

# Greater Wellington Regional Council: submission

To: Board of Inquiry

Submission on: Proposed New Zealand Coastal Policy Statement 2008

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## 1. Introduction

Greater Wellington Regional Council welcomes the opportunity to comment on the proposed New Zealand Coastal Policy Statement (NZCPS), recognising the important role it plays in New Zealand's coastal planning framework.

Greater Wellington appreciates the time and effort put into the review of the NZCPS, and the work done to make the document easier to read and more specific than the current NZCPS.

There are a number of matters that we consider need to be addressed by the Board of Inquiry to ensure that the NZCPS adds value to coastal management. The first part of this submission discusses more general matters, and the second part gives specific comments on individual objectives and policies in the proposed NZCPS.

Greater Wellington supports the Local Government New Zealand submission on the proposed NZCPS.

## 2. General comments

### 2.1 Providing clear direction

Policies in the NZCPS should provide unambiguous direction for resource management decision makers. The proposed NZCPS contains a number of policies that do not make it clear how they are to be given effect to. For example, policies 2 and 4 relate to processes and cannot be delivered through a plan provision or consent decision. Policy 33 states that something is a 'national priority' – does this mean that central government will be implementing this policy? The outcome expected and/or the process required must be detailed in the policies so that it is clear who will give effect to the policy and how.

There are a number of policies in the proposed NZCPS that simply repeat the Act, as detailed in part two of this submission. The NZCPS should add value to the Resource Management Act (the Act). There is little point in simply repeating or paraphrasing the wording of Act with no further guidance or direction. The NZCPS is the place to provide further detail about the government's expectations in the coastal environment.

Objectives in the NZCPS should be the most appropriate way to achieve the purpose of the Act, and the policies and methods in the NZCPS should be the most appropriate for achieving the objectives. It is not clear from the section 32 evaluation what alternatives were considered, and whether any analysis has been completed.

The NZCPS should also be consistent and well integrated with other national policy statements, national environmental standards and other central government policy documents. We understand that a national policy statement on freshwater will soon be proposed and it is important that the provisions in these two documents in particular, are well integrated and consistent.

Greater Wellington supports the policies in the proposed NZCPS that will be given effect to through the resource consenting process. While we have some specific comments in relation to these policies, they are generally a lot more clear and manageable than those in the current NZCPS.

## 2.2 Process

Consideration should be given to greater use of section 55 (2A)(b) of the Act, where a national policy statement may direct that specific provisions are to be included in a document, without notification or hearing. The NZCPS should clearly identify where a Schedule 1 process is not required to amend regional policy statements and plans. Greater Wellington strongly advocates the use of Section 55(2A)(b) where appropriate. For example, Policy 30 (integrity and functioning) is unlikely to result in any regional variation or differing interpretation, and could simply be inserted into plans.

If direction is being set by central government, it is essentially out of our control, and we should not be required to adhere to First Schedule processes. We do not want to become involved in costly litigation processes because we are giving effect to a policy in the NZCPS. There is a conflict between the obligation of councils to 'give effect to' a national policy statement, and the 'no-predetermination' assumption inherent in the public processes of the First Schedule process of the Act.

## 2.3 Duplication of implementation

There are eight policies in the proposed NZCPS (1, 14, 16, 17, 18, 40, 41 and 51) that require implementation through both regional policy statements and plans. This appears to be an unnecessary and costly duplication of effort. If a policy is contained in the NZCPS, then the detail of "giving effect to" should lie at the plan level. Policies 6 and 57, which provide for integrated management across administrative boundaries, are the only policies that we believe should require implementation through both regional policy statements and plans.

## 2.4 Scope of policies

Greater Wellington is concerned that some policies in the proposed NZCPS relate to subject matter beyond the jurisdiction of the Resource Management Act. For example, Policy 42 (Vehicle access) and Policy 56 (Historic heritage of significance to Maori). It will be important for the Board of Inquiry to satisfy itself that the NZCPS, and the changes to plans and policy statements that will follow, is the appropriate means of achieving a particular national objective.

## 2.5 Cost of implementation

Greater Wellington acknowledges that there are costs associated with the functions of regional councils under the Act. However, the costs of giving effect to the proposed NZCPS will be significant for this council.

The majority of these costs will be associated with the need to change our Regional Policy Statement and regional plans as a result of the NZCPS. We would like to re-emphasise our earlier comments about the duplication of costs in giving effect to policies through both regional policy statements and plans, and the costs of using the first schedule process to do so.

In addition to the process costs of changing our Regional Policy Statement and plans, there are a number of policies in the proposed NZCPS that will require a significant amount of new information to be gathered. The Board of Inquiry must be satisfied that policies in the NZCPS are an appropriate and cost effective means to achieve a particular national outcome and must be satisfied with the justification and cost benefit analysis set out in the Section 32 analysis.

Greater Wellington has estimated that the cost of implementing the proposed NZCPS at \$430,000 (not including the cost of the Schedule One process itself).

## 2.6 Implementation plan

Greater Wellington requests that the final NZCPS be accompanied by an implementation package specifying the priorities for implementation and further guidance on responsibilities. As stated earlier, the proposed NZCPS is not clear on responsibilities of some policies between regional councils and territorial authorities. While this needs to be rectified in the NZCPS wording itself, further guidance could be provided through an implementation plan.

The implementation plan should also specify what central government is going to be doing to implement the NZCPS. For example, our assumption is that central government is responsible for implementing the policies that state “it is a national priority to...” such as policies 33 to 35.

## 3. Specific comment

### 3.1 Objective 3

Objective 3 states *The natural character of the coastal environment is preserved, through the protection or restoration of natural landscapes, features, processes and indigenous biological diversity.* Greater Wellington believes that both protection and restoration of indigenous biological diversity are important.

Decision requested: Delete the word *or* and replace with *and*.

### 3.2 Objective 5

Greater Wellington supports the recognition of the coastal marine area as public space. However, the meaning of the phrases 'public utility' and 'cultural and amenity values as open space' is unclear.

Decision requested: The objective could be better restated as *The cultural and amenity values of the coastal marine area as public open space are recognised and protected.*

### 3.3 Objective 7

This objective seeks to maintain water quality or improve it *over time where it has deteriorated from its natural state.* The outcome is to avoid further deterioration.

It is very difficult to define natural state, particularly as the natural state of water bodies is not static. We also note that improvements can only happen over time.

Decision requested: Amend objective as follows *Water quality in the coastal environment is maintained, or improved ~~over time~~ where it has deteriorated ~~from its natural state.~~*

### 3.4 Policy 1 Coastal environment

It is not clear what *recognise* means or implies, and how policy statements and plans are to give effect to this policy. If the intent is to delineate the landward extent of the coastal environment, then this should be stated.

We are also concerned at the unnecessary duplication in this policy, which requires both policy statements and plans to make changes to implement this policy. The NZCPS should be clear enough for consistent implementation by local authorities, and regional policy statements should not be a necessary part of implementation of this policy.

It is not clear what is a *coastal quality* in (b).

Tsunami can extend far inland and up rivers, and the affected area may not necessarily be restricted to the coastal environment, and should not be included in this policy.

It is not explicit that the coastal environment also includes coastal fauna or ecosystems. Only mentioning vegetation and habitat in (e) is too limiting.

Decisions requested:

- Remove the requirement for policy statements to implement this policy.
- Clarify what is required to give effect to this policy.
- Omit *qualities or* in (b) to read *land and waters where coastal ~~qualities or~~ influences are a significant part or element*
- Add *except tsunami* to (d) to read *areas at risk from coastal hazards, except tsunami*

- Add ecosystems to (e) to read *coastal ecosystems, including vegetation and habitat*.

### 3.5 Policy 5 Precautionary approach

Greater Wellington supports the inclusion of this policy.

### 3.6 Policy 6 Integration

Greater Wellington supports the intent of achieving better integration within the coastal environment despite institutional boundaries. However, it is not clear how to give effect to the phrase *shall provide for*. It needs to be clear that this policy is about process, in contrast to Policy 49, which is about integrating land use activities.

Inclusion of part (d), which recognises the relationship between land management practices and water quality, is strongly supported.

Policy 57, which relates to integrated management of historic heritage could also be included here. We note that there is a discrepancy between the “*should*” requirement in Policy 57, and the “*shall*” requirement in Policy 6. We are unsure what is being implied by this difference in wording or whether it is intentional.

Greater Wellington believes that Policy 6 is one of the few policies where it is appropriate to require implementation through both regional policy statements and plans.

#### Decisions requested:

- Clarify the meaning of *shall provide for* and what is expected to satisfy this policy.
- Clarify what is meant by integrated management in this context.
- Consider amalgamating Policy 49 into Policy 6.
- Clarify that the difference in wording between Policy 6 and Policy 49 is intended.

### 3.7 Policy 8 Areas proposed for statutory protection

This policy is unclear. What is *statutory protection* in this context - does it include areas that are afforded fishing restrictions under the Fisheries Act? We are also unsure what is meant by *publicly notified* in this instance. Does it mean when an area is notified for public consultation, or when notice is published in the New Zealand Gazette?

We would be hesitant to give too much weight to a notified statutory protection proposal, which may subsequently be withdrawn, depending on the nature and quality of public response. This must be similar to the change in relative weight attributed to operative and proposed plan provisions, as the proposed provisions move through the First Schedule process.

Decision requested: Clarify what *statutory protection* and *publicly notified* mean in the context of this policy.

### 3.8 Policy 9 Biosecurity

Greater Wellington supports the intention of this policy, however, we are unsure what value it adds to the provisions already included in the Resource Management Act. If this policy is to be retained, clarification is required as to what is expected to be included in regional coastal plans.

Decisions requested: Clarify what is required to be included in regional coastal plans, or delete the policy.

### 3.9 Policy 11 Monitoring the NZCPS and Policy 12 Local authority monitoring

Clarification is required as to whether the Department of Conservation will require that further or additional information be gathered by regional councils, or whether these policies simply refer to reporting on information that councils already hold. Certainty is required as to whether central government expects councils to change methodologies that have been in place for lengthy periods.

We note that section 35(5) of the Act only requires collection of information necessary to fulfil local government functions, not to fulfil central government's needs. If the government wishes local government to collect data to facilitate national comparisons, then we believe that central government needs to assist with the resourcing requirements.

Decision requested: Provide certainty and guidance for what is to be collected, how and who will pay.

### 3.10 Policy 13 Amendment of policy statements and plans

As discussed above, there is a conflict between the obligation to “give effect to” a national policy statement, and the no pre-determination assumption inherent in the public processes of the First Schedule process of the Act. It is likely that, in giving effect to the policies in the NZCPS, Greater Wellington's decisions will be appealed to the Environment Court. Greater Wellington supports the greater use of section 55(2A) of the Act in the NZCPS, where appropriate, and believes that this would substantially reduce the cost and timeframes for implementing the NZCPS.

The wording of this policy should be amended to clarify that local authorities are expected to notify any changes to their policy statements and plans within five years of the NZCPS being gazetted. It is not possible to specify when such amendments will be made operative.

Decision requested: Amend policy to read: *Local authorities shall ~~amend documents as necessary~~ notify any variation or changes to documents that may be necessary to give effect to this New Zealand Coastal Policy Statement as soon as practicable...*

### 3.11 Policy 14 Location of subdivision and development

Greater Wellington is concerned at the requirement for regional policy statements to implement this policy. While regional policy statements provide policy direction, decisions relating to land use and zoning are the responsibility of city and district councils. If central government wants to provide policy direction for the location of subdivision and development in the coastal environment, then it must be clear enough for territorial authorities to implement without the need for regional policy statements to also implement it.

Policy 14 expresses some important concepts in land use planning within the coastal environment. However, as drafted, it fails to give sufficient national direction and will leave local government to pick up the cost of interpreting its meaning and defending that through a plan change process. For example, why does the proposed NZCPS need to encourage a mix of uses along the coast? Why is subparagraph (a) only limited to 'dwellings or commercial premises'? Why are no industrial uses acceptable?

#### Decisions requested:

- Remove the requirement for policy statements to implement this policy.
- Reconsider whether the matters specified are appropriate in the coastal environment. If they are considered appropriate, further clarification and definition is required.

### 3.12 Policy 15 Form of subdivision and development

This policy appears to follow the government's work on good urban form without due consideration as to whether it is appropriate in the coastal environment. Further consideration needs to be given to the applicability of each of the matters raised in this policy to the coastal environment

Decision requested: Delete the policy or reconsider whether the matters specified are appropriate in the coastal environment, and include the relevant aspects in Policy 14.

### 3.13 Policy 16 Use and development of the coastal marine area

We are concerned at the unnecessary duplication in this policy, which requires both regional policy statements and regional coastal plans to make changes to implement this policy. The NZCPS should be clear enough for consistent implementation by local authorities, and we do not believe we need to have the same provisions in two documents.

It is not clear whether the term *identify* requires zoning of the whole of the coastal marine area for various sets of activities, similar to zoning on land. Perhaps it is to be applied only as necessary, to specific places, resources, or activities. Multi-use is the predominant use in the coastal marine area, and zoning is only necessary in some areas where there is a single predominant use, for example, ports and marine farms. Greater Wellington believes that the ability to zone is a useful tool, but there should not be any obligation to do so. The costs of implementing this policy are likely to be significant, with litigation very likely.

If this policy is to remain in the NZCPS, clarification is required that descriptors may be used instead of mapping. It is not possible, for example, to map (a), (b) or (c), and (d) would be very difficult to map.

Greater Wellington supports subsection (c) of this policy.

We suggest *use and benefit* instead of the term *public utility* in section (a), for the same reasons as stated in the comments on objective 5.

Decisions requested:

- Remove the requirement for regional policy statements to implement this policy.
- Clarify what *identify* means and, in particular, that zoning is not required.
- Ensure that the intent of subsection (c) is retained in the NZCPS.
- Replace *public utility* in part (a) with *use and benefit*.

3.14 Policy 17 Crown interest in particular activities on land of the Crown in the coastal marine area

Again, Greater Wellington is concerned at the unnecessary duplication in this policy, which requires changes to both regional policy statements and regional coastal plans. We do not believe that the same provisions need to be repeated in two documents.

Greater Wellington supports the need to plan for and protect infrastructure of national importance and renewable energy generation. However, there are several matters in the policy that are ambiguous:

- Clarification is required as to how regional councils are to give effect to this policy. What does *make available for* mean, in particular for renewable energy generation. Is specific zoning required, or preferential activity status in particular areas, or simply a supportive policy? If zoning is not intended, then consideration should be given to the use of section 55(2A) of the Act.
- *Infrastructure of national importance* needs definition. Local government cannot be responsible for determining what is in the national interest – this is a responsibility of central government.
- It is not clear in this policy what the Crown's interest is, yet regional councils are required to "have regard to" it. What is the intended outcome of this part of the policy?

Decisions requested:

- Remove the requirement for both regional policy statements and regional coastal plans to implement this policy.
- Define infrastructure of national importance.



- Amend the policy to clarify what outcome or process is intended.

### 3.15 Policy 18 Crown interest in aquaculture activities

Greater Wellington is concerned at the unnecessary duplication in this policy, which requires changes to both regional policy statements and regional coastal plans. We do not believe that the same provisions need to be repeated in two documents. This matter only needs to be given effect through regional coastal plans.

It is not clear in this policy what the Crown's interest is, yet regional councils are required to "have regard to" it. If this policy is to be retained, the Crown's interest needs to be better defined.

It is not clear how regional councils are intended to give effect to this policy, as it does not appear to give any guidance over and above the provisions that were inserted in the Act following the aquaculture reforms.

#### Decisions requested:

- Delete the policy or amend it clarify what outcome or process is intended.
- Remove the requirement for regional policy statements to implement the policy.
- Specify what the Crown's interest is in this matter.

### 3.16 Policy 19 Amenity values

It is not clear what local authorities are expected to do to give effect to this policy. Is it aimed at policy statements, regional plans, district plans, consent considerations or non-regulatory methods?

Use of the term *natural sites* is confusing. It is not clear what they might include, and many people consider amenity value to include more than merely the number of natural sites.

#### Decisions requested:

- Clarify the intent of this policy and the means by which it is to be given effect.
- Define or delete *natural sites*.

### 3.17 Policy 21 Cumulative effects

Greater Wellington supports the intent of Policy 21. We note that it will be difficult to give effect to this policy because it is not always easy to identify areas *at risk* from cumulative effects. Some areas under threat are straightforward to identify, such as Pauatahanui Inlet in the Wellington region, where development and sediment discharges in the catchment are affecting the inlet. However, this example is the exception rather than the norm.

Attempts to define carrying capacity, or to establish adaptive management regimes, have always been difficult to both design and implement. Specifying what is an acceptable limit to change is very difficult when most people realise that something is unacceptable only once it has happened. Greater Wellington would appreciate further guidance to enable effective implementation of this policy.

Decisions requested:

- Clarify how to identify *coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects*, and how to set thresholds for acceptable change.
- Provide further guidance to ensure effective implementation of this policy.

3.18 Policy 24 Coastal occupation charging

Greater Wellington strongly supports the Local Government New Zealand submission on the subject of coastal occupation charges.

Greater Wellington supports the principle of coastal occupation charges. However, Policy 24 does not offer any further guidance to councils over what is stated in the Act. In our view, they should be seen as a rental for the private use of public space and should be defined as such.

There are fundamental problems with the current legislation in relation to coastal occupation charges, and they have not been implemented by any regional council because of the costs and delays that would be involved (with the exception of Environment Southland). They are contentious and controversial, and any plan change to implement them is likely to attract Environment Court appeals. Greater Wellington is unwilling to defend a plan change in court due to flaws in the Act<sup>1</sup>.

While the proposed NZCPS cannot address the flaws in the Act, it could provide more guidance. Alternatively, a schedule of charges could be set by central government if they are determined that coastal occupation charging occur. Such a schedule could be implemented through the provisions in section 55(2A) of the Act.

We note that the requirement to give effect to Policy 24 in the proposed NZCPS is inconsistent with the June 2007 deadline in Section 401A of the RMA.

Decision requested: Provide further guidance or a schedule of charges through section 55(2A) of the Act.

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<sup>1</sup> We note that Recommendation 2 of the Local Government Rates Inquiry states: “*That the relevant provisions of the Resource Management Act 1991 be reviewed to streamline the power to charge a resource rental for occupation of coastal space*”.

### 3.19 Policy 30 Integrity and functioning

This policy reads more like an objective in its current form. It is not clear what the expected outcome of this policy is.

Decision requested: Clarify the expected outcome of this policy.

### 3.20 Policy 31 Indigenous biological diversity

Greater Wellington supports the intent of this policy. We note that biological diversity is a value in its own right not just as part of natural character.

The list of ecosystems and habitats in (b) is good and comprehensive and is supported, however, a sense of priority of action is needed. In (b), avoiding significant adverse effects, and otherwise avoiding, remedying adverse effects of activities should have priority over mitigating adverse effects. We suggest a change of wording.

We are concerned with the wording in (v) and the *regionally significant* examples. It is not clear why a National Policy Statement is concerned with regionally significant areas. The NZCPS should focus on dealing with nationally significant examples.

Decision requested: Change the wording in (b) to: *avoiding significant adverse effects, and otherwise avoiding, remedying ~~or~~ then mitigating adverse effects of activities...*

### 3.21 Policy 33 Appropriate location, density and design of subdivision, use, and development

The terms *appropriate* and *inappropriate* appear three times in this policy, with no guidance about what is meant, or what is to be achieved or avoided. Subsection (b) provides no more guidance than is available from section 6(a) of the Act and should be deleted.

Greater Wellington suggests that it may be appropriate for the remainder of this policy to be merged with policy 14.

Decisions requested:

- Delete subsection (b), and clarify what is meant, or what is to be achieved or avoided by the words appropriate and inappropriate.
- Merge this policy with Policy 14.

### 3.22 Policy 35 Restoration of natural character

Greater Wellington supports the intention of this policy.

There appears to be a priority of actions in this list. Encouraging regeneration in (c) should be the first action. Restoration by planting in (a) is expensive and difficult and should come after attempts to regenerate.

*Using local genetic stock where practicable, when restoring habitat* currently in (c), is relevant to restoration and this belongs under (a).

Encouraging regeneration, in (c), is a natural process and this could be made clear by inserting the word *natural* before *regeneration*.

Specific mention of estuarine vegetation should be included, possibly in (f) or (g).

Decisions requested:

Amend the list, as follows:

(a) encouraging natural regeneration of indigenous species;

(b) restoring indigenous habitats and ecosystems where these have been significantly adversely affected and life-supporting capacity is compromised, and using local genetic stock, where practicable, when restoring habitat;

(c) creating or enhancing habitat for threatened indigenous species;

(d) reducing or eliminating discharges of contaminants that are causing significant adverse effects, particularly cumulative effects;

(e) requiring, where practicable, restoration conditions on resource consents for the continuation of activities that have compromised natural character;

(f) restoring dunes and other natural coastal features or processes;

(g) protecting and restoring riparian margins and estuarine vegetation; and

(h) removing redundant structures and materials that lack heritage or amenity value.

### 3.23 Policy 39 Walking access as a national priority

It is not clear how to implement any of the policies in the proposed NZCPS that start with *It is a national priority*. Can this be taken to mean that central government is responsible for implementing such policies?

We are concerned that, if local authorities are expected to implement this policy, there is no way of ensuring that walking access along the coast is free of charge.

Decisions requested:

- Clarify what is required to give effect to this national priority, and by whom.
- Delete (a).

### 3.24 Policy 40 Esplanade reserves and strips

Greater Wellington considers there is no need for policy statements to give effect to this policy.

Decision requested: Remove the reference to policy statements.

### 3.25 Policy 41 Access enhancement

Greater Wellington considers there is no need for policy statements to give effect to this policy

Decision requested: Remove the reference to policy statements.

### 3.26 Policy 42 Vehicle access

It is difficult to see how the NZCPS can assist in resolving the complex issues around driving on beaches by requiring zoning of beaches in plans. The complex interaction of different legislation and roles of different agencies needs to be acknowledged. Use of Local Government Act bylaws, and the powers of police under the relevant land transport legislation needs to be considered when deciding whether this policy is the best way to achieve the outcome sought. Greater Wellington seeks that the Board of Inquiry considers whether plans under the Resource Management Act are the most appropriate way of dealing with the issue of driving on beaches.

Decision requested: That the Board of Inquiry considers whether the NZCPS is the most appropriate way of dealing with the issue of driving on beaches.

### 3.27 Policy 43 Restrictions on access

Greater Wellington supports this policy, in particular subsections (a) and (b).

Subsection (a) should be broadened to include *and their habitats* to threatened indigenous species.

A new part (j) *for short term events permitted by a coastal plan or resource consent* should be added.

Decisions requested:

- Add “*and their habitats*” to (a).
- Add (j) *for short term events permitted by a coastal plan or resource consent*.

### 3.28 Policy 44 Maintaining water quality

The terms *reasonable mixing* and *high water quality* should be defined or clarified, so that their interpretation will not left to individual regional councils.

Greater Wellington supports the inclusion of substrate.

Decision requested: Define or clarify the terms *reasonable mixing* and *high water quality*.

### 3.29 Policy 45 Enhancement of water quality

It is unclear how this policy is to be given effect. It does not state whether it is directed at plans, consent considerations or other non-regulatory methods.

The use of the coast and recreation are synonymous for many New Zealanders, *including recreational activities* should be added to part (c).

Decisions requested:

- Clarify how this policy is to be achieved and through what mechanism.
- Extend (c) to read *water quality is unsuitable for, or constrains, existing uses including recreational activities.*

3.30 Policy 46 Mixing zones

Greater Wellington supports the intent of this policy.

Section (b) should be extended to refer to the life-supporting capacity of the substrate within a mixing zone, which is the habitat for benthic fauna.

Decision requested: Extend (b) to read *avoid adverse effects on the life-supporting capacity of the water and substrate within a mixing zone; and*

3.31 Policy 47 Ecological effects of discharges

Greater Wellington supports the intent of this policy.

This policy is inconsistent with policy 49. Part (c) of policy 47 states "avoid adverse effects that are no more than minor adverse after reasonable mixing", whereas policy 49, for stormwater, says adverse effects shall be reduced over time.

Decision requested: Explain or eliminate the inconsistency between policies 47 and 49 so that stormwater discharges are improved while recognising that they will continue to have *more than minor* adverse effects in the short term.

3.32 Policy 49 Stormwater discharges

The requirement in part (d) to set stormwater discharge standards will be extremely difficult to meet. While it might provide certainty to territorial authorities, few of them know the quality of their stormwater discharges. Stormwater quality is also highly variable and difficult to control. Standards need to take into account the sensitivity of the receiving environment which could mean high research costs for regional councils to model sediment deposition and movement, flushing, accumulation rates and such like.

Low impact urban design and stormwater treatment as a means to reduce contaminant loadings should be considered as part of this policy. We suggest (b) should be extended along the lines of *... controls on land use activities (including adoption of low impact urban design) and requirements for stormwater treatment where appropriate.*

Waste other than sewage should also be excluded from stormwater systems. Part (c) should be extended to reflect this.

The term “integrated management” in part (e) should be clarified. Integrated management means many things to many people and without a definition it could be meaningless. The sense of integrated management of catchments in part (e) is about land-use activities and practices, whereas, in policy 6 integrated management is about organisational process.

This policy is inconsistent with policy 47 which states *avoid adverse effects that are no more than minor adverse after reasonable mixing*. Policy 49 for stormwater, says adverse effects shall be reduced. This inconsistency needs to be explained or eliminated.

Decisions requested:

- Provide assistance or guidance for setting stormwater standards.
- Extend (b) to read *reducing contaminant loadings, including sediment, in stormwater through appropriate controls on land use activities, (including adoption of low impact urban design) and requirements for stormwater treatment where appropriate*;
- Extend (c) to read *avoiding sewage and other waste entering stormwater systems*;
- Clarify or define the term *integrated management* in part (e).
- Explain or eliminate the inconsistency between policies 47 and 49 so that stormwater discharges are improved while recognising that they will continue to have *more than minor* adverse effects in the short term.

3.33 Policy 50 Ports and other marine facilities

Greater Wellington notes that, while this policy can be implemented through new or replacement consents for these activities, it will be difficult to apply it retrospectively.

Subsection (b) could be made more explicit in ensuring adverse effects on marine life and habitat are avoided. We suggest including *or marine life after water quality or the seabed*.

Decision requested: Extend part (b) to read *ensure that the disturbance or relocation of contaminated seabed material and the dumping or storage of dredged material does not result in significant adverse effects on water quality, ~~or~~ the seabed or marine life; and*.

3.34 Policy 51 Identification of hazard risks

Greater Wellington is concerned at the unnecessary duplication in this policy, which requires changes to both regional policy statements and plans. We do not believe that the same provisions should be repeated in two documents. Additionally, under section 62(1)(i)(i) of the Act, regional policy statements are required to state *the local authority responsible... ..for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards or any group of hazards*. This policy needs to recognise this requirement and be flexible enough to allow implementation by the local authorities defined in individual regional policy statements.

Decision requested: Recognise the requirement under section 62(1)(i)(i) of the Act and ensure this policy is flexible enough to allow implementation by the local authorities defined in individual regional policy statements.

### 3.35 Policy 52 Subdivision and development in areas of hazard risk

Greater Wellington supports the intent of this policy.

It is not useful to specify the type of new development that should be avoided in areas subject to coastal hazards. Greater Wellington suggests the words *residential or commercial* in (a) are removed.

It is the consequence of risk that is at issue, not the risk itself. Greater Wellington suggests (b) is extended to read *avoid redevelopment, or change in land use, that would increase the consequences of risk from coastal hazards*;

The way (c)(i) is written, *abandonment* could be seen as an option. Encouraging this option may not lead to the best outcome. Local government is occasionally faced with arguments about allowing dwellings fall into the sea when it is preferable to remove them.

The term *hazard risk* needs to be defined in the glossary in order to distinguish the intended meaning from that in New Zealand Standard 4360:2004 that flood engineers use, which is a probability only. Engineers assume the Resource Management Act meaning of the term is the same, resulting in confusion.

The inclusion of *designing for relocatability* in part (c)(ii) is sending the wrong messages, as the relocation happens after the structure is damaged.

Decisions requested:

- Remove the words *residential or commercial* in (a) to read *avoid new subdivision and ~~residential or commercial~~ development on land at risk from coastal hazards*;
- Extend (b) to read *avoid redevelopment, or change in land use, that would increase the consequences of risk from coastal hazards*;
- Remove the word *abandonment* from part (c)(i).
- Delete *designing for relocatability* in part (c)(ii).
- Define the term *hazard risk* in the glossary.

### 3.36 Policy 54 Protection structures

Greater Wellington supports the intent of the proposed policy.

Engineered structures should only be built if absolutely necessary. Part (a) should include a statement to that effect.



When people build their own defence structures the approach tends to ad hoc and be sporadic and they tend to fall into disrepair over time. The promotion of locating hard protection structures on private land, for the purpose of protecting private land in part (e) has implications for long term maintenance of the structure. It is better if engineered structures are part of a long term coordinated strategy. Greater Wellington suggests this part is deleted.

Access to and along the coastal marine area at high tide is just not possible in certain locations and it can be dangerous. Greater Wellington suggests deleting “at high tide” in part (f).

Structures should be designed to minimise any adverse impacts on the environment including erosion. Part (g) this should be altered to include a statement to this effect.

The term *hazard risk* needs to be defined in the glossary in order to distinguish the intended meaning from that in New Zealand Standard 4360:2004 that flood engineers use, which is a probability only. Engineers assume the Resource Management Act meaning of the term is the same, resulting in confusion.

Decisions requested:

- Define the term *hazard risk* in the glossary.
- Delete part (e).
- Delete *at high tide* in part (f) to read *ensure provision for the continuation or restoration of public access to and along the coastal marine area ~~at high tide~~; and.*
- Change (g) to read *ensure structures are designed to minimise ~~consequential~~ any adverse impacts on the environment including erosion.*

3.37 Policy 57 Collaborative management of historic heritage

“Integrated management” should be defined. It means many things to many people and without a definition could be meaningless. In policy 49(e) the sense of integrated management of catchments is about land-use activities and practices, whereas, in policy 57 integrated management is about organisational process. It is unclear what sense in being used in policy 57. If the same sense in policy 57 is used as in policy 6, they should be linked.

Greater Wellington considers that policy 57 should be amalgamated into policy 6. Note that there is a discrepancy between the wording in policy 57, which says *should*, and policy 6, which uses *shall*.

Policy 6 is one of the few policies that Greater Wellington believes is appropriate to include a requirement for both policy statements and plans to implement.

Decisions requested:

- Clarify what is meant by integrated management in this context.

- Amalgamate policy 57 into policy 6.

### 3.38 Restricted coastal activities – Schedule 1

Greater Wellington prefers the simplified structure of this schedule and finds it clearer and easier to follow than the equivalent schedule in the current NZCPS.

#### S1.1 Reclamations and S1.3 coastal hazard protection structures

Greater Wellington considers that establishing a new 100m restricted coastal activity threshold for lengths of reclamations and structures is too short a distance. The previous 300m threshold is more appropriate.

Under the Regional Coastal Plan for the Wellington region, reclamations of up to 300m are a restricted discretionary activity. Some reclamations have been processed on a non-notified basis within 20 working days. We do not consider the significance of adverse effects associated with reclaiming 100m of foreshore or seabed, in some situations, warrants its status as a restricted discretionary activity.

Decision requested: Retain the 300m threshold for restricted coastal activities S1.1 and S1.3.

### 3.39 Glossary

“Risk” needs to be defined as it is used in relation to coastal hazards in objective 8 and policies 51 - 54. The term is commonly used by flood engineers in a different sense which means expected frequency and is defined by New Zealand Standard 4360:2004. Its use here should be made explicit.

Decision requested: Define the term *risk*.

## 4. Involvement in hearing

Greater Wellington Regional Council wishes to be heard in support of its submission.

If others make a similar submission, Greater Wellington would consider presenting a joint case with them at a hearing.

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**Cr Fran Wilde (Chair)**

30 April 2008

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