7. Where an activity is a discretionary or non-complying activity, then reference to the relevant objectives and policies of the three Values chapters is required. Reference to Chapters 2.1, 2.2 and 2.3 is not required for any permitted activity.

The Auckland Region's air, land and water resources are complex and interrelated. Managing these resources requires a good understanding of them, their current state (pristine or degraded), their interrelated nature and the effects that use and development has on them.

The following is a brief overview of the region's resources, particularly air, land and water, to provide the context for the more specific objectives, policies and methods to promote the sustainable management of these resources. More detailed descriptions of these resources are provided in Chapter 3 – Management Areas. Statements of the Management Issues and Objectives, Policies and Other Methods to address these resources are contained in separate parts which deal with Natural Values (2.1), Use and Development (2.2) and Matters of Significance to Tangata Whenua (2.3).

2.0.1 Urban Sustainability

The Auckland Region contains this country's largest metropolitan area and this area continues to accommodate an increasing population. The Auckland Region has 2 per cent of New Zealand's land area, but it accommodates approximately one third of the total population, 35 percent of the national workforce, and 38 percent of business enterprises. The region's sea and airports are New Zealand's major overseas trade gateways handling the majority of the nation's imports and exports by value. In addition to the metropolitan area there are a number of towns and urban settlements which contribute to the urban nature of the region.

The nature of the Auckland metropolitan area, mostly in a low-density land use pattern, has significant implications for the sustainable management of the air, land and water resources of the Region. Significant levels of contaminants are generated and discharged into the air, land and water from industrial, commercial and household activities. The use of motor-vehicles releases pollutants into air and water, while our urban and rural land uses displace natural ecosystems and also impact upon nearby and downstream ecosystems. However people and communities need to be able to live and work in the Region. Enabling people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while still ensuring the ***protection*** of natural ecosystems and environmental ***amenity*** is fundamental to sustainable management. **Urban sustainability is a significant issue addressed by this plan.**

See also Chapter 2.2: Use and Development, Issues 2.2.2.1 and 2.2.2.2, Objectives 2.2.3.2 to 2.2.3.4, and Policies 2.2.4.1 to 2.2.4.4

2.0.2 Rural Land Management

The greatest proportion of the Region's land area consists of rural, semi-rural and coastal areas. These areas, mainly pasture and forest/bush, are used for a range of activities, including industrial, farming of animals and plants, recreational and household purposes. These activities all contribute to the social and cultural identity

of Auckland and are important for its economy. However they also to a greater or lesser degree, discharge contaminants into the air, land and water bodies, or undertake activities in the beds of lakes and rivers. **The management of discharges in rural areas and the management of activities in the beds of lakes and rivers are significant issues addressed by this Plan.**

Soil resources are vital for a number of reasons. Soil provides the medium for plant growth as well as being able to absorb and filter runoff and some discharges of contaminants. For all practical purposes soil is a non-renewable resource due to the thousands of years it takes for soil to form. It is therefore of key importance to prevent soil loss and contamination. **Soil conservation and soil health are significant issues addressed by this Plan.**

See also Chapter 2.2: Use and Development, Issue 2.2.2.4, Objective 2.2.3.6 & Policy 2.2.4.5, Chapter 4: Air Quality; Chapter 5: Discharges to Land and Water and Land Management, Chapter 6; Water Allocation and Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water.

2.0.3 Air

Clean air is not visible, has no odour and contains no pollutants that may change its composition. Although air quality in the Auckland Region is generally acceptable, at times air can be visible, have an odour or contain pollutants, all of which can cause adverse effects on human health, ***amenity*** and the environment. The greatest single contributor to degraded air quality in the Auckland Region is emissions from motor vehicles.

The Auckland Region's unpredictable weather and variable topography means that the level of pollutants varies significantly around the region and can hang in valleys such as Henderson and Albany. There are localised areas, such as near roads, where contaminants exceed international health guidelines and hence air quality falls below acceptable levels.

The Auckland Region's population is continuing to grow. As a consequence there are more motor vehicles on the roads, more people to undertake activities that discharge contaminants into air and more people to be affected by discharges of contaminants into air. Although the air shed is large, it is finite resource and can only absorb a certain level of contaminants. The production of air contaminants in the region also contributes to increasing ***greenhouse gas*** concentrations.

The Auckland Region's air quality is inextricably linked to land use activities and in particular those activities within urban Auckland. These activities include industrial processes and household activities, such as open-burning and domestic fires which may discharge various contaminants into the air such as ***hazardous air pollutants***, odour and dust. This has implications for human health and ***amenity***. **Declining air quality is a significant issue addressed by this Plan.**

See also Chapter 3: Management Areas , Section 3.11- Industrial Air Quality Management Area, Section 3.12 – Urban Area Quality Management Area, Section 3.13 – Rural Air Quality Management Area and Section 3.14 – Coastal Marine Air Quality Management Area and Chapter 4: Air Quality

2.0.4 Rivers and Streams

Compared to other parts of New Zealand, Auckland is a region of small rivers and streams. The characteristics of these water bodies are hugely variable, depending on variables such as geology, topography and, land use.

The character of a stream in any one location also reflects its position in the catchment. A stream system can be thought of as a continuum, with the head of the stream at one end and the river mouth at the other. In reality, distinguishing the exact location where a stream starts can be extremely difficult. Zones of flowing water, standing water or simply moist ground vary both seasonally and from year to year. This variability presents difficulties for consistently managing the use, development and protection of the region's river and stream resources.

This Plan resolves this uncertainty by defining and managing rivers and streams as one of two types, depending on the permanence of their hydrology or year-round existence. ***Permanent rivers or stream***s are those rivers or streams which provide year round habitat for fish and other freshwater biota. They also provide other instream values, notably in regulating water quality and providing pathways for the migratory lifecycle of native fish. ***Permanent rivers or streams*** are distinguished by the presence of permanent habitat in the form of continual flow or standing water through the summer, (see definition of ***Permanent rivers or streams*** in Chapter 12).

There are approximately 10,000 km of ***Permanent rivers or streams*** in the Auckland Region. Approximately 90 per cent are headwater streams with no more than one tributary and generally less than two metres wide. Even the largest rivers, the Kaipara and Hoteo in Rodney District and the Wairoa River in Manukau City and Franklin District, are small compared to those in other parts of New Zealand. Small streams meandering through numerous short and steep catchments are characteristic of the narrow (30 - 60 km wide) Auckland Region. While the values of such streams may not always be immediately apparent, particularly where streams have been modified or are degraded, on a cumulative basis they comprise the major part of the region's freshwater environment. Each ***Permanent river or stream*** therefore plays an important role in contributing to the overall habitat, water quality and connectivity of freshwater bodies at the regional scale.

Intermittent streams are those streams which do not provide permanent or year-round freshwater habitat. The Plan simply defines these as any stream which does not meet the ***Permanent river or stream*** definition. However ***Intermittent streams*** also contribute to catchment hydrology and instream values. The extent of this contribution is uncertain and the Plan therefore sets out as another Method, the ARC's intention to further investigate the values of ***Intermittent streams***.

The Plan deliberately adopts the terms 'Permanent' and 'Intermittent' rather than "perennial" and "ephemeral" because, whilst these latter terms are in common usage, their use technically only relates to stream flow characteristics. The common usage often does not reflect the hydrological meanings of the terms. In contrast, the management approach distinguishes streams on the basis of habitat performance, of which continual flow is not an exclusive indicator. The use of the terms 'Permanent' and 'Intermittent' leads the Plan user to make an assessment of habitat permanence, rather than making a judgement solely based on stream flow characteristics.

The small scale of river and stream resources puts them at risk from land activities. Small streams are easy to physically modify through channelisation, removal of riparian vegetation, and burying in ***culvert***s and pipes. Stream channels in urban areas are often modified and designed to facilitate the ***drainage*** of stormwater from roads, houses and buildings. In rural areas, the removal of native riparian vegetation, the introduction of unwanted weed and pest species, unrestricted access for stock and water extractions have degraded streams. The construction of ***dams*** provides water supply benefits to rural and urban users, and enables the restoration, creation or maintenance of natural wetlands, but results in the modification of the natural flow regime and habitat values upstream and downstream of ***dams***, as well as the area flooded by the ***dam*** itself. ***Dams*** and ***culverts*** can also be insurmountable barriers to the movement of native fish, while degraded water quality can reduce the habitats for freshwater fauna.

Although these modifications have social and economic benefits, the ecological values of streams are important in terms of biodiversity and ensuring the health and wellbeing of ecosystems. Water quality is also important for recreational activities as well as stock and human consumption.

Land based activities can also compromise the ways in which tangata whenua value water in rivers and streams, The mixing of different types of water through discharges, or by the diversion of these water bodies is contrary to Mäori views on how water should be managed.

There are many opportunities for restoring the quality of streams in the region. These include restoration of riparian buffer strips, restricting stock from streams and ***lakes***, designing ***culverts*** to provide for ***fish passage***, designing urban areas that preserve wetlands and natural stream channels, managing stormwater discharges and minimising contaminant inputs. However it is recognised that opportunities are limited in existing urban areas and a framework is provided in Chapter 3.6 to guide the management of urban rivers and streams. **Declining water quality and quantity in rivers and streams and a reduction in their natural character is a significant issue addressed by this Plan.**

See Chapter 5: Discharges to Land and Water and Land Management, Chapter 6: Water Allocation and Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water.

2.0.5 Lakes

There are a number of naturally created ***lakes*** in the Region. Most of these are 'dune lakes' formed by the impoundment of water behind sand dunes blown in from coastal beaches. Many, but not all of these ***lakes*** have been identified as Natural Lake Management Areas. Lake Pupuke is unique as the only ***lake*** formed by volcanic action. It is identified as an Urban Lake Management Area. There are also a number of water supply reservoirs in the Waitakere and Hunua Ranges. The maintenance of their water quality is important for public health. This is achieved through the reservoirs being in forested catchments and by restrictions on ***public access*** to activities in these catchments. However as the water supply reservoirs were artificially created, they are not classified as natural lakes by this Plan.

Water quality in the naturally created ***lakes*** ranges from high quality to severely degraded. However all of the ***lakes*** show signs of a gradual deterioration in quality. These ***lakes*** are sensitive aquatic environments because they have little or no outflow, and thus are poorly flushed, accumulate contaminants, and are prone to nutrient enrichment. They reflect the cumulative effects of many years of human activity in their catchments. Their ecology is also complicated by the introduction, both lawfully and unlawfully, of ***exotic plants*** and fish over the last 150 years. Lake Pupuke has the largest number of different exotic fish in New Zealand.

It would be near impossible to fully restore these natural ***lakes*** because of the ecological changes that have already occurred. The highest priority is to keep the ***lakes*** from deteriorating further, especially those of high quality which are most at risk. Opportunities to maintain and possibly even improve ***lake*** quality include ***protection*** of the ***lake*** fringe, riparian buffer strips along tributaries, fencing of stock and restricting access. **Declining water quality in the lakes and a reduction in or loss of natural character are significant issues addressed by this Plan.**

See also Chapter 3: Management Areas – Section 3.3 – Natural Lake Management Areas; Section 3.7 – Urban Lakes Management Areas; Schedule 4: Natural Lakes and the policies and rules in Chapters 5, 6 and 7 relating specifically to Natural Lake Management Areas and Urban Lake Management Areas.

2.0.6 Wetlands

Wetlands include permanently and intermittently wet areas, shallow water and land/water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Generally these include areas of marsh, fen, peat land or brackish water. Freshwater wetlands now cover less than 0.4 per cent of the region's land area and are now one of the rarest and at risk ecosystems. The largest and probably best-known natural wetland is the Te Henga wetland in Waitakere City and Rodney District.

Internationally, wetlands are considered to be under threat. The Ramsar Convention on wetlands of which New Zealand is a part signatory, seeks to preserve and protect the world's remaining wetlands. The large wetland in the Firth of Thames (within the Auckland and Waikato Regions) is a 'Ramsar wetland site' administered by the Department of Conservation. Section 6 of the RMA requires that provision be made for the preservation of the ***natural character*** of wetlands and their ***protection*** from inappropriate subdivision, use and development. **The loss of the natural character of wetlands from inappropriate subdivision, use and development is a significant issue addressed by this Plan.**

See also Chapter 3: Management Areas – Section 3.2 –Wetland Management Areas, Schedule 1: Wetland Management Areas and the policies and rules in Chapter 5, 6 and 7 relating to Wetland Management Areas.

2.0.7 Groundwater

The Auckland Region has a number of significant ***aquifers*** both within the urban and rural parts of the Auckland Region. ***Aquifers*** are important as direct sources of water supply for domestic and commercial use. They are also major contributors to the base flow of many streams, particularly in the southern parts of the region.

Aquifers are susceptible to contamination from ***stormwater*** and ***wastewater***, as well as the application of ***fertiliser***. Also, due to the level of ***take*** some of these ***aquifers*** are under threat. The rate of ***take*** can reduce the amount of water available to feed rivers and streams, thereby affecting their life-supporting capacity, and also reducing the amount of water available for other activities including stock, domestic and recreational use. ***Salt-water intrusion*** is another threat from ***taking***, which will affect the ability to use the water from that ***aquifer***. **Declining water quality and quantity in aquifers is a significant issue addressed by this Plan.**

See also Chapter 3: Management Areas, Sections 3.9 – High Use Aquifer Management Areas and 3.10 – Quality Sensitive Aquifer Management Areas, Chapter 5: Discharges to Land and Water – Industrial or Trade Processes provisions and Chapter 6: Water Allocation.

2.0.8 Geothermal Resources

Known geothermal fields are located at Parakai, Waiwera, Whitford and Great Barrier Island. It is important to protect the geothermal ***aquifers*** from the ingress of cold ground water or seawater that could result in the reduction in ***bore*** production temperatures. The bore production temperatures, of up to 65^{0}C, result from hot water rising rapidly from depth through fractures in the rocks. **Sustainably managing geothermal water resources is a significant issue addressed by this plan.**

See also Chapter 5: Discharges to Land and Water and Land Management – Other Discharges of Contaminants to Land and Water provisions and Chapter 6: Water Allocation.

2.1 Natural Values

2.1.1 Introduction

This chapter recognises and provides for several matters of national importance contained in Sections 6 (a) and (c) of the RMA. These are:

(a) The preservation of the natural character of … wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;

(b) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Other Section 6 matters are addressed in Chapter 2.2: Use and Development.

While this chapter is structured around Section 6 matters, the implementation of its objectives and policies must occur with reference to the principal purpose of the RMA, namely the sustainable management of natural and physical resources as defined by Section 5. The factors contained in Chapter 2.1 are subordinate to Section 5 matters, but contribute to the evaluation of what constitutes the sustainable management of air, land and water resources in the Auckland Region.

Section 7 of the Act lists other matters to which there must be particular regard. Those which are directly relevant to the natural values of air, land and water resources include:

(b) The efficient use and development of natural and physical resources;

(d) Intrinsic values of ecosystems;

(f) Maintenance and enhancement of the quality of the environment;

(g) Any finite characteristics of natural and physical resources;

(h) The protection of the habitat of trout and salmon;

These "Other Matters" are given effect through the policies of this chapter and through the provisions of Chapters 4, 5, 6 and 7, although direct reference to the particular wording of Section 7 is not necessarily made.

The management of the Region's natural values is also undertaken within a strategic growth framework set out in the Auckland Regional Policy Statement. This framework promotes intensification of development within ***Urban Areas*** and discourages urban development outside of these areas. It requires that protection be given to highly valued and sensitive natural environments. This Plan implements this strategic framework in the manner outlined in Issue 2.2.2.1 and through Objectives 2.2.3.2 to 2.2.3.7 and Policies 2.2.4.1, 2.2.4.2 and 2.2.4.5 (pages 2.2-3 and 2.2-9 to 2.2-11). The objectives and policies of this chapter reflect this strategic framework, by giving the highest protection to those areas or resources that have high natural character or ecological and habitat values consistent with Sections 6(a) and (c). Within ***Urban Areas*** the focus is on managing use and development in a way that maintains as far as practicable important remaining areas of natural value and mitigates adverse effects in other areas.

Chapter 3 Management Areas also contains information on the natural values of particular areas of the Auckland Region, while the Introductory sections to Chapter 4- Air Quality, 5 – Discharges to Land and Water and Land Management, 6 – Water Allocation and 7 – Beds of Lakes and Rivers and Diversion of Surface Water identify the particular resource management issues associated with these activities.

Section 1.3 of Chapter 1 outlines the ARC's functions under Section 30 of the RMA.

In this chapter these functions are referred to generically as "use and development", rather than listing all the matters separately. Use and development does not encompass the subdivision, use and development of land which is the responsibility of ***territorial authorities***.

2.1.2 Issues

2.1.2.1 The ***natural character*** of wetlands, ***lakes*** and rivers and their margins is adversely affected by inappropriate use and development within the waterbodies themselves and on adjacent land.

Changes in the ***natural character*** of wetlands, ***lakes***, rivers and streams occur through various activities. Degraded water quality from direct and indirect discharges of contaminants, the loss or reduction in riparian vegetation and in-stream habitats, changes to the quantity and seasonal flow patterns of water as well as development within the beds of the wetland, ***lake***, river or stream all give rise to changes in the ***natural character*** of the water body itself and its margins.

All of the region's natural ***lakes*** and most of its rivers and streams have been modified to some degree. Areas of highest ***natural character*** are usually wetlands, rivers and streams in reserves and where large areas of indigenous riparian vegetation remain. However even here, upstream discharges or ***takes*** can affect the quality and quantity of water and ecosystem health.

Most pastoral streams have lost much of their original ***natural character***, and original indigenous riparian vegetation may be replaced by pasture or ***exotic plantings***. The loss of riparian vegetation in pastoral areas and changes in adjacent land use are usually accompanied by a corresponding reduction in the quality and diversity of instream values. Water ***take*** and ***waste*** discharges also affect natural water quality and quantity.

However it is in the region's urban areas where the impacts on the ***natural character*** of streams have been the greatest. Not only has water quality and quantity been severely affected by urban development, with instream biota lost or reduced, but stream channels are often straightened or lined, or lost altogether by being piped. However urban development can also provide the opportunity to restore or enhance degraded streams and to increase the level of ***natural character*** of these ***watercourses*** and their margins.

This issue relates to Objectives 2.1.3.1; 2.1.3.2, Policies 2.1.4.1 to 2.1.4.4

See also Section 3.6: Urban Rivers and Streams of Chapter 3: Management Areas for guidance on the management of different categories of urban streams.

2.1.2.2 The Region's natural ***lakes***, its major rivers, the majority of its wetlands and much of the remaining indigenous vegetation are of local, regional or even national significance. Smaller rivers and streams are also the habitat of regionally rare or endangered aquatic fauna. A loss or reduction in the quality and quantity of water in the Region's ***lakes***, rivers and streams, significant modification of the beds of ***lakes***, rivers, streams and wetlands, and poor land management practices giving rise to sedimentation and loss of soil can adversely affect these significant habitat areas.

This issue relates to Objectives 2.1.3.1, 2.1.3.3, Policies 2.1.4.6 to 2.1.4.9.

See Sections 3.2, 3.3 and 3.4 of Chapter 3: Management Areas

2.1.2.3 The Region's ***lakes***, rivers, streams and wetlands may be lost or their values significantly degraded by the adverse effects of individual and cumulative proposals for use and development. While individual activities may have localised environmental effects, the cumulative effect of small, incremental loss or reduction in natural values can give rise to significant cumulative effects on Auckland's natural environment.

This issue relates to Objectives 2.1.3.1 to 2.1.3.3 and Policies 2.1.4.1 to 2.1.4.12.

2.1.3 Objectives

2.1.3.1 To sustainably manage the quality and diversity of Auckland's natural values by:

(a) Maintaining areas of high environmental quality;

(b) Remedying or mitigating adverse effects on degraded natural and physical resources where these cannot be avoided;

(c) Enhancing degraded areas where practicable.

This issue relates to Issues 2.1.2.1 to 2.1.2.5 And Policies 2.1.4.1 to 2.1.4.12.

2.1.3.2 To preserve the ***natural character*** of wetlands, ***lakes*** and rivers and their margins by protecting them from inappropriate use and development.

This issue relates to Issue 2.1.2.1 and Policies 2.1.4.1 to 2.1.4.5.

2.1.3.3 To protect significant indigenous terrestrial and aquatic vegetation and the significant habitats of indigenous fauna, both terrestrial and aquatic from inappropriate use and development.

This issue relates to Issues 2.1.2.2 and 2.1.2.3 and Policies 2.1.4.6 to 2.1.4.12.

2.1.3.4 To maintain and enhance the quality of the Region's ***Permanent rivers and streams*** where practicable.

2.1.4 Policies

Natural Character

2.1.4.1 The ***natural character*** of wetlands, ***lakes*** and rivers and their margins shall be preserved and protected from inappropriate use and development by avoiding, remedying or mitigating adverse effects on the qualities, elements and features that contribute to the ***natural character*** of these areas.

(See also Introduction or Planting of Plants provisions in Chapter 7: Beds of Lakes and Rivers).

2.1.4.2 In assessing the actual or potential effects of use and development on the ***natural character*** of wetlands, ***lakes***, rivers and their margins, particular regard shall be had to:

(a) Maintaining high levels of natural character in Natural Lake, Natural Stream and Wetland Management Areas;

(b) Maintaining appropriate remaining elements of natural character in:

i Other ***Permanent rivers or streams*** in rural areas;

ii ***Permanent rivers and streams*** in ***Greenfield Areas*** that have been assessed as having high ecological, habitat or water quality values; and

iii Urban Lake Management Areas.

(c) Retaining as far as practicable remaining elements of natural character in other Type 2 and 3 Urban Streams, consistent with the management objectives for these streams in Section 3.6.

(d) Protecting the natural character of wetlands and ***Permanent rivers and streams*** in ***Water Supply Management Areas*** as far as practicable, while providing for the use of these areas as water supply areas.

When determining the qualities, elements and features that contribute to ***natural character*** for the purposes of Policy 2.1.4.2 (a) and (b), regard should be had to Policy 2.1.4.8.

(See also Chapter 3: Management Areas, including Sections 3.2, 3.3 & 3.4)

2.1.4.3 When determining the qualities, elements and features that contribute to ***natural character*** for the purposes of Policy 2.1.4.1 and 2.1.4.2 (a) to (d), regard should be had to the matters listed in Policy 2.1.4.9.

2.1.4.4 When use and development gives rise to actual or potential adverse effects on the ***natural character*** of wetlands, ***lakes*** and rivers and their margins, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the ***natural character*** of these areas.

2.1.4.5 In determining whether any adverse effects on ***natural character*** can be remedied or mitigated by restoration and rehabilitation that is to be carried out, regard shall be had to:

(a) the extent to which the qualities and features of ***natural character*** in the area of the proposed use and development will be adversely affected, and the ability to restore or rehabilitate ***natural character*** in the area subject to the proposal;

(b) where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of ***natural character*** in another area of wetland, ***lake*** or river and their margins;

(c) Where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.

When determining how rehabilitation or restoration of ***natural character*** should be carried out, regard should be had to Policy 2.1.4.9.

(See also Introduction or Planting of Plant provisions in Chapter 7: Beds of Lakes and Rivers).

Ecosystems and Habitats

2.1.4.6 The values of ecosystems and habitats shall be managed by:

(a) Outside Urban Areas:

i Avoiding inappropriate use and development in Natural Lake, Natural Stream and Wetland Management Areas which will result in more than minor modification of their values and ecological and physical processes;

ii Ensuring that as far as practicable, change in the extent, quality and diversity of habitats in these areas arise only from the functioning of natural processes;

iii Avoiding, remedying or mitigating adverse effects on the ecological, habitat and water quality values of rivers and streams in rural areas that are classified as ***Permanent rivers and streams;***

iv Maintaining and enhancing the high ecological, habitat and water quality values of the Waitakere and Hunua Ranges while recognising their regional importance for water supply purposes by their inclusion in Water Supply Management Areas.

(b) Inside ***Urban Areas***

i Maintaining as far as practicable ***Permanent rivers and streams*** in ***Greenfield Areas*** where these rivers and streams are assessed as having significant ecological, water quality and habitat values, or are identified for protection in structure plans or appropriate catchment based planning processes;

ii implementing the provisions for Urban Lakes and Urban River and Stream Management Areas in accordance with Chapter 3 of this Plan.

and

(c) Enhancing degraded ecosystems and habitats and water quality both outside and inside ***Urban Areas*** where this is practicable;

(d) Providing for fish passage between ***Permanent rivers and streams*** and the coastal marine area as far as practicable.

2.1.4.7 The provision of fish passage under Policy 2.1.4.6(d) above shall be assessed against the following matters:

(a) the extent to which there are natural physical barriers (e.g. waterfalls) along ***Permanent rivers and streams*** and between ***Permanent rivers and streams*** and the coastal marine area that provide natural barriers to fish passage;

(b) the extent to which there area existing artificial barriers (e.g. dams, weirs or culverts) that currently prevent the passage of fish and for which it is impracticable to modify to provide for fish passage;

(c) the environmental benefit to be obtained from the provision of fish passage along ***Permanent rivers and streams***. Benefits shall be considered to be high where the passage of migratory aquatic fauna is enabled between:

i Wetland Management Areas, Natural Lake Management Areas and Natural Stream Management Areas;

ii Type 2 Urban Streams and the Coastal Marine Area;

iii ***Permanent rivers and streams*** in rural areas having regard to the location of the stream within the catchment and the availability of actual or potential upstream habitat.

2.1.4.8 Where areas of terrestrial indigenous vegetation and habitats of terrestrial indigenous fauna have been identified as being significant, the ARC will have regard to the adverse effects on the ecological values and significance of these areas, of land disturbance, the discharges of contaminants or other activities affecting water quality or quantity.

Explanation:
See Policy 2.1.4.9 (n) for the determination of the significance of indigenous vegetation and habitats of indigenous fauna.

2.1.4.9 In assessing the effects of use and development on ***natural character*** and terrestrial and aquatic ecosystems in terms of Policies 2.1.4.1 to 2.1.4.8, regard shall be had to maintaining and where practicable enhancing the matters listed in clauses (a) to (n) below, or preventing or minimising the adverse effects of any discharge of contaminants where a Best Practicable Option approach is used, where these are relevant:

(a) The physical or ecological integrity of the ecosystem and the continuation of the physical, biological or chemical processes necessary to ensure its proper functioning;

(b) Vegetation patterns (ecotones) and connections between habitats;

(c) Riparian vegetation bordering ***lakes***, rivers and wetlands;

(d) Natural biodiversity, productivity and biotic patterns;

(e) Access, migratory and dispersal pathways for terrestrial and aquatic fauna;

(f) The physical characteristics of the ***lake*** or wetland, including its shape, size and natural substrate composition;

(g) The physical characteristics of a stream channel, including dimension (width, depth), pattern (meander wavelength) and profile (slope);

(h) Aquatic habitat structure, including in the case of rivers and streams, pools, riffles and runs;

(i) Flow regimes, water levels and hydraulic processes of a wetland, ***lake*** or river;

(j) The natural sediment processes in a river channel, including bank erosion, sediment transport and sediment deposition;

(k) The natural substrate composition in ***lakes***, rivers and wetlands, by:

i avoiding the addition of material not found naturally in the area;

ii maintaining natural processes of erosion, movement and deposition of substrate;

iii avoiding disturbance and deposition that could have significant or irreversible effects on substrate composition;

(l) The physical characteristics of the floodplain of a stream or river;

(m) Water and air quality necessary to protect human and ecological health.

(n) The significance of the ecosystem, having regard to:

i whether it is listed in the Schedules of this plan;

ii whether it is identified in Appendix B of the Auckland Regional Policy Statement, the Department of Conservation's Auckland Conservation Management Strategy or as a significant area in any district plan;

iii whether it has been identified in any published Protected Natural Area report;

iv whether it is the habitat of any nationally or regionally threatened rare or endangered species.

Environmental Compensation

2.1.4.10 The adverse effects of use and development in one area or on one type of resource may, having regard to the benefits and adverse effects of the activity and Part 2 of the RMA be offset by mitigation measures elsewhere within the Region, to compensate for adverse effects that cannot be avoided, or directly remedied or mitigated. However, any adverse effects on areas of high ***natural character*** or significant ecosystems identified in Policy 2.1.4 9(n) should be avoided to the fullest extent practicable in the first instance, with offset mitigation being implemented where adverse effects on those resources are unavoidable.

2.1.4.11 Where offset mitigation measures referred to in Policy 2.1.4.10 are to be implemented by way of works or services, the scope of any necessary works or services and associated conditions of consent imposed under section 108(2)(c) of the RMA, shall be determined having regard to the following matters:

(a) that as far as practicable off set mitigation should be of the same kind or scale as and should remedy or mitigate effects caused at least in part by the activity being granted consent;

(b) any mitigation shall restore, create or enhance natural or physical resources in order to compensate the adverse effects created by the activity at the original location; or

(c) the offset mitigation should be applied as close as possible to the site where the adverse effects occur; and where this is not practicable, the ARC will work with the applicant to identify an alternative site, preferably in the same catchment or receiving environment as the consented activity, having regard to the nature of the environment including the community adversely affected by the consented activity;

(d) whether the activity is located inside or outside of ***Urban Areas*** and is an existing or new activity;

(e) the extent to which the works or services are practicable and effective to remedy or mitigate adverse effects.

2.1.4.12 Where the offset mitigation measures determined by Policy 2.1.4.10 are to be implemented by way of a financial contribution paid to the ARC, then the actual level of financial contribution shall be determined in accordance with the provisions of Chapter 8 of this Plan.

Explanation:
For the purposes of this Plan offset mitigation is that designed to enhance lost or diminished values in a particular location to compensate for adverse effects that occur as a result of another activity elsewhere.

2.1.5 Other Methods

2.1.5.1 The ARC will prepare guidelines to assist resource users in assessing the value of ***Permanent rivers or streams*** when applying for a resource consent.

2.1.5.2 The ARC will develop and maintain a database recording the locations and results of stream assessments, including stream category, throughout the Auckland Region.

2.1.5.3 The ARC will undertake investigations into:

(a) the intrinsic value (ecology and biodiversity) of a representative cross section of ***Permanent rivers or streams***;

(b) the contribution to catchment hydrology of ***Permanent rivers or streams***;

(c) hydrological and ecological functions of ***Intermittent streams***.

2.1.5.4 The ARC will review the form and extent of future controls on the clearance of riparian vegetation under Section 9(3) of the RMA as part of its review of the Auckland Regional Plan: Sediment Control.

2.1.6 Anticipated Environmental Results

Natural Character

2.1.6.1 Appropriate use and development of air, land and water resources is enabled, areas of high natural character are protected, and adverse effects on natural character elements in other areas are minimised.

Ecosystems and Habitats

2.1.6.2 The ***protection*** of areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use and development.

2.1.6.3 The maintenance and enhancement of indigenous biological diversity, integrity, form, functioning and resilience of land and water ecosystems within the region as a whole.

2.1.6.4 The life supporting capacity of the region's air, land and water resources is safeguarded.

2.1.6.5 The enhancement of the overall quality of the Region's natural environment.

2.1.6.6 ***Permanent rivers or streams*** are generally retained in rural areas and their loss is minimised in ***Urban Areas***.

2.2 Use and Development

2.2.1 Introduction

The Auckland Region contains New Zealand's largest metropolitan area and a third of its population. The ability to use and develop air, land and freshwater is critical to local, regional and national economic and social prosperity. These resources are used and developed for a wide range of activities including residential, commercial, industrial and recreational land uses, the operation of regional infrastructure such as roads, water supply, stormwater and wastewater networks and rural production activities such as pastoral framing, arable farming, horticulture, intensive farming and forestry. This chapter addresses the use and development of natural and physical resources,

which are under the ARC's jurisdiction within the context of an urbanised region, experiencing rapid population growth, and increased demand for physical infrastructure and within the sustainable management framework of Part 2 of the RMA.

The purpose of the RMA as defined by Section 5 is to promote the sustainable management of natural and physical resources (See Chapter 1, section 1.3). Natural and physical resources are defined by the RMA as being "land, water, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures." This chapter focuses on the use and development of key natural and physical resources that are essential for the operation of the region. This includes the use and development of urban and rural land, the operation and upgrading of existing physical infrastructure and the provision of new infrastructure. The use and development of these natural and physical resources is also guided by the strategic framework set out in the Auckland Regional Policy Statement for the integrated management of regional population growth, land development and future infrastructure requirements.

The second part of this chapter specifically addresses several matters of national importance. These are matters that the Plan is required to recognise and provide for, although they are sub-ordinate to the purpose of Section5 of the RMA. Those matters of national importance which relate principally to natural resources are addressed in Chapter 2.1: Natural Values. However, Section 6 of the RMA also requires that this plan recognise and provide for:

(d) The maintenance and enhancement of public access to and along …lakes and rivers.

Public access to and along ***lakes*** and rivers is addressed by specific provisions in this chapter.

The Other Matters listed in Section 7 of the RMA which are directly relevant to the use and development of air, land and water resources include:

(aa) The ethic of stewardship;

(b) The efficient use and development of natural and physical resources;

(c) The maintenance and enhancement of ***amenity*** values;

(f) The maintenance and enhancement of the quality of the environment;

(g) Any finite characteristics of natural and physical resources.

The Section 7 matters are given effect through the objectives and policies of this chapter and through the provisions of Chapters 4, 5, 6 and 7 as a whole, rather than by specific provisions which address each of these matters in turn.

Section 1.3 of Chapter 1 outlines the ARC's functions under Section 30 of the RMA. In this chapter these functions are referred to generically as "use and development", rather than listing all the matters separately. Use and development does not encompass the subdivision, use and development of land which is the responsibility of ***territorial authorities***.

2.2.2 Issues

2.2.2.1 The Auckland Region's population continues to grow at a significant rate. Accommodating an expanding regional population requires the use and development of the natural and physical resources to enable the on-going social, economic and cultural well-being of the regional community. However unmanaged population growth may cause adverse effects on the environment. A lack of integrated management may also limit the ability to make appropriate decisions on how best to avoid, remedy or mitigate adverse effects from growth enabling activities.

Explanation:
The Auckland Region's population is expected to grow at a rate exceeding that of other regions in New Zealand. By 2050 it could be home to up to two million people. Accommodating this growth through urban development is fundamental to the ongoing economic growth of the Auckland Region and to the social, economic and cultural well-being of people and communities.

The Auckland Regional Policy Statement 1999 (ARPS) including Change 6 to the ARPS establishes the framework for integrated management, strategic direction and the environmental effects of growth in the Auckland Region. The Strategic Direction of the ARPS is to ensure that the Region's growth can be accommodated, while still maintaining and enhancing the overall quality of the urban environment and protecting the intrinsic values of the Region's natural resource base.

*The Auckland Regional Growth Strategy 2050, developed under the Local Government Act, builds on the Strategic Direction of the ARPS. It provides more detailed guidance on the form, amount and staging of development within and outside the **Metropolitan Urban Limits** (MULs), and identifies particular greenfield areas for development.*

The principal components of the Regional Strategic Direction as contained in the Regional Policy Statement and elaborated upon in the Regional Growth Strategy (RGS) are:

*(a) the containment of urban development within **Urban Areas** (that is within the **Metropolitan Urban Limits** and the defined boundaries of rural and coastal settlements) (ARPS);*

(b) the promotion of quality, compact urban environments through the creation of high density communities within the MULs, focused around town centres and major transport routes (RGS);

(c) less emphasis on general suburban infill and greater focus on redevelopment and intensification within specific areas; (RGS)

(d) growth in identified greenfield areas, including Takanini, East Tamaki, Hingaia, Westgate/Redhills, Albany, Greenhithe, Long Bay and Orewa/Silverdale and the expansion of rural and coastal towns; (RGS)

(e) the intensification of urban activities at selected locations within areas of new development; (ARPS)

*(f) constraints upon **countryside living** to avoid significant adverse effects on natural resources, in particular regionally significant environmental values, and the **rural character** of areas outside **Urban Areas**; (ARPS)*

(g) urban development is avoided in highly valued and sensitive natural areas including the Waitakere and Hunua Ranges, Puhoi, Waiwera, Mahurangi, Weiti, Okura, eastern Waiheke Island and Whitford; (RGS)

(h) the promotion of transport efficiency and the provision for the safe and efficient operation of existing and new regional infrastructure; (ARPS)

*(i) the maintenance of urban **amenity** values and **rural character**; (ARPS)*

(j) the identification of significant environmental values and the management of effects of activities on the air, land and water resources of the Auckland Region by resource specific chapters. (ARPS)

This Plan must be consistent with the Regional Policy Statement. Hence the broad structure of the Plan and its objectives, policies, rules and other methods, translate the strategic direction of the Regional Policy Statement and its social, economic, cultural and environmental outcomes into the management of the effects of rural and rural activities on air, land and water resources.

Accordingly this Plan reflects the principal components listed above by:

*(a) protecting important and sensitive natural environments through the objectives and policies of Chapter 2.1: Natural Values; and the inclusion of these areas in specific management areas (see Chapter 3). Management Areas relating to some **lakes**, and rivers and streams with significant natural environmental values outside of **Urban Areas** are given a higher level of **protection** through Plan policies and rules than those within the **Urban Areas**. Particular attention is given to avoiding adverse effects on indigenous freshwater habitat resources;*

*(b) supporting future development within the **Urban Areas** by a more permissive rule regime, but recognising that such development may result in environmental impacts. Therefore the management approach primarily focuses on mitigating adverse environmental effects;*

*For example the management of the adverse effects of discharges from **stormwater** and **wastewater networks**, discharges to air within **Urban Areas** and discharges from **industrial and trade processes** promotes the use of the BPO (Best Practicable Option);*

*(c) categorising rivers and streams within the **Urban Areas** according to their present natural values and degree of modification, and identifying the ability to mitigate adverse effects and undertake varying degrees of environmental enhancement;*

(d) recognising and providing for the transition of rural land into urban uses in Greenfield Areas by categorising rivers and streams within these areas separately from rivers and streams within areas that are already largely urbanised;

*(e) providing for the use and development of air, land and water outside of **Urban Areas** for rural activities, but focusing on containing adverse effects as much as possible on site. This recognises that the lower density of development in rural areas generally provides opportunities to avoid, remedy or mitigate adverse environmental effects within an individual property or site. For example, the Rural Air Quality Management Area is more permissive in the types of permitted discharges to air than the Urban Air Quality Management Area, as there are generally greater buffer areas between rural properties to manage adverse effects, than exist in **Urban Areas**. The aim of managing discharges of contaminants to land is to contain and treat these contaminants on the property which generated the discharge*

*(f) recognising and providing for the location and operational requirements of network utility infrastructure, but requiring a higher level of environmental performance outside of **Urban Areas** and particularly in regionally significant environmental areas;*

(g) recognising and providing for existing regionally important Water Supply areas in the Waitakere and Hunua Ranges and recognising their dual value as water supply catchment and significant areas of indigenous flora and fauna;

(h) adopting an approach to the status of activities and the notification requirements that:

- *Is more permissive within **Urban Areas**, where some reduction in resource quality already exists;*
- *Is permissive throughout the Region, where likely environmental effects are minor and management approaches can readily avoid, remedy or mitigate adverse effects;*
- *Is more restrictive in identified areas of high environmental value.*

This issue relates to Objectives 2.2.3.1 to 2.2.3.9 and Policies 2.2.4.1 to 2.2.4.15

Refer also to the provisions of Chapters 3, 4, 5, 6 and 7 for detailed implementation of this management approach.

2.2.2.2 Areas of rural land within ***Urban Areas*** as defined by the Auckland Regional Policy Statement have been identified for development for residential, commercial and industrial purposes. The development of these ***Greenfield Areas*** is important to accommodate Auckland's projected population growth and provide future opportunities for regional economic expansion. The transition from rural land uses to developed urban land means that ***Greenfield Areas*** will experience significant physical change. This includes the contouring of land to provide suitable building sites, the diversion, piping or channelling of rivers and streams and changes in water quality. Development of ***Greenfield Areas*** needs to be managed to avoid, remedy or mitigate the environmental effects of these changes. Co-ordination of development between the Regional Council and territorial authorities is also necessary to ensure good physical, environmental, economic and social outcomes and to ensure an integrated approach to managing land use change within these areas.

Explanation:
*Development within **Greenfield Areas** is necessary to provide for the physical, economic, social and cultural wellbeing of the Auckland Region. Paragraph d of Issue 2.2.2.1 above lists the **Greenfield Areas** currently identified for development by the Auckland Regional Policy Statement. This document encourages the more efficient use of available urban land, than previously occurred. This is likely to result in higher densities of development in **Greenfield Areas** than was historically the case. Planning for this requires an integrated approach between the land developer, territorial authorities in terms of the development of structure plans and changes to district plans and this Plan in terms of dealing with resource consents associated with modification of rivers and streams, the taking and use of water and the discharge of contaminants.*

*Issues of particular focus for this Plan are the construction and management of stormwater and wastewater networks required to service new urban development and the associated modification or loss of rivers and streams. The first issue is addressed by the provisions relating to stormwater and wastewater networks in Chapter 5: Discharges to Land and Water. Provisions relating to the management of rivers and streams in **Greenfield Areas** are contained in section 3.6 of Chapter 3: Management Areas and Chapter 7: Beds of Lakes and Rivers. The Auckland Regional Plan: Sediment Control deals with land disturbing activities (earthworks) associated with the development of Greenfield land.*

2.2.2.3 Physical infrastructure is an essential component of Auckland's current and future growth. The development, upgrading, maintenance and operation of infrastructure is a major component which determines the form, location and timing of urban growth proposed by the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy. This infrastructure provides economic, social and cultural benefits to the community and is essential for the functioning of the region. Its development and operation can also avoid, remedy or mitigate adverse environmental effects that would otherwise occur if it was not present. However the development and operation of this infrastructure can result in adverse effects on air and water quality, water quantity and ***lake***, river and stream beds. Other activities can also adversely affect the operation of physical infrastructure.

Explanation:
*Physical infrastructure includes facilities such as the Ports of Auckland, as well as facilities which are specified as network utility operations under Section 166 of the RMA. This network utility infrastructure encompasses the Auckland International Airport and other regional airports, roading and rail networks, telecommunication, energy (electricity, oil and gas) networks as well as water, **wastewater** and*

***stormwater networks**. Water supply networks include the area used for the collection and treatment of water, as well as the pipe distribution system.*

*The roading and rail networks, the ports and the regional airports all provide essential facilities for the transport of both people and freight, and are used by emergency services. The telecommunication networks provide for personal, business and emergency communication, for the transfer of data and information and for access to regional, national and international information sources. Energy networks provide and distribute the electricity, oil and gas that is necessary for residential, commercial and industrial operations and for the community's **amenity** and wellbeing. The water, **wastewater** and **stormwater networks** are essential services that are necessary for public health and safety. This includes the provision of a secure bulk water supply from catchment land outside **Urban Areas** and its collection and distribution through a pipe network system to all users. The operation of a wastewater and stormwater network system and the collection and treatment of stormwater from major roads acts as a mitigatory measure preventing the degradation of land and water as it contains discharges of contaminated water and **wastes** within a pipe system. Use of physical infrastructure by emergency service providers enables them to undertake their activities effectively, thereby contributing to the safety and well-being of people and communities*

Network utility infrastructure must inherently be located where it is required to serve existing or proposed communities and to operate as an efficient network. Hence there may be functional constraints on the location and operation of infrastructure which result in its impacting on sensitive environments, or areas of special value.

*This Plan provides for the operation and upgrading of existing and new regional infrastructure, while addressing the adverse effects generated by such infrastructure in terms of discharges to air, land and water, the management of surface and **groundwater** resources and the beds of **lakes**, rivers and streams.*

It also acknowledges that other activities controlled by the Plan have the potential to affect the safe and efficient operation of physical infrastructure. For example, uncontrolled discharges of contaminants may affect areas used for public water supply purposes.

*Network utility infrastructure is addressed in different chapters of this Plan. Telecommunication and energy distribution networks are primarily affected by the provisions of Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water. Other infrastructure such as the development of new roads or rail, or the collection and distribution of bulk water generates effects which cross all chapters of the Plan. Chapter 3: Management Areas includes a Water Supply Management Area that covers two regionally important water supply catchments. **Stormwater** and **wastewater networks** and highway networks are principally affected by the provisions of section 3.6 relating to Urban River and Stream Management Areas, Chapter 5: Discharges to Land and Water, the **damming** provisions of Chapter 6: Water Allocation and by Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water.*

District Plans also exercise major control over the form, location and operation of network utility infrastructure.

This issue relates to Objectives 2.2.3.4 and 2.2.3.5 and Policies 2.2.4.2, 2.2.4.3 and 2.2.4.4.

See also the provisions relating to ***stormwater*** and ***wastewater*** discharges in Chapter 5 and the provisions relating to network utility infrastructure in Chapter 7.

2.2.2.4 The provision for and maintenance of some network utility infrastructure is funded by the community serviced by the infrastructure. Other network utility infrastructure may be funded by central government or by commercial investment. The costs associated with this infrastructure and with the maintenance or enhancement of the environment must be considered against the community's expectations and the community's ability to pay. The development, upgrading, maintenance and operation of network utility infrastructure involves making decisions about the priorities for infrastructure

investment, the standard of environmental performance to be met, and the timing and staging of infrastructure development, upgrading or maintenance.

Explanation:
Significant investment is required to provide new infrastructure and to maintain and upgrade existing infrastructure in the Auckland Region to meet the demands of growth and to maintain and enhance environmental quality. Decisions on the priorities for investment, the timing and staging of this investment, and acceptable levels of environmental ***protection****, remediation or enhancement are influenced by the management approach to the use and development of air, land and water resources contained in this Plan.*

This issue relates to Objectives 2.2.3.4 and 2.2.3.6 and Policies 2.2.4.2 to 2.2.4.4 and 2.2.4.6 to 2.2.4.11.

See also the provisions relating to ***stormwater*** and ***wastewater*** discharges in Chapter 5 and the provisions relating to network utility infrastructure in Chapter 7.

2.2.2.5 The Auckland Region has a large and thriving rural sector, which includes pastoral farming, horticulture, viticulture, forestry and intensive farming as well as a range of rural servicing and processing activities, recreation, tourism, cultural facilities and home occupation and other employment opportunities. Rural activities contribute significantly to the local, regional and national economy and to the social and cultural identity of the Region. These activities need to be encouraged, while at the same time ensuring that the effects on air quality, the quality and quantity of freshwater and the beds of lakes and rivers are avoided, remedied or mitigated. The rural areas of the Auckland Region also provide significant rural residential lifestyle opportunities. However this can give rise to conflicts between the ***amenity*** expectations of people seeking a rural lifestyle and those undertaking production activities.

Explanation:
The rural areas of the Auckland Region are not only important generators of economic activity, but they are also places to live in, as well as containing many of the Region's significant remaining natural areas. Use and development of air, land and water in rural areas can give rise to conflicts between competing objectives, which need to be managed by this Plan.

The management approach of this Plan to rural activities is influenced by:

(a) the lower density of development within rural areas, compared with urban areas and the ability to avoid, remedy or mitigate adverse effects on the site;

(b) the recognition that rural production activities can affect air quality, and in particular generate odours, which cannot practicably be contained on the site;

(c) the proportion of ***point source*** *and* ***non-point source discharges*** *and the management methods available to address the effects of these discharges;*

(d) the identification and ***protection*** *of regionally significant natural areas, or freshwater resources.*

This issue relates to Objective 2.2.3.6 and Policies 2.2.4.5 to 2.2.4.11.

2.2.2.6 Some discharges of contaminants to air, land or water, the excessive ***take*** of ***surface water*** from waterbodies, or inappropriately located structures or other activities in the beds of ***lakes*** and rivers may adversely affect ***amenity*** values and the recreational use of natural and physical resources, which are important to people and the community.

Explanation:
Amenity values are defined as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic

coherence and cultural and recreational attributes. Activities controlled by this Plan can have direct physical impacts on the quality of the Region's urban and rural environment. Some of these effects may be highly visible, such as an increase in air contaminants giving rise to brown haze or noxious odours, a reduction in the amount of water flowing in streams, or changes to the clarity and colour of lakes and rivers from the discharge of polluting substances. Other changes may be less obvious, or be the result of the cumulative effect of a number of different activities. An example of this is a reduction in the amount and diversity of indigenous vegetation and aquatic fauna in watercourses, due to increasing levels of unseen contaminants, or the significant physical modification of existing watercourses.

Both individually and collectively, inappropriately managed activities can adversely affect the qualities and characteristics of the Auckland Region, which contribute to people's amenity, and their use and enjoyment of air, land and freshwater resources.

This issue relates to Objective 2.2.3.7 and Policy 2.2.4.11

2.2.2.7 ***Public access*** to and along ***lakes*** and rivers, and the use and enjoyment of these waterbodies can be inhibited by a range of inappropriately sited structures. Changes in river and stream flows may also affect ***public access*** up and down these water bodies, as well as their usability by canoes, kayaks and other recreational vessels.

Explanation:
The maintenance and enhancement of public access to and along lakes and rivers is a matter of national importance, for which this Plan must recognise and make provision. Access to lakes and rivers is extremely variable in the Auckland Region and is often determined by the presence of roads or pedestrian accessways, esplanade reserves, strips or other types of publicly owned land adjoining the lake, river or stream. In some instances access to the lake, river or stream is restricted by adjoining land being in private ownership. There may also be legal restrictions on public access up and down the bed of the river or stream. Issues of legal access to and along river beds or the provision of access across land to lakes, rivers and streams are not addressed by this Plan.

The Plan focuses on the effects of activities, such as the construction and operation of pipelines, culverts, dams, or the clearance of debris and sediment from the beds of rivers and streams, changes in surface flow through the take of water, or degraded water quality through the discharges of contaminants from adjacent land, on physical public access to and along lakes, rivers and streams. These activities can form physical barriers to public access along the margins of lakes, rivers and streams, or affect walking access up and down the river or stream itself, or the use of the water body by recreational craft such as canoes and kayaks.

This issue relates to Objective 2.2.3.8 and Policies 2.2.4.12 and 2.2.4.13.

2.2.2.8 Various sites, buildings, places or areas throughout the Auckland Region contribute to our cultural heritage, but many have been and continue to be modified, damaged or destroyed by use and development. Activities controlled by this Plan such as some discharges of contaminants, the ***taking*** or ***damming*** of ***surface water***, or activities in the beds of rivers or streams may affect the values of these historic heritage sites.

Explanation:
The recognition and protection of the heritage values of sites, buildings, places or areas is a Section 7 matter, to which particular regard must be had. The principal RMA focus for heritage protection is through district plans as they regulate subdivision and the effects of land use on heritage sites, buildings, places and areas. However there may be circumstances where activities controlled by this Plan may impact on these areas as well.

This issue relates to Objective 2.2.3.8 and Policies 2.2.4.14 and 2.2.4.15.

2.2.3 Objectives

2.2.3.1 To enable appropriate use and development of air, land and freshwater resources, while recognising the characteristics, constraints and availability of these resources.

This Objective relates to Policies 2.2.4.1 to 2.2.4.15.

2.2.3.2 To manage the use and development of natural and physical resources in a sustainable, efficient and integrated manner that is consistent with the strategic growth management provisions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy.

This Objective relates to Policies 2.2.4.1 to 2.2.4.15.

2.2.3.3 To enable the use and development of air, land and water in a way that provides for the efficient use of land and supports increased urban densities within the ***Urban Areas.***

This Objective relates to Policy 2.2.4.1

2.2.3.4 To provide for the ongoing operation, maintenance, development and upgrading of physical infrastructure, in a manner that meets regional growth requirements and supports the economic, social and cultural wellbeing of the Region's people and communities and provides for their health and safety, while avoiding, remedying or mitigating adverse effects on the environment.

This Objective relates to Policies 2.2.4.2, 2.2.4.3 and 2.2.4.6 to 2.2.4.11.

2.2.3.5 To protect network utility infrastructure from inappropriate use and development.

This Objective relates to Policy 2.2.4.4

2.2.3.6 To enable rural activities in rural areas, while avoiding, remedying or mitigating adverse effects._

This Objective relates to Policies 2.2.4.2 to 2.2.4.11

2.2.3.7 To maintain and where practicable to enhance the quality and ***amenity*** values of Auckland's air, land and freshwater resources.

This Objective relates to Policies 2.2.4.1 to 2.2.4.15

2.2.3.8 To maintain and enhance ***public access*** to, along and within ***lakes*** and rivers.

This Objective relates to Policies 2.2.4.12 and 2.2.4.13.

2.2.3.9 To protect the values of significant cultural heritage sites, buildings, places or areas from inappropriate use and development and to retain a diverse and representative range of cultural heritage resources.

This Objective relates to Policies 2.2.4.14 and 2.2.4.15.

2.2.4 Policies

Use and Development

2.2.4.1 Use and development of air, land and water within ***Urban Areas*** (the ***Metropolitan Urban Limits*** and rural and coastal settlements) is appropriate where:

(a) it is consistent with the strategic directions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy; and

(b) adverse effects are avoided, remedied or mitigated.

2.2.4.2 Use and development of air, land and water within Greenfield is appropriate where:

(a) efficient use is made of available land;

(b) ***Permanent rivers and streams*** with significant ecological, habitat and water quality values are maintained where practicable;

(c) adverse effects on other ***Permanent rivers and streams*** and on water quality are remedied or mitigated.

2.2.4.3 District and regional planning and consent processes should be integrated as far as practicable to ensure full consideration of the matters outlined in Policy 2.2.4.2.

2.2.4.4 The use, development, upgrading or maintenance of network utility infrastructure shall be considered appropriate where:

(a) it is consistent with the strategic directions of the Auckland Regional Policy Statement; or

(b) it is consistent with the Auckland Regional Growth Strategy; or

(c) it is to improve environmental outcomes that result from the operation of this infrastructure; or

(d) it is undertaken in an efficient and cost effective manner that recognises the community's ability to pay;

and

(e) significant adverse effects on natural and physical resources are avoided, remedied or mitigated.

2.2.4.5 Resource consents for network utility infrastructure may be granted on a network wide basis where it can be demonstrated that:

(a) it promotes integrated management of the infrastructure; and

(b) the activity for which the consent is sought is generally consistent across the network; and

(c) practical methodologies are available to avoid, remedy or mitigate adverse effects from the activity in all relevant circumstances; and

(d) it is effective and efficient to grant a network wide consent.

See also Chapter 5: Discharges to Land and Water and Land Management – Stormwater and Wastewater Provisions and the network utility infrastructure provisions of Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water.

2.2.4.6 Use and development of air, land and water shall avoid giving rise to ***reverse sensitivity*** conflicts, particularly in relation to effects on network utility infrastructure.

2.2.4.7 Use and development of air, land and water outside of ***Urban Areas*** is appropriate where:

(a) it is necessary for rural production activities; or

(b) it is for activities which require a rural location and which are consistent with the maintenance of ***rural character***; or

(c) it is for activities that are consistent with Policy 2.2.4.4; and

(d) significant natural areas are protected consistent with Policies 2.1.4.1 to 2.1.4.8; (See Chapter 2.1: Natural Values)

(e) significant adverse effects on natural and physical resources are avoided, remedied or mitigated.

2.2.4.8 The positive social, economic and cultural effects and benefits arising from any proposal for use and development shall be considered when assessing the overall effects of a proposal on air, land or water resources.

2.2.4.9 Cumulative adverse effects of new use and development of air, land and water bodies shall be avoided as far as practicable, or remedied or mitigated.

2.2.4.10 A precautionary approach shall be taken to proposals for use and development where there are potentially significant adverse effects, that cannot be fully assessed due to a lack of scientific or technical knowledge and where there is a threat of serious or irreversible harm to the environment.

In assessing any applications, the ARC or its agents may consent to an application and impose conditions that will ensure that the effects of the activity are avoided, remedied or mitigated. These conditions may include but are not limited to any or all of the following:

(a) That consent conditions be reviewed in order to avoid, remedy or mitigate any adverse effects that may be generated by the activity; and

(b) That the consent holder be required to regularly monitor the effects of any activity at an appropriate frequency; and

(c) That bonds be imposed to ensure that any works or actions required by any consent are undertaken; and

(d) That the duration of any consent is limited to a period that is appropriate to the circumstances.

2.2.4.11 Proposals to use or develop air, land or freshwater resources shall have regard to:

(a) The relevant provisions of the Auckland Regional Policy Statement;

(b) The relevant provisions of the Auckland Regional Plan: Coastal where the proposal may directly affect the coastal marine area;

(c) The relationship between the use of air, land and freshwater and the provisions of district plans and other relevant resource management strategies.

2.2.4.12 Use and development shall be undertaken at times of the day, week or year which will avoid, remedy or mitigate adverse effects on:

(a) The growth and reproduction of terrestrial and aquatic vegetation and the feeding, breeding and migratory patterns of fauna, including bird roosting, nesting and feeding; and/or

(b) Lawful recreational use of air, land and freshwater bodies; and/or

(c) Other lawful established activities in the locality that are likely to be adversely affected by any proposal.

Amenity Values

2.2.4.13 In assessing applications for use and development, particular regard shall be had to the maintenance and enhancement of ***amenity*** values, including any effects on recreational use of air, land and water bodies.

Public Access

2.2.4.14 Use and development should ensure that ***public access*** to, along and within ***lakes*** and rivers is maintained or enhanced, except where it is necessary to restrict access in order to:

(a) Protect areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural features;

(b) Protect areas of restoration and rehabilitation such as riparian plantings;

(c) Protect cultural and spiritual values of tangata whenua;

(d) Protect areas or sites of special spiritual, cultural or historical significance;

(e) Protect public health and safety;

(f) Ensure a level of security consistent with the activities being undertaken or the purpose of a resource consent;

(g) Provide for other exceptional circumstances sufficient to justify a restriction of ***public access***, notwithstanding the national importance placed on maintaining ***public access***.

Explanation: Much of the land adjacent to rivers, streams and ***lakes***, and in some instances the beds themselves, are in private ownership. Notwithstanding this policy, ***public access*** to ***lakes*** and rivers across this private land and access along privately owned stream beds requires the approval of the landowner.

2.2.4.15 Use and development that adversely affects ***public access*** to, along and within ***lakes*** and rivers shall be required to remedy or mitigate that effect. In assessing the effects on ***public access*** and the ability to remedy or mitigate adverse effects, regard shall be had to:

(a) The nature, degree and scale of any restriction;

(b) Whether the restriction is permanent or temporary and the length of the time ***public access*** is to be restricted;

(c) The purposes for which access to and along the river or ***lake*** is required and options for reasonable alternative access;

(d) Whether any remedy or mitigation of ***public access*** restriction is consistent with Policy 2.2.4.14 above.

Cultural Heritage

2.2.4.16 Use and development of, air, land and freshwater shall consider any effects on sites, buildings, places or areas which have cultural heritage values and which are identified in the ARC's Cultural Heritage Inventory, and should avoid, remedy or mitigate, adverse effects on these resources.

2.2.4.17 In assessing applications for use and development which will adversely affect sites, buildings, places or areas identified in the ARC's Cultural Heritage Inventory, regard shall be had to:

(a) The significance of the historical or cultural values of the site, building, place or area including the relationships that people have with the site, building, place or area and
to the extent to which these will be maintained;

(b) The integrity of the site, building, place or area, including in the case of a structure its physical appearance, and the extent to which it will be maintained;

(c) The ability to record the values by means of:

i photographic and/or written record;

ii identification at or near the site by a plaque, sign or other method;

iii archaeological investigation and recording.

iv silent files

Explanation:
The ARC maintains and progressively updates a computer-based Cultural Heritage Inventory that lists a large number of cultural heritage sites, buildings, places or areas. Information from this inventory is available from the ARC and from ***territorial authorities***. Before any significant use and development of air, land and freshwater, applicants are recommended to seek information from the ARC on known Cultural Heritage Sites.

Many sites, buildings, places or areas are ***archaeological sites***. These sites are protected under the Historic Places Act 1993 and authority to modify, damage or destroy any recorded or unrecorded ***archaeological site*** is required from the Historic Places Trust before any work is undertaken.

2.2.5 Anticipated Environmental Results

Use and Development

2.2.5.1 That people and communities in urban and rural areas are able to use air, land and water resources to provide for their social, economic and cultural wellbeing in a way that is consistent with the principles of sustainable management and supports the strategic growth outcomes for the Auckland Region.

2.2.5.2 The quality and ***amenity*** values of Auckland's air, land and freshwater resources are maintained and wherever practicable enhanced.

2.2.5.3 Network Utility Infrastructure develops and operates in an efficient and cost effective manner, while avoiding, remedying or mitigating adverse effects on the environment.

Public Access

2.2.5.4 *Public access* to and along and within ***lakes*** and rivers is maintained and enhanced where appropriate.

Cultural Heritage

2.2.5.5 That the values of significant cultural heritage sites, buildings, places or areas are protected from inappropriate use and development and a diverse and representative range of cultural heritage resources is retained.

2.3 Ngā Take Tūturu Mō Tāngata Whenua
(Matters of Significance to Tāngata Whenua)

Toitu Te Marae o Tane
Toitu Te Marae o Tangaroa
Toitu Te Iwi
If the domain of Tane is sustained
And the domain of Tangaroa sustained
So too will the people be sustained

2.3.1 Introduction

The RMA includes a number of matters which relate to the relationship of tangata whenua to the management of air, land and water resources. This plan is required, among other things:

(a) As a matter of national importance to recognise and provide for the relationship of Mäori and their culture and traditions with their ancestral lands, water, sites, ***wähi tapu and other taonga*** (section 6(e) and (g) the protection of recognised customary activities);

(b) To have particular regard to kaitiakitanga (section 7(a));

(c) To take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8);

(d) To have regard to recognised relevant ***iwi*** planning documents, the Historic Places Register, and any regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing) (sections 66(2)(c)(iia) & (iii)) and 2A;

(e) To give effect to the ARPS (section 67(3)(c)).

Most tangata whenua of the Auckland Region have prepared planning documents. A list of ***iwi*** planning documents is available from the ***Iwi*** Relations section of the Auckland Regional Council. The NZHPT Historic Places Register of the region lists a number of sites and areas of significance to tangata whenua.

Chapter 3 of the RPS identifies and addresses matters of significance to tangata whenua. There are five main policy directions of the ARPS relating to tangata whenua:

(a) Recognising sites and areas of special value in accordance with tikanga Mäori, and providing appropriate levels of protection;

(b) Providing for Mäori customary activities and actively protecting these from the effects of other activities;

(c) The effective involvement of tangata whenua in the preparation, implementation, monitoring and review of statutory plans and resource consent processes;

(d) Taking into account the effects of managing resources on Treaty claims and customary rights; and

Enabling the practical expression of Kaitiakitanga by tangata whenua.

This plan supplements the provisions of the ARPS relating to tangata whenua, and should be read alongside the ARPS. Policies and methods have been included in the ARPS which, amongst other things, establish the rights of tangata whenua to be involved in resource management decision-making, recognise the obligations of the ARC to consult with tangata whenua, and encourage consent applicants to consult with tangata whenua. New policies and methods dealing with consultation and other procedural matters are not included in this section of the plan. The ARPS provisions are considered adequate. Rather, the policies and methods in this section focus on environmental outcomes to be achieved.

2.3.1.1 Tangata Whenua World View

Mäori values associated with the land, air and freshwater bodies of the Auckland Region are based on ***whakapapa***, and stem from long social, economic and cultural associations and experiences with such ***taonga*** extending over several centuries.

The Mäori world begins with the creation, where all life emanated from Io, the Supreme God. A series of cosmological birth stages followed, culminating with Papatuanuku, the earth mother and Ranginui, the sky father. Ranginui and Papatuanuku were separated by one of their children, Tane Mahuta, to let light, and hence knowledge, into the world. The children of Rangi and Papa subsequently set about creating their domains, breathing *mauri* or life force emanating from Io into all things, both living and inanimate.

As well as the values attributed to them by those who benefit from and, in turn, care for them, land, air and freshwater bodies and their associated resources have inherent values of their own. They are part of the domains of various deities and consequently have mana atua.

Through creation tangata whenua claim an intimate relationship established by ***whakapapa*** to all entities of the natural world. Inherent in this relationship are the ancestral obligations as ***Kaitiaki*** to care for all other parts of the natural world.

Kaitiaki can take a physical or spiritual (metaphysical) form. Physical ***Kaitiaki*** include tangata whenua, reptiles, fish and birds. An example of a spiritual ***Kaitiaki*** is a taniwha.

Kaitiakitanga is an integral part of the expression of Rangatiratanga or authority, whereby it is often impossible to protect resources without also exercising a degree of authority and control over them. This is axiomatic.

This culturally distinct view of the world established natural and proper behavioural patterns – tikanga – between tangata whenua and other living things. When tangata whenua needed to hunt birds or fish, dig up plants or cut down trees, for example, proper rituals were performed recognising the sacredness of other life forms. The various deities maintained absolute power over their domains and it was to such deities that requests to use specific resources were made. Underlying these relationships was the holistic world view briefly described earlier, and it was only after such tikanga was satisfied that tangata whenua could safely take the lives of other living entities for food and resources for survival. For those who ignored tikanga, punishment was by way of personal calamity.

Over time tangata whenua developed a highly specialised knowledge of their environment and the resources that they relied upon for survival. Tribal tikanga sought to maintain the balance between people and other life forms. Birds and fish, for example, were protected much of the year by ***rahui*** or temporary ban, ensuring that such resources were not disturbed during breeding. Although continuing to evolve to suit changing circumstances, tribal tikanga still determines what activities can occur,

and if so, how they can occur. While there is tikanga which is universal to Mäori, there is also tikanga which is specific to different *iwi* and *Hapü*.

A Mäori world view is further illustrated by the following statement by an *iwi* authority of the Auckland Region:

> **"Rivers are not just channels to facilitate the flow of water**
> **Rivers are the lifelines, the blood veins of Papatuanuku**
> **Rain is not just water that falls out of the sky**
> **Rain represents the tears of Ranginui, the sky father who continues to weep as a result of the separation from Papatuanuku."**

(Huakina Development Trust 1995)

While an abundance of food is valued for the physical sustenance it provides a tribe, tikanga also places enormous value on the concept of ***manäkitanga***. The ability to provide an abundance of food to guests is a matter of tribal mana and well-being. Mäori values are also expressed in the importance placed on cultural materials found in the coastal environment, including those used for weaving and dyeing processes. The ability to live and work on ancestral lands (e.g. marae and ***papakainga***) is also of fundamental importance, facilitating the meeting of ***Kaitiaki*** responsibilities and enabling relationships, culture and traditions with ancestral ***taonga*** to be nurtured.

Many activities have the potential to adversely affect the relationship of Mäori and their culture and traditions with their ancestral water, sites, ***wähi tapu*** and other ***taonga***. Of particular concern are the effects of ***sewage*** and ***stormwater*** discharges into waterways, degradation of water quality, damage to or destruction of ***wähi tapu***, and any action that degrades or depletes life forms, particularly of species gathered and used by tangata whenua.

The values of tangata whenua towards land, air and freshwater bodies and associated resources, and the expression of such values in tribal tikanga and institutions, were confirmed and guaranteed by Te Tiriti o Waitangi, signed in 1840. Rights and obligations in terms of the principles of the Treaty of Waitangi need to be taken into account in the management of natural and physical resources.

2.3.1.2 The Treaty of Waitangi (Te Tiriti o Waitangi)

Tangata whenua consider that the Treaty forms the basis of relationships between tangata whenua and the Crown (including organisations such as the ARC that have been delegated Crown responsibilities under the RMA). The following is an example of tangata whenua statement regarding what the Treaty means to them and how it should be given effect.

"… the Treaty still provides the clearest articulation of *iwi* and Crown relationships in resource management and in particular the primacy of the relationship between *iwi* and natural resources and consequently the central role they could expect to play in making decisions about their environment today….

A Treaty based partnership with Council in the sustainable management of natural and physical resources is something that the Board is definitely committed towards achieving...Taking the step from talking about partnership to defining it is a complex task but an absolutely essential one." (Hauraki Mäori Trust Board 2000).

2.3.2 Issues

Following is a list of tangata whenua concerns which are illustrated in ***iwi*** planning documents and have been confirmed in consultation with tangata whenua during preparation of this Proposed Plan. The concerns are grouped according to the three matters of resource management significance to tangata whenua identified in the ARPS:

(a) Relationships with ancestral ***taonga*** are being adversely affected by inappropriate processes and activities;

(b) There is a need for direct and effective involvement of tangata whenua in the sustainable management of their ancestral ***taonga***;

(c) The Treaty of Waitangi needs to be recognised in the sustainable management of ancestral ***taonga***.

2.3.2.1 Processes and Activities Adversely Affecting Relationships With Ancestral Taonga

Tangata whenua are concerned that processes and activities are adversely affecting relationships of tangata whenua and their culture and traditions with their ancestral ***taonga***. Issues of concern to tangata whenua, identified to the ARC to date, are summarised as follows:

Air Quality

- The health and safety effects of spray drift in close proximity to marae, ***papakainga***, waterbodies and other sensitive areas;
- The effects of dust emissions;
- Cumulative adverse effects of contaminants on important food resources, in particular puha and watercress;

Land Disturbing Activities

- The potential for koiwi or artefacts to be uncovered or for other ***wähi tapu*** to be damaged or destroyed during land disturbing activities. tangata whenua want to monitor land disturbance activities and be consulted immediately in such an event;
- The cultural offensiveness of removing top soil from areas known to be tapu and depositing it elsewhere;
- The effects of land disturbing activities adjacent to waterbodies, including emergency works;

Water Quality

- The inappropriateness of discharging liquid wastes directly to waterbodies. As far as practicable, all liquid wastes (in particular ***sewage*** and ***stormwater***) need to be in the first instance, discharged to land for treatment;
- The inappropriateness of combining different types of liquid waste (e.g. ***sewage***, ***stormwater***) and treating them together;
- Inadequate establishment and maintenance of riparian zones adjacent to waterbodies to control diffuse discharges of contaminants;
- The unauthorised dumping of wastes and the need for stronger monitoring, enforcement and penalties;

Water Resources

- Further disruption and ***drainage*** of wetlands;
- The adverse effects of dams, culverts, causeways and other barrier structures on natural waterbodies, particularly the obstruction of ***fish passage***;

- Insufficient water being retained in natural waterbodies (including ***aquifers***) to protect instream values, tangata whenua traditions (e.g. mahinga kai), and ***natural character*** and ***amenity*** values;
- The potential adverse effects of ***drilling*** on ***wähi tapu***;
- The effects of new developments diverting ***stormwater*** and preventing the replenishment of natural waterbodies (e.g. ***aquifers***);
- The modification and/or diversion of natural flow paths (e.g. construction of stopbanks), interfering with the normal function of waterbodies and/or causing other natural hazards
(e.g. instability);
- The effect of further ***reclamations*** on natural waterways, unless the works can be shown to improve the wellbeing of the waterway;
- The potential adverse effects of ***dredging***, extracting and/or depositing material on instream values, tangata whenua traditions, and ***natural character*** and ***amenity*** values;
- The potential adverse effects of introducing exotic species into natural water systems.

2.3.2.2 Direct and Effective Tangata Whenua Involvement in Managing their Ancestral Taonga

Tangata whenua have expressed their wish to have direct and effective involvement in managing their ancestral ***taonga***. Methods suggested by tangata whenua include:

Ensuring Plan rules provide opportunities for tangata whenua to assess the potential effects of resource consent applications on relationships with ancestral ***taonga***;

Supporting and protecting ***kaitiaki*** initiatives, including ***rahui*** and ***whakatapu***, and monitoring, enforcement and enhancement programmes;

Local authorities assisting with the preparation of ***Iwi*** Resource Management Plans and incorporating such Plans into statutory processes;

Ensuring proactive and quality consultation occurs between tangata whenua, applicants and local authorities;

Ensuring quality information is available regarding tangata whenua interests; and

Increasing the representation of tangata whenua interests in decision making, including the use of Hearing Commissioners with recognised expertise in tikanga Mäori, where appropriate.

Some of these methods relate directly to the resource consent processes proposed by this plan, while others concern the wider scope of tangata whenua relationships with the ARC. Their method of implementation may occur through means other than a statutory regional plan.

2.3.2.3 Recognition of the Treaty of Waitangi

The Treaty of Waitangi confirmed customary rights and practices, including the ability of tangata whenua to continue to use and enjoy their ancestral ***taonga***. Traditional practices include:

The use of natural materials for cultural, domestic and health purposes (e.g. carving, weaving, medicines), and the retention of indigenous vegetation to facilitate this;

Harvesting mahinga kai (e.g. vegetables, plants, fish, shellfish) for physical sustenance and ***manäkitanga***;

Establishing and maintaining marae, ***papakainga***, ***kohanga reo***, ***kura***, and other facilities for social, economic and cultural wellbeing.

Such traditions can be adversely affected by other activities (e.g. spray drift, liquid waste discharges to waterbodies, earthworks removing natural material).

tangata whenua are also concerned to ensure that the management of natural and physical resources does not exacerbate existing Treaty claims. Claims which tangata whenua believe are relevant include those relating to environmental degradation (e.g. Manukau Harbour, destruction of ***wähi tapu***), and the ownership of natural resources (e.g. minerals, geothermal resources, foreshore).

2.3.3 Objectives

2.3.3.1 To sustain the ***mauri*** of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Mäori.

2.3.3.2 To afford appropriate priority to the relationship of tangata whenua and their culture and traditions with their ancestral ***taonga*** when this conflicts with other values.

2.3.3.3 To involve tangata whenua in resource management processes in ways which:

(a) Take into account the principles of the Treaty of Waitangi, including rangatiratanga;

(b) Have particular regard to the practical expression of kaitiakitanga.

Explanation:
These objectives are the same as the objectives in section 3.3 of the ARPS.

2.3.4 Policies

Explanation:
The policies below should be read alongside the policies in section 3.4 of the ARPS. The policies and associated methods in the ARPS set out, amongst other things, how tangata whenua will be consulted and involved in planning and resource consent processes. New policies and methods dealing with consultation and other procedural matters are not included in this Plan. The ARPS provisions are considered adequate. Rather, the policies below focus on environmental outcomes to be achieved. The policies and methods of both the ARPS and this Plan are required in regard to the issues (in section 2.3.2) and objectives (in section 2.3.3) concerning tangata whenua matters.

2.3.4.1 Sites and areas of special value to tangata whenua identified in –

(a) Schedule 8 of this Plan; or

(b) Appendix B of the Auckland Regional Policy Statement; or

(c) A district plan – shall be protected from inappropriate use and development that would cause adverse effects on the qualities, elements and features which contribute to the values of these sites and areas.

2.3.4.2 Sites and areas of special value to tangata whenua, which are not identified in accordance with Policy 2.3.4.1, shall be managed by avoiding where practicable, remedying or mitigating adverse effects on the qualities, elements and features which contribute to the values of these sites and areas, having regard to:

(a) The significance of the site or area, taking into account:

i Whether it is identified in any relevant ***iwi*** planning document, recognised by an ***Iwi*** Authority;

ii Whether it is identified in the Auckland Conservation Management Strategy;

iii Whether it has been identified as being significant in any published archaeological or heritage report;

iv Whether it is identified as being significant by tangata whenua during consultation.

(b) Whether any disturbance or modification would have significant or irreversible effects on the physical or cultural integrity of the site or area;

(c) Whether the proposal will protect or enhance the cultural heritage, scientific, or ***amenity*** values of the site or area.

(d) Physical or visual connections with other heritage sites or areas.

2.3.4.3 The use and enjoyment of marae, ***papakainga*** and associated customary uses of ancestral ***taonga*** shall be recognised and provided for.

In assessing the effects of use and development on marae, ***papakainga*** and associated customary uses of ancestral ***taonga***, regard shall be had to:

(a) Whether the proposal adversely affects the ability of local ***iwi*** or ***hapü*** to provide for their social, economic and cultural well-being;

(b) Whether provision has been made to protect customary and traditional uses and enjoyment of, or access to, ancestral ***taonga***.

2.3.4.4 Regional rules and decisions on resource consents which may affect matters of significance
to tangata whenua, shall take into account the following:

(a) Any relevant ***iwi*** planning document recognised by an ***Iwi*** Authority;

(b) Measures required to address the issues specified in section 2.3.2.1;

(c) The importance of Mäori customary, cultural, or traditional knowledge.

2.3.5 Other Methods

2.3.5.1 Relevant aspects of those methods stated in Chapter 3 of the Auckland Regional Policy Statement, namely Methods 3.4.2, 3.4.5, 3.4.8, 3.4.11 and 3.4.14.

For the purposes of implementing Policy 2.3.4.1, tangata whenua will be consulted over the appropriate process and timing for establishing Schedule 8 to this Plan listing sites and areas of special value to tangata whenua. Prior to the introduction of Schedule 8 into the Plan, through a Plan Variation or Plan Change process, consultation will be undertaken with potentially affected landowners.

2.3.6 Anticipated Environmental Results

2.3.6.1 The special Treaty relationship between the Crown and tangata whenua is recognised and facilitated.

2.3.6.2 The relationship of tangata whenua and their culture and traditions with their ancestral ***taonga***, including use of and access to these ***taonga***, are recognised and provided for.

2.3.6.3 Adverse effects of use and development on the relationship of tangata whenua and their culture and traditions with their ancestral ***taonga***, are avoided, remedied or mitigated.