Proposed Regional Policy Statement

1. Policies for soil erosion and soil health

Policy 14: Minimising the effects of earthworks and vegetation disturbance – district and regional plans

Regional and district plans shall include policies, rules and methods that control earthworks and vegetation disturbance to minimise:

(a) erosion; and

(b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.

Explanation

An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Many small scale earthworks – such as driveways and retaining walls – can cumulatively contribute large amounts of silt to stormwater and water bodies, as do large scale earthworks on erosion prone land.

This policy is to ensure that Wellington Regional Council and district and city councils integrate the control of earthworks and vegetation disturbance in their regional and district plans. Method 30 is for Wellington Regional Council and city and district councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of the policy.

Some activities, such as major road construction, are likely to require resource consents from both the regional council and city or district councils, who will work together to control the effects of the activity.

Vegetation disturbance includes harvesting plantation forestry.

Policy 40: Minimising the effects of earthworks and vegetation disturbance – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

(a) erosion; and

(b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.

Explanation

An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and *vegetation disturbance.* Many small scale earthworks – such as driveways and retaining walls – can cumulatively contribute large amounts of silt to stormwater and water bodies, as do large scale earthworks on erosion prone land.

This policy provides for consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by regional and district plans in accordance with policy 14. This policy shall cease to have effect once policy 14 is implemented in regional and district plans.

Policies 14 and 40 are to ensure that Wellington Regional Council and district and city councils integrate the control earthworks and vegetation disturbance in their regional and district plans. Method 30 is for Wellington Regional Council and district and city councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of policies 14 and 40.

Some activities – such as major road construction – are likely to require resource consents from both Wellington regional council and district or city councils, which will work together to control the effects of the activity.

Vegetation disturbance includes harvesting plantation forestry.

Policy 33: Avoiding activities on contaminated land – district plans

District plans shall include policies and rules that do not allow activities on contaminated land if that activity could be adversely affected by the contamination.

Explanation

Policy 33 directs city and district councils to include policies and rules in their district plans to control land uses on *contaminated land.*

The Ministry for the Environment has compiled a list of 53 hazardous activities and industries capable of contaminating soil and causing adverse effects on the environment, including people. This alerts district and city councils to the likelihood of soil contamination, and therefore the need for further investigation. If land has been used for a hazardous activity or industry – such as a landfill or timber treatment plant – the actual level of any contamination needs to be determined before new land uses are allowed to be established on the site.

Policy 48: Avoiding adverse effects on matters of significance to tangata whenua – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to avoiding adverse effects on:

(a) the exercise of kaitiakitanga;

(b) mauri, particularly in relation to fresh and coastal waters;

(c) mahinga kai and areas of natural resources used for customary purposes; and

(d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.

Explanation

There are several ways of gathering information on matters of significance to the region's *tangata whenua,* including, but not limited to, the following:

- referring to relevant the iwi authorities and/or iwi management plan(s)
- requesting a cultural assessment
- seeking technical assistance
- working with iwi authorities, hapu, whanau or *tangata whenua* associated with specific marae to identify potential effects on cultural values and *kaitiakitanga.*

Kaitiakitanga refers to the expression of Maori authority, mana ethics and guardianship and may be exercised in respect of a particular locality, place or resource. Kaitiakitanga (guardianship) involves the protection of *mauri* and a duty to care for the environment so that it remains in as good as, or better, state for future generations.

Kaitiakitanga is linked inextricably to rangatiratanga (self-determination) as it may only be practised by those iwi, hapu or whanau that possess customary authority in their area. Kaitiaki (those who exercise kaitiakitanga) are knowledgeable about the local environment and resources. The ways in which iwi, hapu, or whanau define kaitiakitanga relating to ancestral land, water and other taonga, and how they wish to have their kaitiaki role recognised, is a matter for them to decide and communicate to local authorities. There are various methods of kaitiakitanga natural resources customary regulations, including rahui, or placing a temporary restriction or ban.

Mauri is the life force that exists in all things in the natural world, including people. Mauri comprises both physical and spiritual qualities. Mauri can be harmed by insensitive resource use. For example, the health and vitality of the sea, streams and rivers and the plants and animals they support can be threatened by activities such as discharges of pollutants, stormwater, sewage and runoff of contaminants from land; excessive water use; changing the course of water bodies or diverting water between catchments or rivers. Maori consider that rivers are the life blood of the land and that the wellbeing of a river is reflected in the wellbeing of people. Similarly, the mauri of the land and air and the plants and animals they support can be harmed by practices such as

clearance of vegetation, soil disturbance and disposal of wastes. The mauri of coastal waters is harmed by pollutants and sewage, and by insensitive use and development which diminishes the natural character, life-supporting capacity and ecosystem health of the coastal environment.

Mauri can be restored, maintained or enhanced through sensitive management which supports the restoration of the natural character of the place, and the health and vitality of the ecosystem it supports.

Mahinga kai is the customary gathering of food and natural materials and the places where those resources are gathered.7 Resources used for cultural purposes include, but are not limited to, flora and fauna for rongoa Maori (medicine); flora and fauna for weaving (for example, pingao, kiekie, bird feathers); and wood, such as totara, for carving purposes. Access to these resources is important for continuing cultural traditions.

Threats to mahinga kai and natural resources include degradation of water quality in fresh water and marine environments through poor stormwater, sewage and run-off management; loss of water resources and associated ecosystems through water abstraction, drainage and flood management works; exclusion from access to mahinga kai through the construction of physical barriers such as roads or through changes in ownership, management and control. Major threats to natural resources used for customary purposes are similar to the threats to mahinga kai, including development, changing land use, loss of ecosystems, poor management and disposal of wastes, unsustainable resource use, and exclusion from access to sites where valued cultural resources are found.

Many places, sites and areas in the region that are associated with Maori histories, traditions and tikanga are sites of heritage value. Such sites are valued because of the historical and traditional practices and events associated with them. Places, sites and areas with Maori historic heritage value are important because of their social, cultural and spiritual significance not only to Maori, but to all people of the Wellington region. They are an integral part of the region’s heritage and provide links between the past, present and future generations.

Some heritage sites are wahi tapu, sacred places of immense importance. Places can be considered sacred because of past events or activities (such as a battle or ceremony), or where the whenua (placenta) is returned to the earth, or where a valued resource is found.

Places, sites and areas with significant spiritual or cultural historic heritage values to tangata whenua include wahi tapu and other sites, features of historical, spiritual or cultural significance to tangata whenua, and the cultural and spiritual values associated with them.

These include, but are not limited to:

- tauranga waka (canoe landing places)
- mahinga mataitai (places for gathering seafood, fishing grounds and reefs)
- taonga raranga (plants used for weaving, such as kiekie and pingao)
- wahi tipuna (ancestral sites)
- landscape features referred to in whakatauki (proverbs and stories)
- landscape features that define iwi boundaries, e.g. mountains, streams, rivers, estuaries
- coastal access points
- residential sites such as pa, marae, papakainga
- urupa (burial sites)
- historic battlegrounds.

The identification of these heritage values rests with iwi, hapu, whanau and marae in accordance with their kaitiaki responsibilities.

Policy 59: Retaining highly productive agricultural land (Class I and II land) – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district plan, particular regard shall be given to retaining the productive capability for agriculture of Class I and II land.

Explanation

Class I land is the most versatile multiple-use land with virtually no limitations to arable use; it is deep, well drained, fine textured, naturally fertile and flood free. Class II land is very good land with slight limitations to arable use. Slight limitations include texture, structure, potential erosion and potential flooding. The *New Zealand Land Resource Inventory (NZLRI),* (Landcare Research New Zealand Ltd, 1975, electronic database), is the reference used to identify the locations of Class I and II land around New Zealand, including within the Wellington region. According to that classification, Class I and II land is located in Kapiti Coast, Masterton, Carterton and South Wairarapa districts, within the Wellington region. Resource management decision-making needs to consider the irreversible effects of losing Class I and II land, which is highly productive agricultural land, suitable for multiple uses such as for growing a wide range of crops, pasture and forest, and for supporting grazing animals. It is important to retain the productive capability of this land for future generations. The use of high quality soils for some activities – such as residential development and roading projects – will result in what is effectively permanent loss of these soils from productive use.

Policy 68: Minimising soil erosion – non-regulatory

To minimise soil erosion by encouraging sustainable land management practices and taking a whole of catchment approach.

Explanation

Sustainable land management practices are methods and techniques that reduce soil erosion – such as soil conservation plantings, land retirement and conservation tilling. These practices can apply to activities such as pastoral farming, plantation forestry, subdivisions and roading.

Taking a whole of catchment approach is promoted within this Regional Policy Statement. It means considering the full mix of purposes, uses or activities within a catchment, in terms of how these interact and contribute to outcomes within the catchment and for receiving environments beyond – such as in relation to indigenous ecosystems, soil productivity, water quality, erosion and stormwater control, or natural hazards. This approach suggests a need to work with multiple parties to establish shared objectives for a catchment and to ensure uses and activities are working towards the same goals or at least are not working against their attainment.

Policy 69: Preventing long-term soil deterioration – non-regulatory

To retain healthy soil ecosystem functioning by promoting and encouraging sustainable agricultural practices that do not cause soil contamination, compaction or loss of or minerals or nutrients.

Explanation

Soil compaction, mineral and/or nutrient depletion, and soil contamination may cause irreversible degradation to soil ecosystem health. Retaining soil on land avoids contamination of water bodies. Soil compaction occurs when the weight of livestock or heavy machinery compresses soil, causing it to lose pore space. Soil contamination, in the context of this policy, refers to the presence of pesticides and heavy metals in the natural soil environment.

Regional Soil Plan for the Wellington Region

2. Rules from the regional soil erosion

5.2 Rules for Soil Disturbance

Rule 1 Roading and tracking
Any roading or tracking activity that is:

(1) located in Area 1 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 1.5 metres measured vertically; or

(2) located in Area 2 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 2 metres measured vertically; excluding any roading or tracking activity that is (a) undertaken in accordance with conditions on a subdivision consent;

is a **Restricted Discretionary Activity**.

Rule 2 Soil disturbance on erosion prone land
Any soil disturbance on erosion prone land that:

(1) involves the disturbance of greater than or equal to 1,000 m3 of soil, within any 10,000 m2 area (calculated using a minimum width of 10 m) and within any continuous 12 month period; or

(2) involves root raking over an area greater than 10,000 m2 in any continuous 12 month period; **excluding** any soil disturbance;

(a) associated with roading and tracking activities, or

(b) undertaken in accordance with conditions on a subdivision consent;

is a **Restricted Discretionary Activity**.

Rule 3 Vegetation disturbance on erosion prone land
Vegetation disturbance, excluding vegetation disturbance undertaken in accordance with conditions on a subdivision consent, of a continuous area of more than one hectare on erosion prone land is a **Permitted Activity** provided the following conditions are met:

Conditions

(1) The Wellington Regional Council's Regional Soil Conservator is notified in writing at least 21 days prior to the vegetation disturbance being undertaken. Notification is to include details of the site location and timing of the vegetation disturbance operation.

(2) The area of vegetation disturbance will be re-established in woody vegetation within 18 months from the start of the vegetation disturbance operation.

(3) Where ground-based methods are used, best management practices as described in the New Zealand Forest Code of Practice (LIRO 1990, revised 1993) are adopted.

(4) No vegetation or slash with a diameter of greater than 100 mm shall be allowed to remain in any watercourse and when removed, shall be placed in a position where that material cannot enter any watercourse.

Explanation. *The terms "vegetation disturbance", "erosion prone land" and "watercourse" are defined in the Interpretation in section 3 of the Plan.*

Rule 4 Vegetation disturbance on erosion prone land
Any vegetation disturbance activity which is provided for by Rule 3 but does not comply with any of the conditions in Rule 3 is a **Restricted Discretionary Activity**.