

PART II: LEGISLATIVE FRAMEWORK AND STRUCTURE OF THE REGIONAL POLICY STATEMENT

5. GENERAL CONTENTS

This is the first Regional Policy Statement for the Northland region. It has been prepared by the Northland Regional Council in accordance with the requirements of the Resource Management Act 1991. This requires the Regional Council to, at all times, have a Regional Policy Statement - the purpose of which is to promote the sustainable management of the region's natural and physical resources. The Policy Statement is expected to achieve this by:

- Providing an overview of the resource management issues of the region; and
- Setting out policies and methods to achieve integrated management of the region's natural and physical resources (Section 59).

Natural and physical resources include "land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures".

The Regional Policy Statement is intended to serve as a vehicle for identifying and dealing with the key resource management issues in the region. These issues relate to the management of the use, development and protection of the natural and physical resources, particularly air, land, water, and the coastal marine area for which the Northland Regional Council and the three District Councils in the region have specific functional responsibilities. The responsibilities of the respective Councils are prescribed in Sections 30 and 31 of the Act. Section 62 of the Act requires the Regional Policy Statement to identify:

- The significant resource management issues of the region;
- Matters of resource management significance to iwi authorities;
- The objectives sought to be achieved by the statement;
- The policies in regard to those significant issues and objectives, and an explanation of those policies;
- The methods used or to be used to implement the policies;
- The principal reasons for adopting the objectives, policies and methods of implementation set out in the statement;
- The environmental results anticipated from implementation of those policies and methods;
- The processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities or between regions;
- The procedures to be used to review the matters set out above, and to monitor the effectiveness of the statement as a means of achieving its objectives and policies.

6. STRUCTURE AND DEFINITIONS

Part II outlines the purpose of the Regional Policy Statement. It highlights the key principles of the Resource Management Act upon which it is based and the resource management direction which is proposed for the region. The relationship of the Regional Policy Statement to other policy statements and plans is also described.

Parts III and IV are the principal components of the Policy Statement as they identify the main issues and set associated objectives, policies and methods of implementation for the future. Part III contains policy related to resource management procedures and processes while Part IV contains policy relating to the use, development and protection of various resources.

The sections in Parts III and IV of the Policy Statement are structured in a similar manner with headings defined as follows:

- **Introduction:** this contains the reasons for the inclusion of the particular topic, including the primary legislative considerations and some background information as considered necessary.
- **Issues:** this summarises the significant, resource management issues of the region relevant to that section. The issues list was derived from an analysis of the submissions received on the discussion paper, discussions held at consultation meetings and the Council's own knowledge of the resource management issues of the region.
- **Objectives, Policies and Methods:** this prescribes the objectives which are to be sought and the policies and methods of implementation to be used to achieve them. The policies and methods are grouped into particular policy blocks or topics to enable ease of comparison with objectives. The organisation(s) primarily responsible for implementation are indicated after each method.
- **Explanation:** this is given for related groups of objectives, policies and methods as considered necessary. These explanations include the principal reasons for inclusion.
- **Environmental Results Anticipated:** these outline the intended outcomes or results on the environment, which the community can expect to see or experience as a consequence of the implementation of policies and methods. These are closely related to the objectives set out earlier.

The terms "objectives", "policies" and "methods of implementation" are not defined in the Act. However, for the purposes of the Regional Policy Statement, the following interpretations have been adopted:

- An **objective** is a measurable aim or end result to which efforts are directed.
- A **policy** is a specific statement that guides or directs decision making. A policy indicates a commitment to a general course of action in working towards an objective.

- A **method of implementation** is a practical action by which a policy is to be put into effect.

Four broad types of methods are available, all of which have been considered and utilised in developing this Policy Statement. They are:

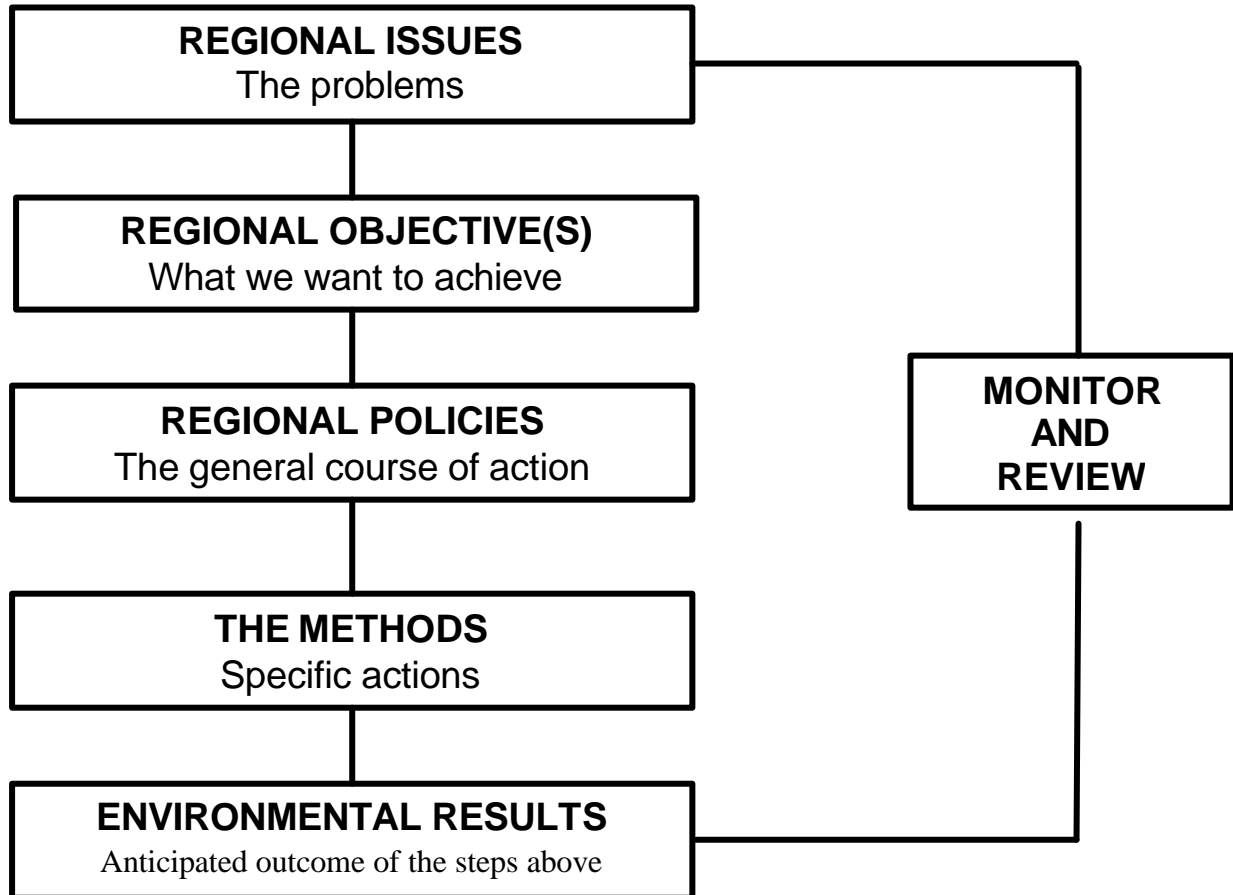
- Education and advice.
- Regulation or rules.
- Provision of facilities or services.
- Economic incentives or disincentives.

Figure 6 illustrates the framework of the Regional Policy Statement established under the Act and used in this document.

Parts III and IV of the Policy Statement have been prepared on the basis of grouping issues and establishing associated topic areas. This has resulted in some issues being dealt with in one particular section, when they could equally be dealt with in another. An example is the issue of waste discharges from boats which is contained in the Waste Management Section, rather than in the Coastal Management or Water Quality Sections. In order to overcome any difficulties with identification of issues and associated policy initiatives, a policy reference guide has been incorporated into the document.

The Policy Statement contains a number of terms which have particular meanings. Many of these are derived from the Resource Management Act or other Statutes. Others have been established by courts and other bodies including the Regional Council. Appendix I contains definitions of a number of key terms used in this Policy Statement. It includes a number of Maori terms.

Figure 6: FRAMEWORK FOR REGIONAL POLICY STATEMENT



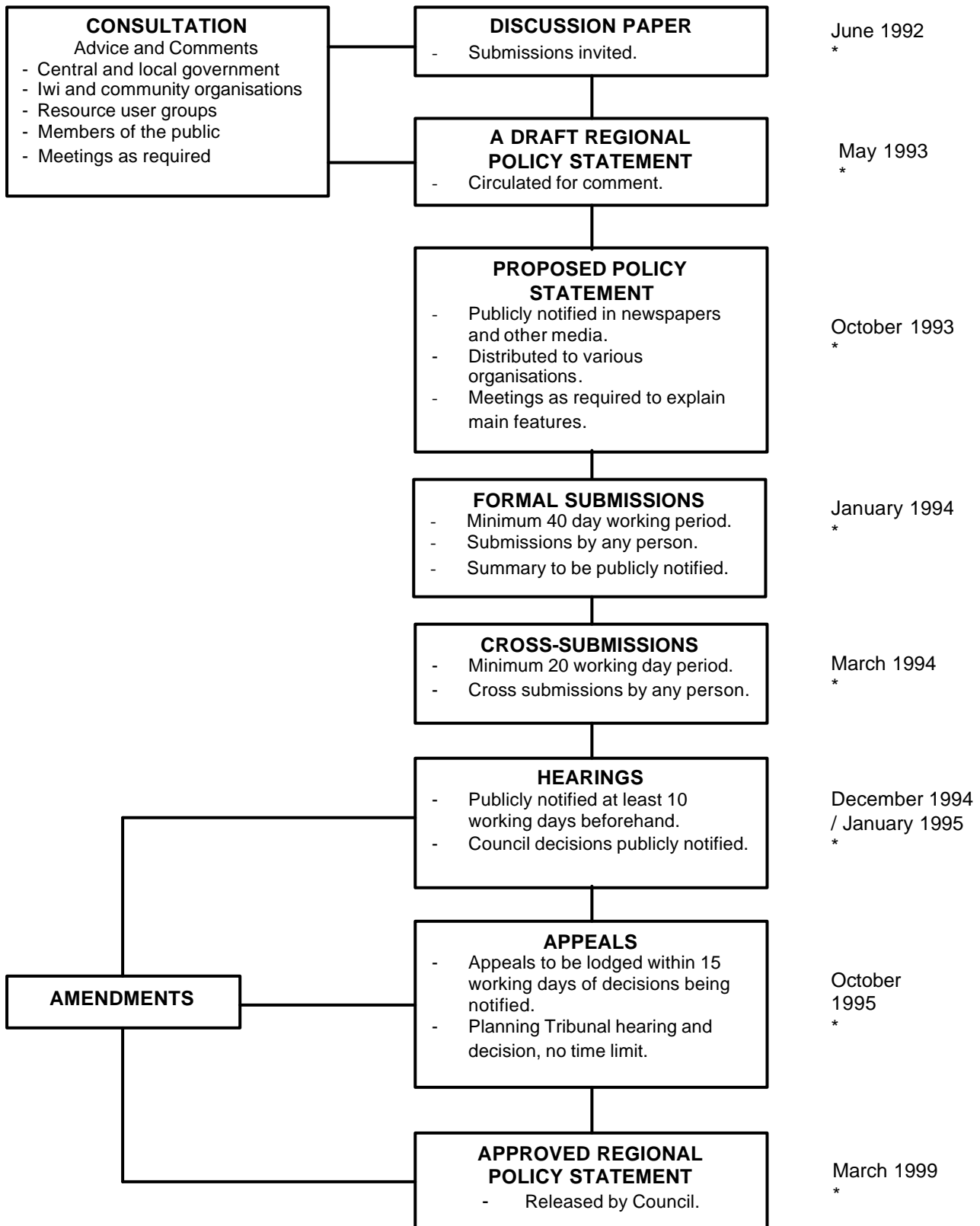
7. PROCESS OF PREPARATION

The Proposed Regional Policy Statement has been prepared following a process of public consultation in accordance with the provisions in the First Schedule to the Act. In June 1992 the Council released a public discussion paper, "Towards a Regional Policy Statement for Northland". Submissions were invited on the paper as well as other issues to be considered and options for management. Some 80 submissions were received from a diverse range of interest groups and individuals. Subsequent meetings were held to discuss and clarify matters raised.

A draft Regional Policy Statement was then prepared, having regard to the legal requirements for a Regional Policy Statement and based on an analysis of the issues and management options raised in submissions. This document was circulated to over a hundred organisations and individuals, and used as a basis for a further round of consultation and assessment of options.

The process involved in finalising the Policy Statement and its final adoption by the Northland Regional Council is set out in the First Schedule to the Act. This proposed Policy Statement was open to formal public submissions and in turn cross submissions. Hearings relating to all the submissions were held and any party not satisfied with the Council's decision on their submission had the right of appeal to the Environment Court. **Figure 7** shows the process involved in preparation and approval of the Regional Policy Statement.

Figure 7: PROCESS FOR PREPARATION OF A REGIONAL POLICY STATEMENT



* = Opportunities for public input

8. PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT

This Regional Policy Statement has been prepared in accordance with the purpose and principles of the Resource Management Act 1991. Section 5 of the Act outlines the purpose of the Act as being:

"...to promote the sustainable management of natural and physical resources."

The definition of sustainable management in the Act is a complex one. It is reproduced in Appendix II. In essence it refers to people and communities using natural and physical resources in such a way as to provide for their social, economic and cultural well being but in a manner which takes into account the needs of future generations, safeguards the life supporting capacity of air, water, soil and ecosystems and generally minimises the effects of activities on the environment.

Sections 6, 7 and 8 of the Act contain several underlying principles which serve to reinforce the purpose of the Act. They have been used by the Regional Council to guide preparation of this Regional Policy Statement and will be important reference points for its ongoing administration.

Section 6 lists five matters of national importance which must be recognised and provided for in relation to managing the use, development and protection of natural and physical resources. They deal with the natural character of the coastal environment, protection of natural features, protection of indigenous vegetation and habitats, public access to and along waterbodies and the relationship of Maori with their ancestral land, water, waahi tapu and other taonga. Further detail on the matters listed can be found in Appendix II.

Section 7 requires all persons working under the Act to have particular regard to eight other matters. Amongst these is the concept of kaitiakitanga. The term kaitiakitanga is defined as "the exercise of guardianship, and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself". The seven other matters refer to the efficient use and development of resources, amenity values, intrinsic values of ecosystems, heritage protection, and retaining and improving the quality of the environment. Appendix II contains a list of all the matters in Section 7 of the Act.

Section 8 requires all persons to take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi). Appendix II contains a copy of Section 8 of the Act. There are two versions of the Treaty - Maori and English which are recorded in the First Schedule to the Treaty of Waitangi Act. Copies of the two versions follow in **Figure 8**.

Figure 8: TWO VERSIONS OF THE TREATY OF WAITANGI

THE TREATY OF WAITANGI

ENGLISH VERSION

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

TE TIRITI O WAITANGI

MAORI VERSION

Ko te tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki kihai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

Translation of Maori Version
(Professor H Kawharu)

The First

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

The Second

The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The Third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

9. RESOURCE MANAGEMENT DIRECTION

The Northland Regional Council has, in consultation with interested parties, developed the following general directions to resource management in Northland. The directions are based on the purposes and principles of the Act and have been used as a basis for establishing objectives, policies and methods in subsequent sections of the Regional Policy Statement. The directions listed are not objectives, policies or methods in the way that this term is used in the Act, and are included for explanatory purposes only. They are not listed in any priority order and no one direction should be read in isolation from the others.

9.1 Protection and Improvement of Environmental Quality

By emphasising the protection of the quality of the environment where it is high, and promotion of improvement where it has been degraded, the Regional Policy Statement's approach recognises the priority within the community of Northland for retention of its unique and high quality environmental heritage. The policy statement will achieve this through its influence on the approaches taken in the other environmental management instruments affecting Northland, (including regional and district plans) and ultimately in the decision making on the use, development and protection of natural and physical resources. As with the other resource management directions within this section it is envisaged that this will primarily take place through education, and the administration and enforcement of the various regional and district plans and associated resource consents. This will involve, for example, protection of pristine environments, and improvement, where practicable, in environmental quality in environments degraded by past activity to below acceptable bottom lines. Plans can also, in general terms by way of prohibited activities, and in particular cases by way of refusal of discretionary activities where the adverse effects warrant it, exclude activities of a certain scale or type and further development.

9.2 Enabling Development While Avoiding, Remedying and Mitigating Adverse Effects

In general, protection and improvement of the environment is to be achieved through avoiding, remedying or mitigating the adverse effects of use and development.

The approach is to concentrate on managing adverse effects while, in general, avoiding being prescriptive in terms of activities. This management regime enables people to undertake as wide a range of activities as possible, provided that certain environmental standards are met and significant adverse effects avoided.

It is recognised that there may be situations where some significant adverse effects may be allowed to occur in order to achieve some overall net environmental benefit. Any significant adverse effects of existing activities are to be remedied or mitigated. It is also recognised that a number of activities which may have adverse effects also have positive social and economic benefits which add to the well being of the community.

9.3 Allowing Time for Change and Finding Solutions

The Regional Policy Statement recognises that some resource use practices will have to change so that natural and physical resources can be managed in a sustainable manner.

Where these changes would impose a significant financial burden, or a practical solution is not currently available, a reasonable time is to be allowed for desired environmental results or outcomes to be achieved. The nature and degree of any adverse effects arising from the resource use practice, and the quality of the resource at issue, will be factors taken into account and as a result policies and methods will vary.

9.4 Promoting Individual and Community Involvement

There is a major emphasis on the promotion of individual and community awareness of resource management problems and the involvement of the community in finding and implementing solutions. Education and the provision of information and advice encouraging the participation of individuals and communities in resource management are seen as the most important tools in this. Individual and community ownership of problems and acceptance of solutions is considered essential to achieving the desired environmental outcomes.

9.5 Partnership With Tangata Whenua

In recognition of the partnership principles in the Treaty of Waitangi, tangata whenua are expected to have a key role in resource management. This may be through; consultation, education, or monitoring and investigations associated with policy implementation. The status of Tangata Whenua as a Treaty partner with the Crown, distinct from other interest groups and members of the public is recognised and Maori kaupapa has been included in appropriate parts of the policy statement.

9.6 Necessity to have Environmental Standards

Education is seen as a major tool in promoting sustainable management, but on its own it does not provide sufficient protection of the environment and resources, particularly in the short term. The Act requires all effects of the use, development and protection of natural and physical resources to be managed, and any adverse effects to be avoided, remedied or mitigated. The latter can often be achieved by setting the environmental standards, in the form of rules in regional and district plans, requiring consents for some activities and by monitoring of consent conditions and enforcement. Environmental standards and other rules in regional and district plans will provide thresholds for decision makers and certainty for the community. Voluntary codes of practice, guidelines and other management systems may be adopted where deemed appropriate by Councils.

9.7 Current Resource User To Pay

In the past in many situations it has been the environment, future generations or the community as a whole which has had to pay the costs of the use and abuse of natural resources for the short term benefits of the individual.

The direction taken in this policy statement is to ensure the users of resources either avoid adverse effects, pay for mitigating or remedying the effects and any associated

resource management costs, or provide for offsetting environmental benefits. This will also take place primarily through the resource consent and monitoring provisions in resource management plans.

9.8 Precautionary Approach

Knowledge of the extent and value of some resources and the impacts of particular activities on them is limited. Where the effects of activities on a resource are unknown or not well understood, a precautionary approach should be adopted. The approach has been used in the setting of several policies on matters such as river and stream flows in this policy statement and in more detailed policies in regional plans. This approach also has relevance to district plans and decisions on resource consent applications where the effects of activities on a resource are unknown or not well understood.

10. RELATIONSHIP OF THE POLICY STATEMENT TO OTHER POLICY STATEMENTS AND PLANS

The Regional Policy Statement is the key document for identifying issues related to the development, use and protection of resources in Northland and establishing an associated management framework for dealing with them. It is, however, only part of a broader policy and planning framework established under the Act. The Act provides for a hierarchy of policy statements and plans related to the three principal levels of government - central, regional and district.

10.1 National Policy Statements

The Minister of Conservation is required to prepare and administer a New Zealand Coastal Policy Statement containing policies and proposals relating to management of the coastal environment. The Minister issued the New Zealand Coastal Policy Statement in May 1994. In addition, the Minister for the Environment may prepare and administer one or more National Policy Statements covering matters considered to be of national significance. To date, no national policy statements have been prepared by the Minister. Sections 45 to 58 of the Act outline the purposes of the two types of policy statements, and the procedures involved in their preparation, change and review.

10.2 Regional Plans

In addition to the Regional Policy Statement, the Northland Regional Council is required to prepare a Regional Coastal Plan. This is intended to assist the Council, in conjunction with the Minister of Conservation, to manage the coastal marine area where each has specific functional responsibilities. The coastal marine area generally encompasses the land and water between mean high water springs and the outer limits of the territorial sea. A Proposed Regional Coastal Plan for Northland has been notified, submissions have been heard and appeals received. The Regional Council can also prepare other Regional Plans related to any of its resource management functions. A Regional Air Quality Plan and a Regional Water and Soil Plan have been publicly notified. The nature of the proposed regional plans under preparation by the Council are outlined in Part IV of this Regional Policy Statement. Regional Plans, including the Regional Coastal Plan, can contain rules which may allow, restrict or prohibit activities.

10.3 District Plans

Each District Council in the region is required to have a District Plan. They are to assist the District Councils to carry out their specific functional responsibilities under the Act, particularly those relating to controlling the effects of land use and land subdivision, and the provision of associated public works and utilities. Like regional plans, they can contain rules. **Figure 9** illustrates the relationship between the policy statements and plans established under the Act.

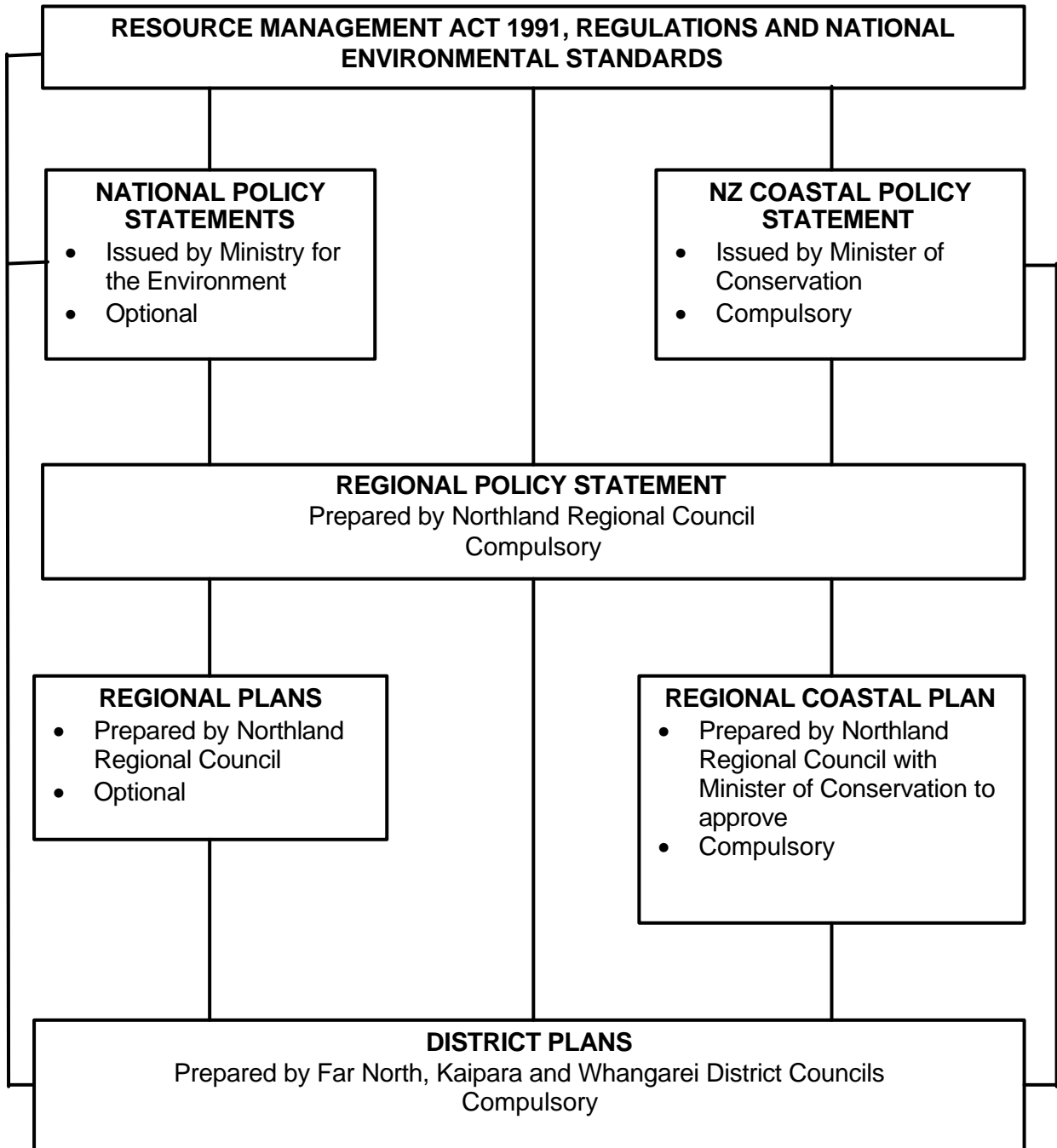
The Act requires that these respective policy statements and plans not be inconsistent with any of those at a higher level. In this regard, the Northland Regional Policy Statement must not be inconsistent with provisions in the New Zealand Coastal Policy Statement and any other national policy statement which may be prepared. Similarly, district plans prepared by District Councils must not be inconsistent provisions within this Regional Policy Statement.

10.4 Other Plans

Under Section 61 of the Act, the Regional Council is required to have regard to various other resource management related documents or regulations when preparing and administering the Regional Policy Statement. They include management plans and strategies prepared under other Acts, e.g. the Department of Conservation's Conservation Management Strategy (Conservation Act 1987); relevant planning documents recognised by iwi authorities; and taiapure or fisheries conservation regulations. Regard must also be had to the Regional Policy Statement and any regional plans for the adjacent Auckland region.

The Regional Council, like all other local authorities, is required under the Local Government Act 1974 to prepare an annual plan. One of the main purposes of this plan is to outline the nature and scope of significant activities to be undertaken by the organisation over the financial year. The annual plan has an important role in stating each year the specific activities that will be undertaken to fulfill the objectives and implement the policies of the Regional Policy Statement and regional plans. It also has an important role in coordinating all planning and other activities the Council carries out under the Resource Management Act. Thus, the resource management priorities established in the Regional Policy Statement will have a strong influence over the Council's annual work programme.

Figure 9: POLICY STATEMENTS AND PLANS



11. PRIORITIES FOR REGIONAL PLANS

11.1 Introduction

The Resource Management Act 1991 provides for Regional Councils to prepare and administer regional plans.

The Regional Council is required to prepare a Regional Coastal Plan and to consider preparing other regional plans if any of the following circumstances arise or are likely to arise:

- (a) *"Any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict:*
- (b) *Any significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance:*
- (c) *Any threat from natural hazards or any actual or potential adverse effects of the storage, use, disposal, or transportation of hazardous substances which may be avoided or mitigated:*
- (d) *Any foreseeable demand for or on natural and physical resources:*
- (e) *Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources:*
- (f) *The restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration:*
- (g) *The implementation of a national policy statement or New Zealand coastal policy statement:*
- (h) *Any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality:*
- (i) *Any other significant issue relating to any function of the regional council under this Act."*

Any person may request the Regional Council to prepare or change a regional plan.

The following are the regional plans that the Northland Regional Council is preparing:

11.2 Regional Coastal Plan

The Regional Coastal Plan sets out detailed objectives, policies and the methods by which the Regional Council and the Minister of Conservation will fulfill its resource management responsibilities in the Coastal Marine Area, these being the control of:

- The foreshore and seabed within the coastal marine area and any associated natural and physical resources.
- The occupation of space on areas of foreshore and seabed owned by the Crown or vested in the regional council and the extraction of sand, shingle, and other natural material from those areas.
- The taking, use, damming, and diversion of water.
- Discharges of contaminants into or onto the foreshore or seabed within the coastal marine area or air or water and discharges of water into coastal water.

- Any actual or potential effects of the use, development, or protection of the foreshore and seabed within the coastal marine area, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.
- The emission of noise and the mitigation of the effects of noise.
- Activities in relation to the surface of coastal water.

The Regional Coastal Plan also contains policy and rules, including environmental standards, for:

- The protection and enhancement of habitats of indigenous species, water and air quality, heritage, landscape and public access; and
- The avoidance, remedying and mitigation of the adverse effects of use and development including marine farming, moorings and other structures, mineral extraction, dredging, reclamation and discharges of contaminants.
- It also specifies certain activities which are restricted coastal activities and for which the Minister of Conservation is the consent authority.

The Regional Coastal Plan provisions will apply to the coastal marine area only and the Regional Council is not proposing the preparation of a coastal environment plan i.e. a plan which covers both land and water areas adjacent to the coast. Issues relating to the land area of the coastal environment are to be dealt with in the Regional Policy Statement and other appropriate regional and district plans (see below). The Regional Policy Statement provides for integration of the provisions of the various plans. It also deals with activities and associated effects that cross the Coastal Marine Area boundary and it is considered that a regional coastal environment plan is unnecessary.

11.3 Regional Air Quality Plan

The proposed Regional Air Quality Plan will be the first detailed plan for air quality management in Northland.

This plan is not specifically required by the Act. However, a function of the Northland Regional Council is to control the discharges of contaminants into the air, and there is currently no specific statutory policy or standards for such control. In general, anybody wishing to discharge any contaminants into the air from any industrial trade or waste management facility must first obtain a discharge permit from the Regional Council, unless there is a rule in a regional plan or a Government regulation which allows the discharge.

The Regional Council may also include rules in a regional plan which require that discharge permits be required for discharges of contaminants into air from other than industrial and trade operations. The proposed Regional Air Quality Plan will contain detailed policies and rules which the Regional Council will use for deciding on applications for air discharge permits. Rules may be included to set air quality or discharge standards, allow, restrict or prohibit various discharges.

The plan will set out detailed objectives, policies and methods by which the Region will address the significant air quality management issues of the region:

1. The effects of discharges from individual areas.
2. Discharges from various existing activities which have various localised adverse effects including nuisance and odour problems. This includes rubbish burning, odour from waste treatment and disposal facilities e.g. tips, effluent treatment ponds and effluent spraying) and dust (from sandblasting, ship loading, quarries and roads).
3. Pesticide overspray and drift onto water bodies, neighbouring properties and non-target vegetation.
4. Dust from unsealed roads affecting the use of adjacent land and buildings.
5. Northlands contribution to greenhouse induced climate change.
6. The release of ozone depleting substances.

11.4 Regional Water and Soil Plan

This plan is also not specifically required by the Act. However, in Northland there are many significant problems and potential conflicts between the use, development and protection of the Region's water resources including streams, rivers, lakes, wetlands and groundwater. It is considered that these issues can be best resolved by a regional plan.

It is the Regional Council's responsibility to:

- *Prepare and implement policies and plans for the management of those resources.*
- *Control land use for the purposes of: soil conservation, maintenance and enhancement of water quality and quantity.*
- *Control the taking, use, damming and diversion of water.*
- *Control the quantity, level and flow of water in any water body.*
- *Control the discharge of contaminants into or onto land, or water.*
- *Control the use of the beds of lakes and rivers.*

In general, anybody wishing to take, use, dam or divert water, or discharge anything (including contaminants or water), must apply to the Regional Council and obtain a resource consent unless the activity is allowed by a rule in a regional plan or by Government regulation.

The Regional Water and Soil Plan will set standards for allowing, restricting or prohibiting activities, and will contain detailed policies and rules that the Regional Council will use for deciding on applications for water related consents. These will include setting minimum water quality standards or minimum levels of river flows, lakes and groundwater

The Act allows land use activities to occur unless constrained by rules in a regional or district plan. Rules in the regional plan require consents for, and/or place conditions on land use activities which have the potential to cause significant erosion or pollution. This is one method of controlling, avoiding and reducing those undesirable effects. For example, rules may be used to set standards for and control the clearance of vegetation and earthworks to avoid erosion and sediment entering streams.

11.5 Possible Joint Regional and District Protected Areas Plan

The Resource Management Act, under Part II Purpose and Principles, requires Regional and District Councils to recognise and provide for the preservation or protection of areas with significant natural or heritage value. These include:

- Outstanding natural features and landscapes.
- Areas of significant indigenous vegetation.
- Significant habitats of indigenous fauna.
- Areas or sites that are Maori taonga.

At present, there is no regionally consistent approach to the identification and protection of these features, areas and habitats. Existing information on the location and value of those worthy of protection is scattered, inconsistent, incomplete in some areas, and not in a readily usable form.

To overcome these problems it is intended to establish a regionally consistent and integrated approach to the management of these resources in the region. The Regional Council aims to run a joint project largely undertaken by the Regional Council, the Department of Conservation and the three District Councils. It will, however, rely on consultation and input from other parties with interests, skills and knowledge in this field

The outcome of this project will be a regionally consistent and integrated resource management tool for the protection of these areas. It is too early in the process to be sure of the most acceptable mechanism. It could be developed as a combined regional-district plan, or separately with the appropriate provisions incorporated into the Regional Policy Statement, Regional Plans, District Plans and other mechanisms.

Existing options for protection of these features include:

- Queen Elizabeth II National Trust Covenants.
- Historic Places Act Covenants.
- Conservation Covenants via the Department of Conservation.
- Reserves acquisition and rules by District Councils under the Resource Management Act.
- Maori reservations under the Maori Land Act 1993, and the Conservation Act.

Interim policy direction and control is provided through the relevant sections in Part Four of this Regional Policy Statement (directly via Section 23 Ecosystems and Biodiversity, Section 24 Heritage Protection, and indirectly through Section 17 Water Quality, Section 18 Water Quantity, Section 20 Soil Conservation and Land Management and Section 22 Coastal Management).

11.6 The Management of Waste Hazardous Substances

The Regional Council adopted a Hazardous Wastes Management Strategy for Northland in 1992. This strategy is not a statutory plan.

The strategy involves three main areas for implementation: waste minimisation; a registration and tracking system; and final disposal options (including disposal of contaminants and toxic wastes). At present the waste minimisation and final disposal sections of the strategy are being implemented without the need for a statutory regional plan. The registration and tracking system as set out would require rules or government regulation to implement. However, to be effective, it would also require at least the Auckland Region, and preferably the whole country, to have a compatible system. It is not currently known when that might happen. The current government review of legislation and responsibilities relating to hazardous substances also adds considerable uncertainty as to whether or not a regional plan will be required. This matter is further discussed in Section 26.