



# Plan effectiveness report **Regional Coastal Plan**

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## FOR FURTHER INFORMATION

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X/09/06/12

September 2008

Doc 565914

GW/EP-G-08/156

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## Glossary

AICV	Area of important conservation value
ASCV	Area of significant conservation value
COCO	Consents and compliance database
DOC	Department of Conservation
GW	Greater Wellington Regional Council
HCC	Hutt City Council
KCDC	Kapiti Coast District Council
MDC	Masterton District Council
MHWS	Mean high water springs
NIWA	National Institute of Water and Atmosphere
PCC	Porirua City Council
NZCPS	New Zealand Coastal Policy Statement
RCA	Restricted coastal activity
Plan	Regional coastal plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
WCC	Wellington City Council

## **1. Introduction**

Section 35 of the Resource Management Act 1991 (the RMA) requires every local authority to monitor the efficiency and effectiveness of the policies, rules and other methods in its policy statement and plans, and to prepare a report on the results of this monitoring every five years. Councils must take appropriate action when their monitoring indicates that it is necessary.

Monitoring the effectiveness and efficiency of policies, rules and other methods is an on-going process from plan implementation to plan review. Such monitoring helps determine when different actions are required, and whether the level of policy intervention needs to be changed so that the objectives can be achieved.

This report describes the results of monitoring the effectiveness of the policies and methods, including rules, in the Regional Coastal Plan for the Wellington Region (the Plan). The Plan is the largest of the five regional plans for Wellington region, with 68 objectives, 130 policies, 86 rules and 28 methods.

The Plan should be read in conjunction with this report as many of the provisions are not repeated here.

### **1.1 History of the Regional Coastal Plan**

The proposed Plan was publicly notified in 29 June 1994 and, after completing the First Schedule process of submissions, hearings and appeals, was approved by the Minister of Conservation on 16 May 2000, and made operative on 19 June 2000.

There has been one plan change to the Plan, which was notified in December 2006, and made operative on 12 July 2008.

### **1.2 Giving effect to policy statements**

When the Plan was formulated, the requirement of the Resource Management Act 1991 (RMA) was that it must “be not inconsistent with” national policy statements (the New Zealand Coastal Policy Statement (NZCPS)) and the Regional Policy Statement. Amendments to the RMA in 2003 and 2005 required that plans “give effect to” these documents. This report does evaluate how effectively the Plan has given effect to the NZCPS and the regional Policy Statement.

## **2. Methodology**

### **2.1 What the Plan requires**

Section 19.2 of the Plan describes the procedures to be used to monitor the effectiveness of the Plan. The key parts are set out in section 3 of this report, including a list of aspects of the environment that should be monitored, a list of monitoring techniques that should be used, and a list of three aspects that should be evaluated (all subject to the provisions of the Annual Plan).

This report collates available information for all the points listed and these are addressed in section 4. The results are used to contribute to appendices B, C and D which detail how the plan's provisions have been implemented and whether the provisions have been effective.

The evaluation required in section 19.2.1 of the Plan attempts to link changes in environmental attributes monitored to the objectives and policies of the plan. Secondly, it asks whether the original RMA section 32 assessment is still applicable. Finally, it asks if the concerns, priorities and aspirations of people and communities have been addressed by the plan provisions.

Monitoring the effectiveness of the Plan was done using the following steps:

- a) Information collected was fitted to the monitoring techniques in section 19.2.2. The results are presented and analysed in section 4.
- b) The relevant monitoring techniques in section 19.2.2 were ascribed to each of the five aspects of the environment listed in section 19.2.1. The information available is briefly described in section 6.
- c) The three key questions listed in section 19.2.1 are addressed in section 7 and summarised in section 19.

### **2.2 Section 35 effectiveness monitoring**

The second process that this report uses is an evaluation consistent with sections 35(2)(b) and 67 of the RMA and asks whether the objectives, policies, rules and other methods have addressed the issues. This is discussed in section 18 of this report.

The steps carried out in this process are as follows:

- a) The Plan did not cross reference the connections between the objectives, policies and methods. To evaluate the Plan, these connections were ascribed.
- b) An assessment was done to assess the extent to which the policies implement the objectives, and to what extent the rules and methods implement the policies. The assessment also looked at whether the provision works or not, for example if the rules have appropriate policy support, and if the policies are sufficiently clear (some policies can be "read either way" and could be used to support and oppose a consent application)



- c) The level of implementation of policies, rules and methods was assessed. This process used included information on the numbers of consents granted for different activity categories from the consents database (COCO), information collected for monitoring section 19.2 of the Plan and additional information listed in section 5 of this report.

The evaluation described above is shown in appendices B, C and D. Information from the appendices is summarised in sections 8 to 17, based on the relevant chapter of the Plan. The effectiveness analyses from sections 8 to 17 are summarised in sections 18 and 19. Section 18.4 also examines whether the rules and methods provide an appropriate mix of regulatory and non-regulatory measures to implement the policies. Recommendations for appropriate action are outlined in section 20.

### **2.3 Information sources**

This report has used the following information sources:

1. Environmental water quality surveys (see section 4.3).
2. State of the environment reporting, with particular reference to *Measuring Up 2005* (GWRC, 2005).
3. Feedback on the regional policy statement discussion document *Our region, their future* (GWRC, 2006) (see section 4.4.2).
4. Responses to requests for details of the extent to which seven permitted activity rules (rules 9, 12, 28, 29, 30, 33 and 79) have been invoked (see section 4.7 and Appendix F).
5. Intertidal survey reports of the coast commissioned as part of Greater Wellington's coastal and marine biodiversity programme (see section 5.5).
6. Greater Wellington's regional rule feedback forum which records staff feedback and comments (see section 5.2 and Appendix B).
7. A forum of staff from Greater Wellington's Environmental Regulation Department. The forum obtained feedback from Consents Officers about implementing the rules when processing consents, and from Pollution Control Officers about observations in the field (see section 4.4.3).
8. The plan methods implementation database that records the action taken to implement the methods in the regional plans (see section 5.3 and Appendix D).
9. The consents database COCO (see section 5.1).
10. The Pollution Control Complaints and Incidents database (see section 4.4.1 and Appendix A).
11. Greater Wellington committee reports on coastal matters (see section 5.4 and Appendix E).

### **3. Effectiveness monitoring required by the Plan**

Section 19.2 of the Plan states the procedures for monitoring the effectiveness of the plan, and they are laid out in three parts: monitoring changes to environmental attributes; evaluation of monitoring results; and monitoring techniques to be used.

#### **3.1.1 Monitoring techniques to be used**

Section 19.2.2 of the Plan sets out the following monitoring techniques to be used, as appropriate, in individual circumstances:

- (1) Ongoing surveys of attitudes to the environment held by the Minister of Conservation, other resource management agencies, business people, farmers, community groups, outdoor recreation clubs, visitors to coastal sites in the Region, and Wellington Regional Council staff;
- (2) Ambient air quality surveys;
- (3) Environmental water quality surveys, with an emphasis on bathing beaches;
- (4) Analysis of feedback, compliments, and complaints received through the news media, meetings, correspondence, and other means from resource users, the public, and other interested or affected parties;
- (5) Conditions on resource consents to require self monitoring of activities in the coastal marine area;
- (6) Compliance audit checks of all self monitoring carried out by resource consent holders; and
- (7) Any other monitoring techniques (such as monitoring of the effects of permitted activities) which may be necessary and appropriate.

The available information that has been gathered using these monitoring techniques is addressed in sections 4.1 to 4.7 of this report.

#### **3.1.2 Aspects of the environment to be monitored**

Section 19.2.1 sets out what changes to aspects of the environment Wellington Regional Council will monitor using techniques identified in section 19.2.2.

- (1) The nature and extent of use of the coastal marine area;
- (2) Values of the coastal marine area, including aesthetic, landscape, recreational, historical, spiritual, cultural and scientific;
- (3) Natural and physical resources, including land, water, air, soil, minerals, and energy, and all structures;
- (4) Ecosystem characteristics, including existing physical disturbance of marine habitats, essential natural environment processes (including coastal processes), and plants and animals; and

(5) Any risk to human life, property, or other aspects of the environment from natural hazards or the use of hazardous goods and substances or installations handling hazardous goods and substances.

These points are addressed in sections 6.1 to 6.5 of this report.

### 3.1.3 Questions to be answered

In accordance with section 19.2.1 of the Plan, the results from the monitoring should be evaluated to determine:

(1) If any changes to matters in (1)-(4) above are attributable to the objectives and policies of this Plan or omissions from this Plan and whether there have been unintended consequences as a result of the implementation of the Plan;

(2) Whether the original assessment of benefits and costs of principal alternative means of dealing with issues carried out in accordance with section 32 of the Act, including likely implementation and compliance costs, is still applicable. This will also involve an evaluation of the distribution of benefits and costs resulting from the Plan; and

(3) The extent to which substantiated concerns, priorities and aspirations of people and communities have been addressed by the objectives, policies, rules and other methods in this Plan.

These points are addressed in section 7 of this report.

## **4. Monitoring information and analysis**

The following monitoring techniques are those set out in section 19.2.2 of the Plan. Section 19.2.1 of the Plan acknowledges that implementation of these monitoring techniques is subject to funding through the Annual Plan process. These techniques sections include a brief summary of the findings.

### **4.1 Ongoing surveys of attitudes to the environment**

This technique refers to ongoing surveys of attitudes to the environment held by the Minister of Conservation, resource management agencies, business people, farmers, community groups, outdoor recreation clubs, visitors to coastal sites in the region and Greater Wellington staff.

Information has come from surveys produced by other organisations, except for the last two sources. In addition, feedback, compliments and complaints have been used (see section 4.4), as well as knowledge of and participation in city and district council coastal strategy processes.

The Wairarapa councils and Kapiti Coast District Council have produced coastal strategies, and Hutt City Council has started such a process. Porirua City Council are formulating a Titahi Bay beach reserves management strategy. These strategies all involve public consultation and are a synthesis of the community's views. Because they are led by city and district councils, the views are largely to do with the dry land part of the coastal environment rather than the coastal marine area.

Broadly speaking, the communities' concerns reflect the feedback on *Our region – their future* which was the discussion document for the review of the Regional Policy Statement.

### **4.2 Ambient air quality surveys**

No air quality surveys have been carried out for the coastal marine area.

### **4.3 Environmental water quality surveys**

City and district councils and Greater Wellington regularly monitor coastal water quality at 76 sites around the region's coastline. The sites monitored were chosen because they are popular with swimmers, surfers and boaties. Sites are sampled for the presence of enterococci every week during summer and at least monthly for the rest of the year.

This information is reported annually, and can also be found on Greater Wellington's website as the information is produced. A summary of results over four years was reported in the State of the Environment Report *Measuring Up 2005* (GWRC 2005).

As well as the bathing beach monitoring, coastal water quality is monitored at seven sites to check its suitability for shellfish gathering. Three sites are on the Kapiti coast (Otaki, Peka Peka, and Raumati beaches), one in Porirua Harbour (near Te Hiko Street) and three in Wellington Harbour (Sorrento, Mahanga and Shark bays). Sites are

sampled weekly over summer, and at least monthly during the rest of the year to coincide with recreational water quality sampling at six of the seven sites.

Samples are tested for the presence of faecal coliforms and compared with national guideline levels.

*Measuring Up 2005* suggested that the breaches implicated sewage-contaminated stormwater or streams contaminated with agricultural runoff as likely sources of bacterial contamination, but this was not always the case. The reason for dry weather breaches was unclear. Sewage could be getting into stormwater systems via illegal connections, some streams could be polluted by agricultural or other animal discharges, or high wave energy could be stirring up contaminated sediment.

Since 1995, the three sewage treatment plants serving Wellington, Upper Hutt, Hutt, and Porirua cities – all of which discharge to the sea – have been upgraded. Water quality around Moa Point, Pencarrow and Rukutane Point south of Titahi Bay has improved as a result.

Greater Wellington has started doing other monitoring in the coastal environment that is relevant. *The state of our environment annual summary 2005 – 2006* (WRC 2006) reported results of monitoring of heavy metals and organic contaminants in sediments and shellfish.

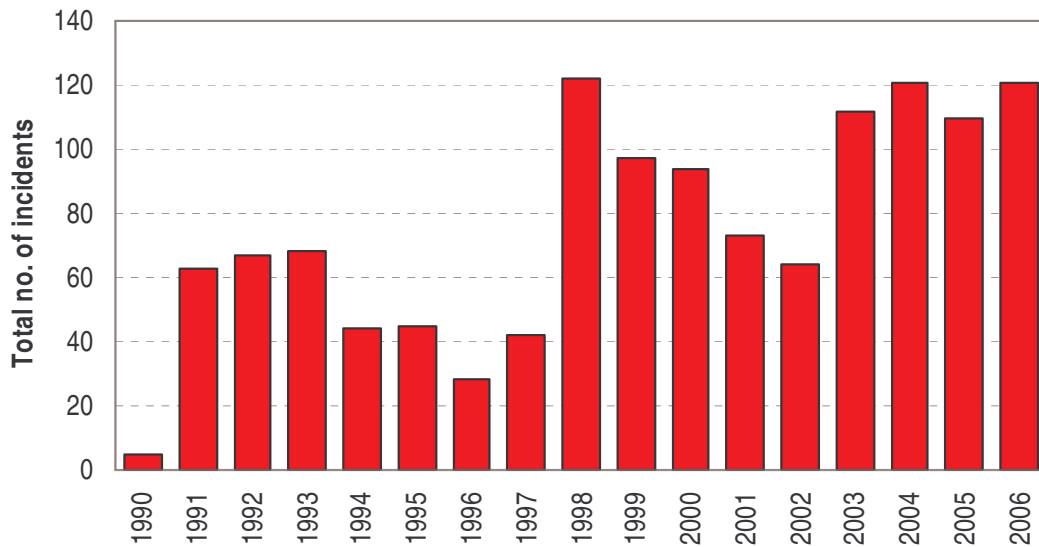
#### **4.4 Analysis of feedback, compliments, and complaints**

Section 19.2.2 of the Plan lists an analysis of feedback, compliments and complaints received through the news media, meetings, correspondence, and other means from resource users, the public, and other interested or affected parties.

##### **4.4.1 Complaints statistics**

Greater Wellington records complaints reported to its Pollution Hotline on a pollution incident database. The location, type of incident, response and the effect on the environment of all reported incidents are recorded. Information from the database is summarised in Appendix A of this report.

There are two incident databases. The original database was designed in ORACLE with an ACCESS front end and has the record of all incidents from 1995 to February 2003. A new database was set up in February 2003 with additional information such as which Plan (or rule) was breached (or not) in an incident. The 2003 database also has a record of what follow-up work was done after the incident. The Incidents database has no direct links to the Consents and Compliance database COCO and, like COCO, it was not set up to assess regional plan provisions. A review of the all Greater Wellington databases was completed in March 2006, and a new integrated database is scheduled for released in late 2008.



**Figure 1 Total number of incidents per annum**

Figure 1 shows the total number of incidents reported in the coastal marine area for each year since recording began. There appear to be three phases. From 1991 to 1997, incidents dropped from about 70 to 30 per year. A sudden rise in 1998 to about 120 gradually dropped to about 60 per year in 2002. Then there was a fairly consistent level at about 120 per annum between 2003 and 2006. The 1998 rise could be due to the formation of the Pollution Control Team. The consistently high numbers over the last four years could be due to the team being fully staffed during this time.

There are many factors which could contribute to the overall numbers. The higher numbers from the time of the instigation of the new database could be to do with the change in categorisation of reported incidents in 2003. Public awareness of environmental issues and who is responsible for managing them, and the setting up of a pollution hot line could all be significant factors.

The pattern of pollution category numbers (see Appendix A) varies over the years, as discussed below.

Certain categories turn up every year, for example, hydrocarbons (land based discharges rather than from vessels), liquid waste (paint, industrial waste water etc), sewage and “other”.

There are some large numbers in a specific category for a series of years.

Some large numbers of incidents in a category are related to large works that are about to happen or in progress. For example, the Hutt valley sewerage scheme commissioning around 1998 to 2000, and releases of silt between 1997 and 1999 due to the start of subdivision earthworks in the Pauatahanui Inlet catchment.

The sewage category has high incident numbers around the time that sewage plants were commissioned. For example, the Moa Point plant (1991-1993), Hutt Valley (1998 – 2000), and the Moa Point emergency short outfall (2004 – 2006).

Up until 2003 the “vehicles” category only included abandoned vehicles. The numbers were low. In 2003, with the change over to the new database, the category also included

driving on beaches. The numbers were much higher at 14 to 19 per year, mainly due to attempts to enforce the driving restrictions at Titahi Bay. The number dropped to 3 for 2006, after it was apparent that enforcement of vehicles on Titahi Bay beach was not working.

The “naturally occurring” category has simply had more algal blooms and flushes of pollen (that can look like yellow sulphur) in the years 2004 to 2006.

#### 4.4.2 Feedback from interested groups

Newspaper articles relating to the coastal marine area are kept and filed. The greatest interest is usually generated by large resource consent applications, e.g. Hilton Hotel, Moa Point sewage outfall, Marine Education Centre and the Overseas Passenger Terminal redevelopment.

Feedback from interested groups, including tangata whenua, territorial authorities, farmers and industry, was not sought specifically for the preparation of this report. Instead, feedback on the regional policy statement discussion document – *Our region, their future* (GWRC 2006) – sent out for public feedback in May 2006 has been used.

*Our region, their future* was sent to environmental groups, public health agencies, territorial authorities, farmers and industry, and a two page spread seeking feedback was placed in all community newspapers. The discussion document sought people’s views on significant resource management issues to be addressed in the next Regional Policy Statement. Many of the comments received related to matters on the dry land part of the coastal environment, and therefore cannot be addressed in the Plan. Some concerns were also expressed about the taking of undersized shellfish – a matter also outside the scope of the Plan.

Relevant comments included:

1. Biodiversity, amenity and landscape values associated with coastal ecosystems need to be surveyed, identified and classified.
2. The three tables of regionally significant ecosystems, landscapes and historical features need updating and expanding. ]
3. There is a tension in the Regional Policy Statement between renewable energy objectives and coastal/landscape objectives, which is unhelpful both for energy developers and for communities.
4. Attention to coastal water quality will be needed as sewerage infrastructure ages and to ensure road run-off is dealt with.
5. Tighter controls are needed to improve coastal water quality.
6. The priority in terms of public health should be to improve water quality adversely affected by non-point discharges such as contaminated stormwater and streams/rivers.
7. Development that will not compromise natural processes or character is a key issue.



8. Sediment supply to the beaches appears to have been reduced. Perhaps this is caused by extractive activities in rivers and an integrated approach might be effective.
9. A robust and consistent coastal ecosystems monitoring programme needs to be developed and implemented.
10. Policies for improving coastal water quality should be directive e.g. by reducing adverse effects from both point and diffuse sources.
11. The importance of Pauatahanui Inlet and Porirua Harbour should be recognised and give priority status.
12. Maintaining marine biodiversity and water quality is a priority.
13. Emphasise advocacy programmes to promote conservation of biological, amenity and landscape values.
14. Hazard management policies need to be more directive to provide for a consistent approach across the region. They should be directive but flexible enough to allow for a range of solutions.
15. Guidance should be provided on climate change, sea level rise and possible adaptation mechanisms.
16. Soft engineering options are not being explored e.g. beach drainage.
17. Protection of natural character needs to be balanced with climate change effects and the reality of protecting property. There is a need to look at flow on effects at the end of protection structures.

Most general enquiries are about proposed activities, rules and whether resource consents are required. From staff anecdotal experience, no general enquiries, complaints or compliments have been received about objectives and policies in the Plan.

#### 4.4.3 Feedback from Environmental Regulation focus group

A forum for Environmental Regulation staff was held on 5 July 2007 to obtain feedback on implementing the rules in processing consents, and from Pollution Control Officers on observations in the field. The following points summarise the matters raised:

1. Use of policies in processing resource consents. The chapter policies are mainly used. The general policies are sometimes used, particularly if support is being sought to decline an application. Which policies are used is clear in the officer's recommending report, but is not entered into the Consents Database COCO, thereby making it difficult to analyse the use of plan policies.
2. Many consent applications are "run of the mill". In these cases, policies are generally not used. There are only a small number of consents, the "one-off" cases, that stand out and place a high reliance on the use of policies.



3. The focus of Pollution Control Officers is on the permitted activity rules, and their job is often to determine whether an activity requires consent. A key question is if the activity is in the coastal marine area, as the line of mean high water springs is not always obvious.
4. The permitted activity rule thresholds should allow for small scale activities that are unlikely to have adverse effects. Examples include taking of shells or seaweed for home garden use, small discharges.
5. The rules are often effects rather than activity focused, so it can be difficult to determine what consents may be required until there are exact details of how the activity is to be conducted. An example is the proposal to break up derelict ship hulks.
6. Few rules refer to specific policies, but it is helpful where they do.
7. Objectives are generally not looked at – only if there is a very difficult situation.
8. Some policies are vague and not helpful. When using such policies, the explanation can become very important – for example the policy on boatsheds is good. However, some explanations introduce new material that should really be within the policy itself.
9. There is no policy about reverse sensitivity for foreshore and seabed activities. There needs to be clarity on what temporary or reasonable mean.
10. There needs to be more clarity on the difference and interrelationship of “use” and “occupation”. In the Freshwater Plan “use” is commonly employed.
11. Rules for structures are problematic. For structures that are partly in the coastal marine area and partly on dry land, the percentage threshold is difficult to apply. For example, 5% of what if it is a seawall, boatshed or wharf? Using the term “and/or” is problematic.
12. There is a discrepancy between the information requirements for a consent application on page 139 and the lack of such requirements in the rules. For example, faecal coliforms and heavy metals.
13. The use of fire fighting foam in the coastal marine area is problematic. Its use for an actual emergency is allowed under RMA emergency provisions, yet it is not for training purposes.
14. Stormwater should be defined and given the same meaning as is used in the Regional Freshwater Plan.
15. Mooring areas are generally not full with moorings and are generally considered to be much bigger than necessary. If moorings were a permitted activity, could this be subject to notifying Greater Wellington, so that we know what is happening?
16. Boatsheds could be put into zones or limited to specified areas as are moorings. They are often not used for boats and should be more tightly controlled.

Greater Wellington's regional rule feedback forum primarily includes comments from this same group. The online forum has been condensed in Appendix B and is summarised in section 5.2.

#### **4.5 Conditions on resource consents to require self monitoring**

Conditions are required on some resource consents to self monitor activities in the coastal marine area. The proportion of such consents is low. The value of self monitoring consent conditions as a technique to monitor aspects of the environment is limited. This is because the monitoring can only look at the effects of the consented activity and, therefore, the results do not tell us anything about the cumulative effects of activities or the state of the environment. There are no provisions in the Plan that encourage or direct the widespread use of self-monitoring conditions being placed on resource consents.

Within each consent record the self monitoring requirements and the reporting frequency are listed. However, it is not easy to find out from the database which consents require self monitoring, and it does not indicate whether self monitoring is partially complete or not satisfactory. For that information each consent file would have to be examined.

#### **4.6 Compliance audit checks of all self monitoring**

This technique is linked to the previous technique of placing conditions on resource consents to require self monitoring. All self monitoring carried out by resource consent holders is audited for compliance.

Self monitoring of compliance is a very small part of the consent condition compliance task that is carried out, most commonly on an annual basis. If the compliance audit check is failed, the database does not say whether the failure is due to the self monitoring condition or because of non-compliance with any other condition. This makes it difficult to work out the proportion of self monitoring that is not satisfactory, without examining every consent file that has such a condition.

#### **4.7 Permitted rule monitoring**

The Plan specifically mentions monitoring the effects of permitted activities, which are "necessary and appropriate". Greater Wellington does have limited funding to monitor the effects of permitted activity rules. During 2006-07, the first year of the funding, this monitoring was used to look at rules in the Regional Freshwater Plan.

Some work was done for this report to find out whether certain permitted rules have been invoked. The relevant rules were those where the number of persons carrying out that activity was likely to be small, easily identifiable and likely to have records of carrying out the activity. Information on seven of the thirty permitted activity rules was obtained. The rules investigated were the installation of navigational aids (Rule 9 - carried out by the Harbourmaster), cargo and passenger handling equipment (Rule 12 - partly carried out by CentrePort), clearance of piped stormwater outfalls (Rule 28 - carried out by city and district councils), beach grooming and contouring (Rule 29 - carried out by city and district councils), river and stream mouth cutting (Rule 30 - carried out by Greater Wellington and some city and district councils), maintenance

dredging within the commercial port area (Rule 33 - carried out by CentrePort) and holding horse races on beaches (Rule 79 - carried out by Castlepoint Racing Club Inc.). Information on the extent to which these permitted activity rules had been invoked was requested from these organisations. Results of the responses are presented in Appendix F.

#### 4.7.1 Rule 9: navigation aids for shipping

This rule provides the ability to place any new navigation aids as required, and has been invoked once by Greater Wellington and several times by CentrePort. Prior to any new navigation aid being erected or placed, other permissions are required (under the Maritime Transport Act) from the Director of Maritime New Zealand, and from the Harbourmaster if it is within a harbour/port area.

CentrePort has invoked the rule several times by putting lights on wharfs and erecting a wind sock, and believes that such a rule is essential.

#### 4.7.2 Rule 12: cargo and passenger handling equipment

CentrePort invokes this rule in providing gangways for the Toll ferry terminal, the oil booms at Seaview and other facilities. The container cranes are 87m high and have existing use rights. CentrePort does not see the need for the 27m height restriction, which is consistent with the adjacent district plan zoning height restriction.

#### 4.7.3 Rule 28: clearance of piped stormwater outfalls

In built-up areas of the coast, there are numerous stormwater outlets to the sea. Hutt City Council, Kapiti Coast District Council and Porirua City Council regularly inspect their outfalls at intervals varying from every week to three times per year. The extent of work necessary to clear the drains varies from removal by hand to clearance by machine, and debris is typically left on site. Porirua City Council has recently started clearing more frequently to reduce the number of flooding incidents caused by blocked outfalls.

Masterton District Council has several outfalls which are less than 300mm diameter at Castlepoint and Mataikona. They are above beach level and any clearance work simply involves moving loose sand or debris away from the pipe outlet rather than having to create a free draining path through the beach. Clearance is on an as required basis which usually links any work to a weather or swell event.

Carterton and South Wairarapa district councils have not invoked this rule.

The councils report that the rule works well and no changes are required.

Staff comments from the regional rule feedback forum (see Appendix B) suggest that the conditions should require removal of contaminated material should it be found as it should not be retained within the active beach system.

No response was received from Wellington City Council.

#### 4.7.4 Rule 29: beach grooming and contouring

Carterton, Kapiti Coast, Masterton and South Wairarapa district councils have not invoked this rule.

Hutt City Council grooms beaches nine times a year plus extra grooms after severe storms.

Porirua City Council groom Brendan's Beach at Pukerua Bay approximately five times a year to remove sand and debris blocking the footpath to dwellings, and is usually triggered by residents' requests. Occasionally, and triggered by residents' complaints, the sand is moved back from the north end access ramp at Titahi Bay.

Wellington City Council undertakes grooming and re-contouring on the Freyberg beach, and at Oriental Bay on a regular basis. The latter is part of resource consent conditions when the beach was formed in 2003, so does not represent implementation of this permitted rule. Grooming is undertaken on the three beaches at Oriental Bay on an as required basis. A specialised grooming machine is used for this operation that can access the beaches only at low tide. The full area of the Oriental Bay beaches is groomed. Other beaches are managed where and when problems arise.

Only Wellington City Council commented on changes to the rule. They would like all beaches to come under this rule rather than just the named beaches as they deal with requests/complaints associated with sand, seaweed or driftwood problems on beaches on a regular basis. Wellington City Council also mentioned that the mean high water Springs boundary is difficult to determine, and that there should be some elasticity in where these rules apply.

Wellington City Council was the only council to supply data about re-contouring done. No comments were made on the conditions in the rule.

Staff comments in the regional rule feedback forum (Appendix B) suggest that the grooming should only be allowed for those beaches that do not have pipi beds, and that there be a reporting conditions so Greater Wellington knows when it is invoked. The comments suggest re-contouring should be dealt with separately as the volumes of material involved are anything up to 50,000 cubic metres (when rules 37 and 38 are invoked).

#### 4.7.5 Rule 30: river and stream mouth cutting

Carterton and South Wairarapa district councils and Hutt City Council have not invoked this rule. Masterton District Council undertakes stream mouth cutting at the Riversdale and Castlepoint sites listed in the rule on an as required basis. This has been done as a stormwater exercise, but the intention in the future is to incorporate monitoring and cutting into an upcoming roading maintenance contract due to commence July 2008.

The majority of listed stream mouths are cut by Greater Wellington's Flood Protection Department, who provided detailed information on their activities. Generally, river mouths are not cut until public complaints are received and after trigger levels have been met. Flood protection staff feel that the trigger levels are fine, except for Waitohu Stream where detailed records are being kept so that the levels can be reconsidered

during the Plan review. The only changes suggested to the rule were for Lake Onoke, where the cut depth and width stipulation is immediately enlarged by the flow.

Porirua City Council cut the stream course at Plimmerton South Beach approximately four times a year. This stream is not listed in rule 30 as a permitted activity. Kapiti Coast District Council cut the Hadfield Drain and the Tikotu, Wharemauku and Waikakariki stream mouths up to three times a year. There were no comments supplied on the trigger levels or conditions, and no suggested rule changes.

No response was received from Wellington City Council.

Staff comments from the regional rule feedback forum (Appendix B) suggest that there be a reporting condition so Greater Wellington knows when it is invoked.

#### 4.7.6 Rule 33: maintenance dredging within the commercial port area

CentrePort has not exercised this permitted activity rule because Wellington Harbour only experiences minor sediment build-up.

CentrePort have pointed out that there is a practical difficulty with exercising this rule. The rule cannot be used the way it is written because the permitted dredging is to levels previously approved by resource consent (subject to conditions). There has been no level determined by a resource consent (since the enactment of the RMA). CentrePort do hold permits for *capital* dredging but they have not been exercised yet.

CentrePort suggests that the default level for maintenance dredging should be to depths previously established by charted soundings. It would also be helpful if there was a designated site for dumping of maintenance dredge spoil or permitted removal from the coastal marine area to a landfill, as the spoil has to be disposed of somehow. The alternative would be to shift the dredged material to one side, as has happened satisfactorily at Seaview Wharf recently (with a resource consent).

#### 4.7.7 Rule 79: special events – horse races

Castlepoint Racing Club Inc. runs an event on Castlepoint beach once a year in the second or third week of March, depending on the tides. The event only runs when there is sufficient sand on the beach, and for this reason, the event was cancelled in 1967, 1993 – 1996, 2003 – 2006 and 2008. No comments have been made on the conditions to the rule.

Races on Paraparaumu beach were run annually until 2001. Since then no races have been held. Any such races would also require a resource consent from the Kapiti Coast District Council and compliance with the Kapiti Coast District Council beach bylaw. The setting up of this event is therefore more onerous than just applying the provisions of the Plan.

## 5. Additional information and analysis

Information from the regional rule feedback forum was the main source of data for Appendix B. The plan method implementation database was the main source of data for Appendix D. An overview of the data in the completed appendices (which included data from sections 4 and 5 of this report) was used to inform the RMA effectiveness analysis in section 18 of this report.

### 5.1 Resource consent statistics

In 2005/06 Hill Young and Cooper consultants undertook an assessment of resource consents issued under the Regional Plan for Discharges to Land. One of their findings was that COCO database did not contain sufficient information to allow the efficiency and effectiveness of regional plan rules to be assessed. For the evaluation in this report, extracts have been taken from COCO, and the data has been processed in Excel spreadsheets. These data have limitations with incorrect data in fields and vital consent data missing.

The information in COCO covers type of consent, the location, consent term and notification procedures, but like the incidents database, COCO was not set up to assess regional plan provisions. This means that information about what rule triggered the need for the consent, the compliance record and other consents held for the same activity is not readily accessible.

Non-compliance with consent conditions for coastal permits that has resulted in formal enforcement (“please explain”, infringement, abatement, prosecution) is not contained in COCO, but is recorded on a separate spreadsheet.

As stated earlier, the Information Technology Department has now completed a review of all databases and a new integrated database is currently being designed.

Resource consents statistics were examined to see if they could contribute useful information towards monitoring aspects of the environment and if they could help answer the evaluation questions in section 19.2 of the Plan. The State of the Environment Report *Measuring Up 2005* included the following summary.

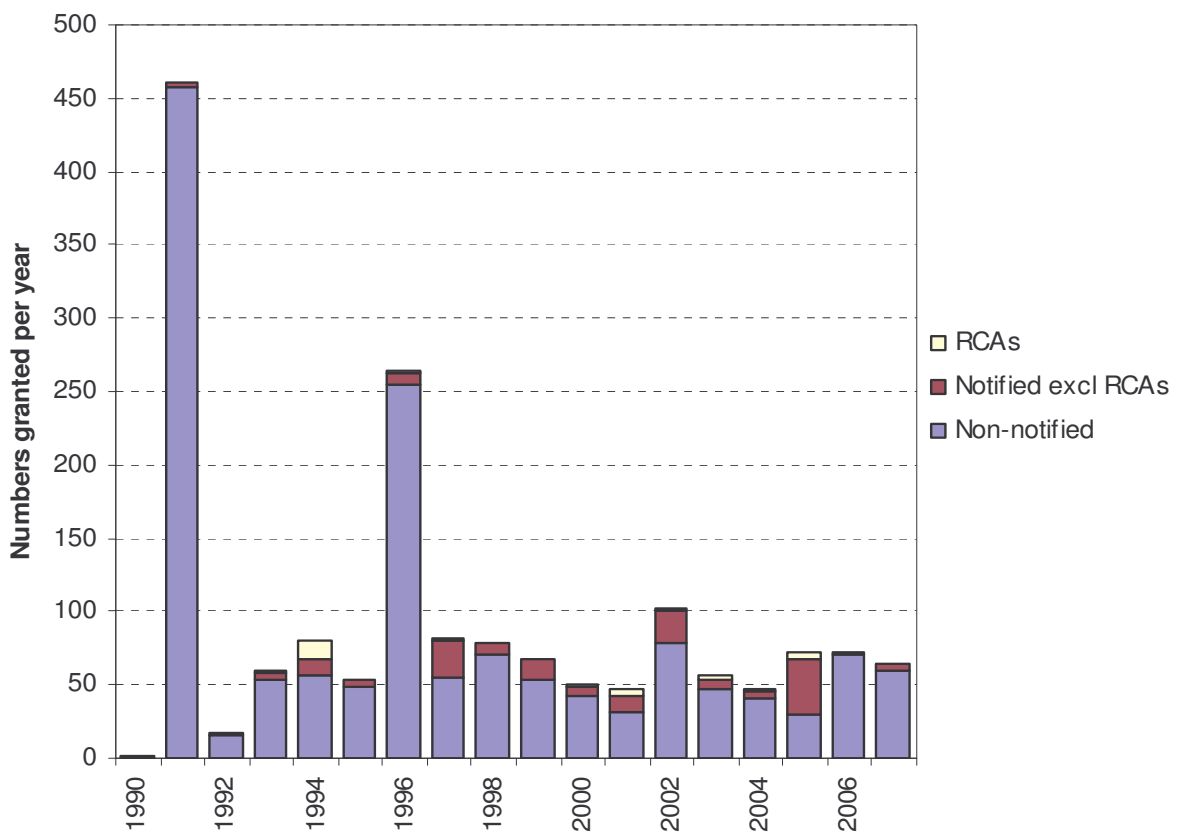
*Since 1999, Greater Wellington has granted 287 permits for activities in the coastal marine area – essentially anywhere seaward of the high tide mark. Only nine permits were granted in the Wairarapa, and those were mainly for erosion protection works. The rest were mostly for work around Wellington Harbour, including development of the new beach at Oriental Bay and changes to the Wellington Waterfront. Associated with these development pressures is people’s ongoing use of the coastal environment. Driving on most beaches in the region is allowed in the Regional Coastal Plan, but needs a resource consent in some areas of significant conservation value (like Pauatahanui Inlet), and is prohibited on one beach (Titahi Bay in Porirua). Greater Wellington has not assessed vehicle impacts on coastal fauna, but we know that the eggs and chicks of shore-nesting birds are particularly vulnerable to being crushed, as are cockles and other shellfish, which start life in the upper shore and migrate toward the sea as they grow.*



Figure 2 shows total notified and non-notified coastal permits and restricted coastal activities granted per year, to give an indication of the general level of activity.

It is not easy to find out the total number of activities occurring in the coastal marine area, other than those that are consented. For example, if we look at structures, some may not have consent, some consents may have lapsed, expired, surrendered, been re-consented (which could lead to double counting), and some may be in the process of getting consent.

All coastal permit applications (except for moorings) are e-mailed to the appropriate iwi. This occurs as soon as the applications come in, sometimes on a daily basis. It is difficult to find out the level of response from iwi, as the responses are not recorded in the COCO database.



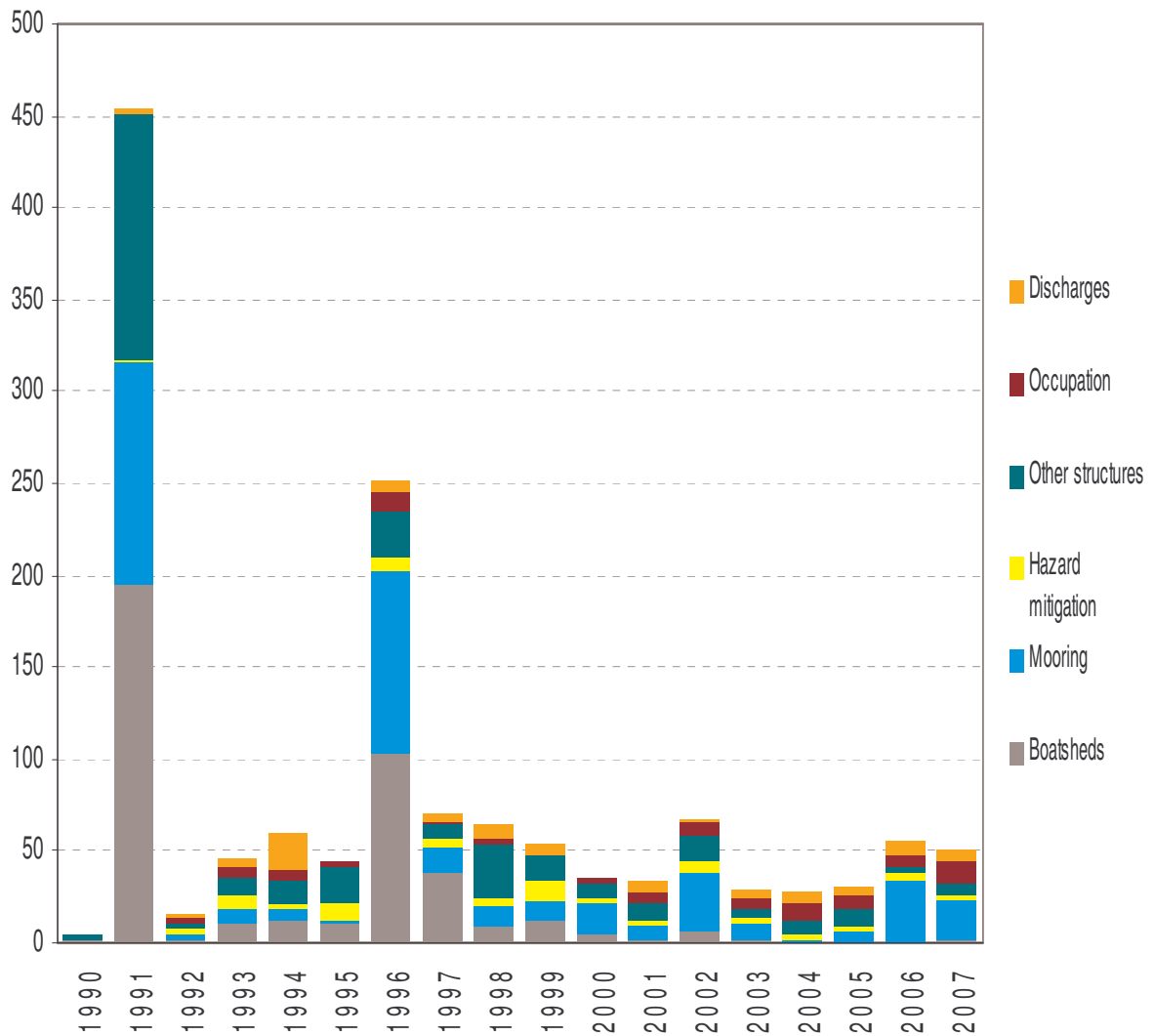
**Figure 2 Number of notified and non-notified coastal permits and restricted coastal activities granted per year**

Significant events in this timeline are:

- 1991, the commencement in October of the RMA.
- 1994, the NZCPS was made operative and the Plan was notified
- 1996, Plan decisions notified.

- 1998, Marine Pollution Regulations came in.
- 2000, the Plan was made operative; Navigation & Safety Bylaws operative
- 2003, Navigation and Safety Bylaws reviewed

In 1991, the RMA came into force, and most structures obtained consent (frequently by previous authorisations becoming “deemed consents”). In 1996, decisions on the Plan were made and a large number of existing structures were granted coastal permits. The level of consent activity since 1998 has been much lower, showing that the level of new structure activity per year is minor compared to the backlog of existing structures already in the coastal marine area.



**Figure 3 Number of coastal permits granted for structures, occupation and discharges per year**



“Other structures” in Figure 3 includes jetties, wharfs, slipways, changing rooms, launching ramps etc. Discharges include sewage and stormwater discharges and also discharges to air.

### 5.1.1 Analysis of resource consent statistics

Figure 2 showing the total number of non-notified, notified (excluding restricted coastal activities) coastal permits and restricted coastal activities granted per year highlights the following:

- A very small number up to and including 1990 – under previous legislation.
- A large number of non-notified consents (approximately 450) in 1991, being the year that the RMA came into force. Another large peak in numbers (approximately 250) of non-notified consents granted in 1996, being two years after the Plan was notified, and the same year that decisions on the Plan were made. These two peaks largely represent legitimisation of existing coastal structures.
- Apart from the two peaks, the number of non-notified coastal permits has averaged about fifty per year since 1993. These consents are likely to have been for new activities, rather than for existing activities, although there will be some re-consenting of existing activities.
- The number of notified consents is quite variable but at a level much lower (except for 2005) than the average number of non-notified consents granted per year. Roughly speaking, the number of notified consents (including restricted coastal activities) is about a quarter of the non-notified consents granted per year.
- The number of restricted coastal activities is low but variable. There is a larger number granted in 1994, which is when the NZCPS became operative, the document which created the category of restricted coastal activities. In 1994, the number of restricted coastal activities was about the same as the number of notified consents granted.
- The consent numbers per year appear to show a catch-up for authorising existing activities prior to decisions on the Plan and, subsequently, the Plan being made operative.

Figure 3 shows the number of coastal permits granted for structures, occupation and discharges per year. It gives an indication of the main types of coastal permits and how their numbers have changed. The numbers include non-notified, notified consents and restricted coastal activities. The following points are highlighted by the graph:

- The majority of consents granted in the peak years of 1991 and 1996 were for structures, mostly existing.
- Consents for structures make up the majority of consents granted in every year.
- Mooring consents comprise a high proportion of each year’s granted consents.

- There have been no consents granted for boatsheds since 2002.
- There has been a steady but small number of consents granted for occupation since 2000.
- The large numbers of consents for moorings and boatsheds says little about the effects on the environment. The total number of discharges is much smaller but their environmental effects could be much greater.

COCO does not record the main policies that were invoked by each consent. Hence it is difficult to find out which policies are never used or which are frequently used.

Consents data could potentially provide information about thresholds for requiring consent. Some practitioners say the thresholds for permitted activities are too high. We have no reporting data for activities that potentially could have cumulative effects.

The database does not record whether an application was sent to iwi for comment, whether comments were received, and how those comments were taken into account.

Consent statistics for numbers of activities in Areas of Significant Conservation Value (ASCVs) and Areas of Important Conservation Value (AICVs) are not available because the COCO database filter that records this cannot be used to generate a report or summary (see section 5.1).

A coastal structures inventory for the Wairarapa was done in 1987, and for the remainder of Wellington region in 2002 to give effect to policy 6.2.15.

## **5.2 Regional rule feedback forum**

Greater Wellington maintains a regional rule feedback forum on its intranet. This is designed to enable staff to record comments about implementing the rules, for example:

- a rule is too complicated to apply in the field;
- a rule overlaps with another rule, or has a confusing integration with other rules;
- a rule is not practical or enforceable; or
- a rule is irrelevant and never used.

Greater Wellington staff have recorded comments about many rules in the Plan, although if a rule is never used, there are generally no comments. The comments are included in the problem identification column of Appendix B.

Major themes that came out are:

- Some rules for structures are problematic. For structures that are partly in the coastal marine area and partly on dry land, the percentage threshold is difficult to apply. For example, 5% of what if it is a seawall, boatshed or wharf? Using the term “and/or” is problematic.
- There is a discrepancy between information requirements for consent application on page 139 and the requirements of the actual rules.

- The use of fire fighting foam in the coastal marine area is confusing. It can be used in an actual emergency under RMA emergency provisions, yet not for training purposes.
- Stormwater should be defined and use the same meaning as is used in the Freshwater Plan.
- Mooring areas should be offset from Mean High Water Springs (MHWS). They are generally not full with moorings and may be bigger than necessary. Feedback has questioned that if moorings were a permitted activity, could this be subject to notifying Greater Wellington, so that we know what is happening.
- Boatsheds could be put into zones or limited to specified areas as are moorings. They are often not used for boats and should be more tightly controlled.

### **5.3 Plan method implementation**

Greater Wellington maintains a database of the actions staff and others, such as the Ministry for the Environment, have taken to implement each method in each plan since the plan was made operative. The database has been updated annually until 2008. This information has been summarised and included in the implementation of the methods presented in Appendix D.

The Plan does not state explicit connections between the methods and the policies and objectives. Only five chapters have methods attached to them. They are:

- structures
- exotic or introduced plants
- discharges to land or water
- discharges to air
- surface water and foreshore activities.

This means that the following chapters do not have any methods attached to them and rely on rules to implement the policies:

- reclamation and draining of foreshore and seabed
- destruction, damage or disturbance of foreshore or seabed
- deposition of substances on foreshore or seabed
- taking, use damming or diversion of water.

The most relevant policies and objectives for each method have been determined and included in Appendix D. The general objectives and policies are, by definition, very general, so that many methods could fit into many of those provisions. However, there are no explicit cross references to make the connection clear.

Implementation of a method is dependant on seeking funding in the Annual Plan round.

Procedures stated in section 19.2 of the Plan do not specifically include methods in monitoring the effectiveness of the plan. This is required for analysis of the method implementation and effectiveness and that is addressed in section 18.3 of this report.

## **5.4 Council committee reports**

Council committee reports provide a useful source of information that contributes to documenting the implementation of Plan policies and methods. They also provide the Council with information and advice on current topics, and seek approval for courses of action to address them.

Appendix E lists Committee reports that have dealt with or discussed matter relevant to the Plan. It also includes the relevant section of this report and relevant Plan provisions.

## **5.5 Intertidal surveys of the coast**

As part of Greater Wellington's coastal and marine biodiversity programme, surveys of the intertidal zone of the region's sandy beaches and river estuaries' have been commissioned. The work involved broad scale mapping, fine scale environmental monitoring and identification of environmental pressures. The reports cover the Wellington Harbour (Stevens L et al 2004), the western Wellington coast (Stevens & Robertson 2006), Wairarapa coast (Robertson & Stevens 2007a), Kapiti, southwest, south coasts and Wellington Harbour risk assessment (Robertson & Stevens 2007b) and Lake Onoke (Robertson & Stevens 2007c).

The later reports involved production of vulnerability assessments and monitoring recommendations, which will contribute to a proposed coastal monitoring strategy which is in preparation. In addition, the effects of sedimentation on Pauatahanui Inlet has been surveyed by Swales et al (2005). Together, these reports are a baseline survey of the state of the region's beach intertidal zone. They would need to be repeated at intervals to monitor any changes.

In general, the reports found that most of the intertidal zone around the region is in a healthy condition. There are some "hot spots" under pressure from inflows of sediment and contaminants from stormwater and rivers and streams (for example, Porirua Harbour) and septic tank effluent inflow (for example, Riversdale lagoon). Many stormwater discharges that cross the beach result in pollution "hotspots" which are very localised, such as spots on Petone beach, around the urban parts of Wellington and Porirua harbours and the Kapiti coast.

## **6. Aspects of the environment to be monitored**

Section 19.2.1 of the Plan states that, subject to the provisions of the Annual Plan, changes to specified aspects of the environment will be monitored. The focus on the following sections is how we might determine the baseline state of the environmental attribute, and how changes to it could be monitored and detected. It attempts to pull together information and analysis from sections 4 and 5 of this report.

Generally speaking, there were no baseline data for these environmental attributes at the start of the Plan becoming operative. For the most part, the data looks at the current state of the coast and cannot determine what changes have occurred.

### **6.1 The nature and extent of use of the coastal marine area**

Relevant monitoring techniques are surveys of attitudes to the environment (section 4.1), feedback and complaints (section 4.4), self monitoring of consents (section 4.5) and compliance audit checks (section 4.6).

Most of the comments collected in surveys (from section 4.1 of this report) relate to the dry land part of the coastal environment. Common concerns are the desire to preserve the natural character of the coast, recognising the great pressure for subdivision and development in this area.

The main implications for the nature of the coastal marine area are the increased potential for discharges (sewage, and increased contaminated runoff from impervious areas), the potential adverse effects on natural character in general, and the pressure for hard protection works to protect private property in erosion prone areas.

There is also the potential for further aquaculture activity. Policy 4.2.23 says that aquaculture is an appropriate use of the coastal marine area. Currently there are only three resource consents for marine farms in this region, and each of them is for a small area. The law about aquaculture has changed since the Plan was made operative.

The number of incidents that have been reported to Pollution Control in the last few years has been high (section 4.4.1). Some types of incident occur regularly (for example, paint in stormwater), while others occur periodically (such as sediment discharges from subdivision development). The information is focused on mitigating the effects on the environment not measuring the extent of use, so this source of information is not very useful as a monitoring technique for this purpose.

The main message from relevant newspaper clippings has been the gradual development of Wellington waterfront, which has caused excitement from developers and some adverse comments from some about spoiling of views and historic heritage fabric. Comments from the Environment Regulation focus group focussed on permitted activity rule thresholds, the numbers of resource consents and the effects of those consents. Collectively these will give an impression of the extent of use of the coastal marine area, but there is no collective measure.

Consents data give one aspect of the extent of use, and these are shown in section 5.1. Aside from the peaks of consents granted in 1991 and 1996, which were probably legitimising existing activities in the main, annual numbers of consents granted vary

around an average of about 60 per year. This suggests a steady pressure of development. It does not say anything about the cumulative effect of these consents.

Monitoring data of seven permitted activities (out of 30 permitted activity rules) were given in section 4.7. These activities probably contribute few effects to the overall extent of use of the coastal marine area. If data for the extent of use of other permitted activities were available, the combination with consents statistics could give a good indication of extent of use of the coastal marine area.

Monitoring of the intertidal zone, outlined in section 5.5, gives a baseline picture of the state of the beach surf zone, and does contribute to a picture of the nature of the coastal marine area. The studies need to be repeated after a while (perhaps every five years) in order to determine if there have been any changes.

## **6.2 Values of the coastal marine area**

Relevant monitoring techniques are surveys of attitudes to the environment (section 4.1), water quality surveys (section 4.3) and feedback and complaints (section 4.4).

This aspect of the environment includes the values of the coastal marine area, including aesthetic, landscape, recreational, historical, spiritual, cultural and scientific. The Plan does not have any specific measures. There are no criteria listed for what should be included or excluded, and there are no thresholds for what amounts to a significant change.

There has been no monitoring done to detect changes to the values of the coastal marine area. What follows is a list of information sources that amount to a baseline description of values, but they are not a description of changes in condition of that baseline. This baseline includes ongoing activities in the coastal marine area, both consented and permitted activities, and does not indicate whether those activities are increasing or decreasing in scale or effect.

The navigation bylaw and amendments are relevant to recreational and safety values in the coastal marine area.

Plan change 1 to the Plan was about setting up a regulatory regime to manage port noise. The intention was to allow for the normal activities of the port whilst protecting the public amenity and health values by restricting noise sensitive activities (e.g. residential) within the area that is most affected by noise from the commercial port. At the same time, the port is obliged to produce a port noise management plan to attempt to reduce its noise levels through good management, considering noise output of new machinery etc.

Seaweek activities are a series of events that celebrate the marine environment and encourage the public to experience, learn and enjoy it. Coastal clean-ups are community based initiatives to remove litter and rubbish from the coastal marine area. These two activities contribute to an appreciation of aesthetic, recreational, spiritual, cultural and scientific values.

On a national scale, government policy has attempted to address values that people have in the marine area. An Ocean's Policy was initiated to develop an over-riding policy and legislative framework for the territorial sea and the Exclusive Economic Zone. The



work was put on hold pending resolution of foreshore and seabed issues. That legislation resulted in some changes to the Act. The Oceans Policy work has recently started up again with discussions on what regime is desirable for the Exclusive Economic Zone (that is, outside the jurisdiction of the Plan). Other national level work includes the Marine Protected Areas programme and Oceans 20/20 which intends to survey the whole coastal marine area and Exclusive Economic Zone for a comprehensive range of scientific data. These projects are in their early stages, and as yet, no information relevant to this region's coastal marine area has emerged though this is anticipated in time.

A baseline of regionally significant values in the coastal environment, for the purposes of protection, was determined during the preparation of the draft Regional Policy Statement in December 2007. The list of sites of regionally significant landscape, ecological, geological and historic heritage values in the coastal environment updated and expanded on a similar list in the 1995 Regional Policy Statement. It was mainly a desk top exercise literature review combined with expert knowledge. Most of the sites are on dry land and not in the coastal marine area. Other aesthetic, recreational, spiritual, cultural and scientific values in the coastal marine area were not included.

A new marine reserve is in the process of being created on Wellington's south coast. It has been approved by the Ministers of Conservation and Fisheries and was due for gazettal in March 2008 but has been delayed. Although the legislative purpose of marine reserves is for "preserving them in their natural state as the habitat of marine life for scientific study" (Marine Reserves Act 1971), they will also have many of the values this section is concerned with. As part of the information gathering in preparation for gazettal, the Department of Conservation, in cooperation with Victoria University of Wellington and the Centre for Marine Environmental and Economic Research commissioned the National Institute of Water and Atmosphere (NIWA) to do a nearshore multibeam survey of the area in 2005. This work determined detailed bathymetry, substrate type, seafloor roughness and complexity. Ground-truthing work included using techniques of towed seafloor video analysis, biological sampling and in situ diver observations.

The Department of Conservation, Greater Wellington and the Victoria University of Wellington commissioned NIWA to do a multibeam survey of Wellington Harbour in 2007/2008.

The Department of Conservation is collecting existing information and has carried out some underwater surveys along the Wairarapa coast for the purpose of identifying areas for the government's Marine Protected Areas programme.

Greater Wellington staff compiled a bibliography of all scientific studies of the Wellington South coast and Wellington Harbour in 2003. This was used in 2008 by the Department of Conservation as a start for a comprehensive bibliography of publications for the region as part of central government's Marine Protected Areas Programme.

In terms of information provided earlier in section 4.1, "surveys of attitudes to the environment", coastal strategies for the Wairarapa, Kapiti Coast District Council, Titahi Bay and the proposal for a Hutt City Council strategy are all baseline descriptions of the existing values and a statement of the community's intent for future management. This is distinct from monitoring changes in the values described.

Water quality surveys (section 4.3) do monitor changes water quality and shellfish flesh that are relevant to aesthetic, recreational, spiritual and cultural values. Monitoring results fluctuate through the season and the results are posted on the GW web site.

Feedback and complaints (section 4.4) are perhaps the best indicator of changes in values. Public feedback on *Our region, their future* received comments on the recent tensions between renewable energy objectives and landscape values. This was in reference to wind farms on coastal hills, but the comment could be relevant to marine energy generators in the coastal marine area and the effects on fishing, navigation and ecosystems. Although major sewage outfalls have been improved since 1995, the focus is now on improving water quality further.

Section 4.4.1 looked at the complaints incidents received. This showed that some kinds of incident happen every year (e.g. discharges of hydrocarbons from land, liquid waste and sewage) and some activities have periodic increases over a few years (e.g. siltation in Pauatahanui inlet), but there is no clear trend that the numbers, nature and scale of incidents is changing.

Other comments in the media on activities in the coastal marine area tend to focus on surface and foreshore activities (for example, driving on beaches), and on major controversial resource consent applications (for example in recent times, the Hilton hotel, sinking of the frigate, the Marine Education Centre and Moa Point sewage discharge). Driving on beaches is a particular issue at Titahi Bay. This is being addressed through Porirua City Council's reserves management plan for the beach. The issue so far does not seem to have changed much, as it was a matter of concern during the formulation of the Plan and the only matter that was appealed to the Environment Court.

### **6.3 Natural and physical resources and all structures**

Relevant monitoring techniques are air quality surveys (section 4.2), water quality surveys (section 4.3), feedback and complaints (section 4.4) and other monitoring techniques (section 4.7).

This aspect of the environment relates to natural and physical resources, including land, water, air, soil, minerals and energy, and all structures. The Plan does not require any specific measures. There are no criteria listed for what should be included or excluded, and there are no thresholds for what amounts to a significant change.

Air, minerals, and energy in the coastal marine area have not been monitored.

Bathing water quality and shellfish flesh quality are monitored on an ongoing basis - see section 4.3.

Soil, or more accurately substrate in the intertidal area has had a baseline survey – see section 5.5. A multibeam baseline survey of the substrate was done by NIWA in 2005 of the area between the Wellington harbour entrance and Cape Palliser and the environs, including the area of the proposed south Wellington coastal marine reserve. A similar survey of Wellington harbour has been commissioned for 2007/2008 (see section 6.2). Earlier work of a bathymetric nature focused on storm surge and tsunami modelling.



Surveys of the sediment of Porirua harbour and Pauatahanui inlet have also been done, looking at levels of contamination from heavy metals and persistent pesticides and hydrocarbons (see section 5.5). Considerable work has been done on the high biodiversity values of Pauatahanui inlet and the rate of influx of sediment.

There is little in the feedback section (section 4.4) that relates to natural and physical resources, except for comments on the need to further improve coastal water quality.

Monitoring of some permitted activities (see section 4.7) show: few changes in navigational aids (rule 9) and cargo and passenger handling facilities (rule 12); stormwater culverts are generally cleared from obstruction (rule 28); beach grooming is not as widespread as it is permitted to be, but with no idea of what the ecological effects are (rule 29); river mouth cutting is done according to rule 30 with few problems; maintenance dredging in the commercial port has not been done (rule 33); and permitted horse racing has been carried out where it has not otherwise been constrained with no reported adverse effects (rule 79).

A survey of coastal structures in the Wairarapa was completed in late 1997. An inventory database of all structures in the coastal marine area (except for the Wairarapa) was completed in 2002. These databases have not been updated since that time with consented new structures and changes to structures. Although policy 6.2.7 ensures that structures are maintained for safety and to minimise adverse visual amenity effects, the rules do not require structures to be maintained as a condition. The rules merely provide for the maintenance of structures.

Resource consent statistics (section 5.1) show that the majority of consents are for structures. Boatsheds get annual inspections which take into account maintenance, but no other structures get maintenance inspections unless a specific condition of consent was included at the time of granting the consent. Typically an inspection is done after a year to check consent compliance, but not thereafter.

## **6.4 Ecosystem characteristics**

Relevant monitoring techniques are water quality surveys (section 4.3), and feedback and complaints (section 4.4).

This aspect of the environment relates to three ecosystem characteristics: physical disturbance of marine habitats; essential natural environmental processes (including coastal processes); and changes to plants and animals. The Plan does not require any specific measures. There are no criteria listed for what should be included or excluded, and there are no thresholds for what amounts to a significant change.

In terms of physical disturbance, establishment of structures will disturb the habitat temporarily. Permitted activity rule 33 is about maintenance dredging within the commercial port area has not been invoked. Other disturbances include sinking of the frigate Wellington or the installation of marine turbines. Otherwise there is the disturbance associated with structures and moorings.

Very little monitoring of coastal processes is done. Beach profiles at Castlepoint and Riversdale were regularly done by Greater Wellington, and occasional beach profiles of the Kapiti beaches are done by Kapiti Coast District Council. There is a wave buoy at

Baring Head, funded by Greater Wellington and NIWA, that produces wave height information, primarily for the purposes of navigational safety. NIWA could use the data for their coastal processes research.

Bathing water quality and shellfish flesh quality are monitored on an ongoing basis. See section 4.3.

Feedback on the draft Regional Policy Statement issues (section 4.4.2) relating to natural and physical resources, showed a lot of concern for maintaining and protecting coastal ecosystems and water quality. These comments did not quantify changes in these environmental aspects. Occasionally there are newspaper reports about marine biodiversity, for example the establishment of the south coast marine reserve or the Marine Bioblitz month-long celebration and discovery of that area in October 2007. Such reports generally celebrate the high marine biodiversity that is in the sea on the city's doorstep.

Consent statistics for numbers of activities in ASCVs and AICVs are not available because the COCO database does not have a mechanism to extract data from the filter that records this (see section 5.1).

Intertidal surveys have been carried out for all beaches and estuaries in the region, and are described in section 5.5. These were baseline surveys, and they need to be repeated at say five yearly intervals to detect any changes in the ecology.

In addition, a number of studies have been carried out in both arms of Porirua Harbour. Greater Wellington and Porirua City Council have commissioned reports which have investigated cockle densities and distribution, sedimentation rates, catchment landcover changes, catchment water quality, PAH (poly-aromatic hydrocarbon) levels in shellfish flesh, DDT residues and heavy metal levels in sediments (Swales et al 2005). The trends suggest that contaminant levels are increasing. The major source of contaminants is from land based activities, not subject to the Plan.

Other work looking at coastal and marine ecosystems has been done by other agencies such as the Department of Conservation, Victoria University and NIWA. A bibliography of all information able to be searched was compiled in 2003. This information is "raw data" and has not been compiled into an easily understood format or picture of the overall state of knowledge of the region's coastal marine area. Recently The Department of Conservation has used this bibliography in their work on the marine protected areas programme. The intention of this programme is to identify and classify marine ecosystems and work out which ones are worthy of some kind of protection. The work is in its very early days.

The proposed Wellington south coast marine reserve has been investigated for its values and it was the site of the Marine Bioblitz in 2007.

Marine habitats, plants and animals are likely to be affected by fishing activity, both the physical disturbance effects and the disturbance of the trophic structure of the ecosystem. However, harvesting of fish (apart from marine farming) is outside of regional councils' jurisdiction, though the effects of fishing on the habitat are within the jurisdiction of the RMA. Greater Wellington has no information on these effects.

Awareness of marine biosecurity issues has been raised within the last 10 years. The spread of exotic seaweed *Undaria* was clearly an issue at the time that the Plan was written. Nevertheless, consent to farm *Undaria* was granted to a marine farm in Mahanga Bay in 1997 (WGN970122). Research based at Victoria University is intended to investigate *Undaria* and its ability to spread, subject to obtaining resource consent (Bionda Morelissen, pers. comm. January 2008).

The exotic sea squirt *Styela clava* may have made its way into Wellington harbour. A baseline survey for non-indigenous marine species for the port of Wellington was carried out (Inglis et al 2005), and Biosecurity New Zealand has started a surveillance programme. Biosecurity New Zealand is now the primary agency responsible for dealing with marine exotic incursions, and a response plan has been activated. This organism has the potential to infest any structure and has potentially very damaging consequences for the aquaculture industry.

## **6.5 Any risk to human life and property from natural hazards and contaminated material**

Relevant monitoring techniques are feedback and complaints (section 4.4) and self monitoring of consents (seawalls - section 4.5).

This aspect of the environment is about any risk to human life, property, or other aspects from natural hazards or the use of hazardous goods and substances or installations handling hazardous goods and substances. The Plan does not require any specific measures. There are no criteria listed for what should be included or excluded, and there are no thresholds for what amounts to a significant change.

This section is strongly linked to the structures aspect in section 6.3 and to coastal processes in section 6.4.

Feedback to the draft Regional Policy Statement issues report *Our region, their future* generally found that natural hazard management policies need to be more directive to provide for a consistent approach across the region (section 4.4.2). Guidance was requested on climate change, sea level rise and possible adaptation mechanisms. Soft engineering options were not being explored.

The following reports about natural hazards have been prepared:

1. Wellington regional tsunami hazard scoping project by GeoEnvironmental Consultants (Lyttleton) June 2001 for Greater Wellington Regional Council WRC/RP-T-01/23
2. Paleotsunami investigations – Okoropunga and Pukerua Bay by GeoEnvironmental Consultants (Lyttleton) GEO2002/20022/6 June 2002 for Greater Wellington Regional Council
3. Options for managing risks from tsunami in the Wellington region by Tonkin and Taylor Ltd ref 82980 for Wellington Regional Council WRC/RP-T-02/17 July 2002

4. Integrated risk management for Wellington City Council phase 3 by Gaye Downes, Mauri McSaveney and David Heron (GNS report 2000/39 project 43904B.10 for Wellington City Council)
5. Extreme water levels, Lyall Bay. The proposed Wellington south coast aquarium by Lionel Carter (NIWA WLG2003) September 2003 for Wellington Marine Conservation Trust
6. Kapiti Coast District Council – tsunami hazard and risk by GeoEnvironmental Consultants (Lyttleton) January 2002 for John Lunsden (contract 348)
7. Strategies for managing coastal erosion hazards on the Kapiti coast by John Lumsden and others May 2003 for Kapiti Coast District Council
8. Kapiti coast hazard re-assessment: part 1. An empirically-based erosion hazard assessment for the open coasts by Roger Shand (Coastal Systems and Associates) report 2006/05 October 2006 for Kapiti Coast District Council
9. Erosion assessment and management options at selected sites in Porirua City by Beca Carter Hollings & Ferner Ltd and Coastal Consultants NZ Ltd February 2003 for Porirua City Council
10. Coastal hazards in the Wairarapa. Report prepared for the Wairarapa Coastal Strategy by Sam Barrow November 2002
11. Survey of Wairarapa coastline 5m & 10m contours by Tse Group Ltd

Greater Wellington staff at the Masterton office have collected beach profiles surveyed twice yearly at Riversdale and Castlepoint and stored in the RICODA database.

The Riversdale study was started in 1974 following large storm events which caused erosion to the dune system. The Castlepoint monitoring was started in 1994 following the storm events that caused erosion along Jetty Rd and has continued since.

The information was analysed and used in early reports by J Gibbs 1986 “Preliminary Assessment of Coastal Processes & Coastal Hazards at Riversdale Beach” and in the “Assessment of Coastal Processes & Coastal Hazards at Riversdale” by A Purves & W Hastie 1992, which led to the formation of the MDC coastal hazard zone for Riversdale beach.

Currently, there is no funding identified to continue this work.

In terms of hazardous substances in the coastal marine area, Maritime New Zealand is responsible for oil spills from vessels under the Maritime Transport Act 1994. The responsibility at the regional level is carried out by Greater Wellington Harbours Department, which has prepared the Tier Two Response Plan for marine oil spills (WRC 2004, currently in review). This plan identifies high risk oil transfer sites in the region’s coastal marine area. It does not deal with chemical pollution.

Pollution Control respond to any incidents involving hazardous goods and substances and facilities handling them in the coastal marine area, excluding oil spills from vessels. The regional council does not monitor risks to human life, property, or other aspects of

the environment from installations handling hazardous goods and substances in the coastal marine area.

Periodically boat hulls have to be cleaned of accumulations of marine organisms. When this is done, typically a product is then applied to stop further accumulation. By their nature, these anti-fouling paints are very toxic to marine organisms. In recent years, industry has tried to develop new types of anti-fouling paint that are effective but less toxic to the environment. Stewart (2006) conducted a survey of antifouling co-biocides in New Zealand coastal waters. The process of cleaning boats is done in anti-fouling booths at marinas. The boat cleaning facilities at Seaview and Evans Bay marinas are contained so that the product is not discharged to the coastal marine area. The facilities at Chaffers, Port Nicholson and Mana marinas are not contained to prevent this.

## **7. Effectiveness evaluation under section 19.2 of the Plan**

Section 19.2 of the Plan states that the results from monitoring will be evaluated to answer three questions. These questions are answered in the next three sub-sections.

### **7.1 Environmental changes attributable to objectives and policies**

Section 19.2 of the Plan states that the results from the monitoring will be evaluated to determine:

*(1) If any changes to matters in (1)-(4) above [which are sections 6.1– 6.4 in this report] are attributable to the objectives and policies of this Plan or omissions from this Plan and whether there have been unintended consequences as a result of the implementation of the Plan*

This evaluation focuses on answering whether there were any changes to the attributes in sections 6.1 to 6.4, whether any such changes are attributable to the objectives and policies of the Plan, and whether there have been unintended consequences due to its implementation.

#### **7.1.1 Are there any changes to the listed environmental attributes?**

For the attribute “nature and extent of use of the coastal marine area”, consents data show a steady rate of consents granted per year, suggesting a steady pressure of development. Monitoring of the intertidal zone has provided a baseline picture of the state of the beach surf zone. This does not tell us what the change in state is.

There has been no monitoring done to detect changes in the attribute “values of the coastal marine area”. Most of the information gathered amounts to a baseline data description only.

The only significant data indicating changes in the attribute “natural and physical resources and all structures” are indications of accumulations of toxic components in the substrate in Porirua harbour studies and an increased accumulation of sediment. The increase in consents for structures has been steady over the last few years. The coastal structures inventory has not been maintained since 1997 for the Wairarapa and 2002 for the rest of the region.

For the attribute “ecosystem characteristics”, the major data source is the coastal water, shellfish flesh and sediment monitoring programme. This shows a trend that contaminant levels are increasing, with the suspected source being land-based activities via stormwater and rivers.

There are parameters that have not been monitored (such as air, or natural character), and monitoring that amounts to a baseline state (such as the state of ecosystems in the proposed marine reserve). Overall, no monitoring has been designed for and is not for the purposes of determining changes in these four environmental attributes.

Out of the 28 methods in the Plan, only three produce information directly relevant to the analysis above. These are: method 15.2.3 about monitoring *Spartina*; method 15.3.5 about monitoring ambient water quality; and method 15.5.3 where Greater Wellington and the Department of Conservation are to investigate the impact of surface water and



foreshore activities on wildlife. Only the first two are done. Method 15.3.6 alludes to using data from Greater Wellington's monitoring programmes, without setting them up or saying what should be monitored and how. Method 15.4.2 is about co-ordinating monitoring requirements of the Regional Air Quality Management Plan with that of the air section of the Plan, without setting up any monitoring requirements.

#### 7.1.2 Are any changes are attributable to the objectives and policies?

Any change which results in a resource consent or rather, a change in trend for resource consents, could be attributable to the objectives and policies of the Plan. These would include the rate of consents for structures or discharges. Figure 2 shows that since 1997 the number of consents granted has varied between about 50 and 100 per year. Figure 3 shows that the mix of types of consents granted varies year to year. These data do not say anything about the change in the state of the environment attributable to those consents being granted.

The previous sub-section indicated that the coastal water quality, shellfish flesh and sediment monitoring is showing signs of increasing contaminants. These come from stormwater and via rivers and streams. Direct discharges of stormwater are controlled by rules in the Plan. There are no policies directly targeting stormwater. This would suggest the controls in the Plan are not stringent enough. However, a major contributor of stormwater and of sediment is via rivers which the Plan does not control, and are not attributable to the objectives and policies of this plan.

Other than that, there is no clear information on changes to the environmental attributes.

For a change to be attributable to objectives and policies, three elements need to be in place:

- a) a clearly stated measure or environmental result anticipated (ERA)
- b) a monitoring programme directed at that measure, and
- c) a baseline from which to detect change.

None of these exist for the Plan except for the aforementioned water quality programme. The Plan environmental results anticipated are vague, are not directly related to the objectives and have no specific measures. Only three methods set up a monitoring system and one of those has not been done. Most of the information collected represents a baseline picture but it is not systematic or directed to the objectives and policies.

Given the above constraints, and the large potential for influences other than the Plan to influence environmental attributes, mostly it is not possible to tell whether environmental changes are attributable to the objectives and policies.

#### 7.1.3 Have there been unintended consequences of implementation?

It is not possible to say if there have been any unintended consequences of implementation, as it is difficult to know what information sources could be used that might be useful, and what to look for.

## 7.2 Is the section 32 report still applicable?

Section 19.2 of the Plan states that the results from the monitoring will be evaluated to determine:

*(2) Whether the original assessment of benefits and costs of principal alternative means of dealing with issues carried out in accordance with section 32 of the Act, including likely implementation and compliance costs, is still applicable. This will also involve an evaluation of the distribution of benefits and costs resulting from the Plan.*

Whether or not the original section 32 assessment is still applicable today is not directly assisted by state of the environment reporting (as required by Plan section 19.2.1).

Section 32 of the RMA has been amended several times since the Plan was proposed. The 2003 amendment changed the focus away from ‘alternatives and the do nothing approach’, to that of “which objectives most appropriately achieve the purpose of the Act and which policies, rules or other methods are the most appropriate for achieving the objectives”. Also the new requirement is focused on the risk of acting or not acting if there is insufficient information. Consequently, any new section 32 evaluation would be more specific to each provision.

Plan change 1 to the Plan for port noise provisions did include a section 32 evaluation under the amended RMA, for the proposed policies, rules and General Standards and Terms.

## 7.3 Have the issues been addressed by the plan provisions?

Section 19.2 of the Plan states that the results from the monitoring will be evaluated to determine:

*(3) The extent to which substantiated concerns, priorities and aspirations of people and communities have been addressed by the objectives, policies, rules and other methods in this Plan.*

The question is a very imprecise question as any outcome is the result of both the provisions and the implementation of the Plan. Information is required on both of these aspects, and is not available. However, to attempt to answer this question, this report has taken the “concerns, priorities and aspirations of people and the community” to mean the “issues” in the context of plan formulation.

This question can be answered by three information sources: the response to the document *Our region – their future* which was the public consultation document on the Regional Policy Statement draft issues (see section 4.1); council committee reports (section 5.4); and anecdotal reports from news paper articles and the media.

In short, the public appears to have realised that there have been some improvements, such as the improvement in the quality of sewage discharges, but now the focus has shifted to trying to clean up stormwater discharges. There is a great concern about coastal development, but most of that concern relates to subdivision and development on coastal land, not within the jurisdiction of the Plan. Generally, there are many improvements sought, and a significant concern for protecting natural character of the coast and biodiversity.



#### **7.4 Do section 19.2 questions measure plan effectiveness?**

These questions aim to determine plan effectiveness through a methodology that demands large amounts of information. The types of information, the monitoring programmes and public surveys necessary to get it were not specified, nor built into the plan.

It is an empirical way of determining effectiveness, that is, it seeks to measure a physical or social outcome. This type of analysis is likely to give results of a general nature, rather than the effectiveness of specific policies or rules, unless the objectives are very tightly constructed with a very clear and readily measurable outcome for each one. However, most of the provisions are not constructed in this way, so the evaluation cannot be adequate in this way.

The Plan attempts to link environmental outcomes to objectives and policies. It cannot do that without explicit links and targeted monitoring which has a baseline data set. This was not done. This would have been a good measure if it had been done.

Section 32 RMA is about alternatives, costs and benefits. The question appears to ask for an *ex-post* analysis, that is, were the predicted costs and benefits accurate and correct? As stated above, the original report that served the function of the section 32 RMA report was not detailed and did not examine each policy, rule and method for its effectiveness in achieving each objective. No monitoring was set out to gather information to answer this question, or measure compliance costs.

## **8. General issues, objectives and policies**

### **8.1 Introduction to section 35(2) RMA process**

There are 103 issues identified in the Plan that are addressed by a total of 68 objectives. These issues essentially follow the matters in section 12 of the RMA. The policies to achieve the objectives are described and assessed in Appendix C. The rules and methods to achieve the policies are described and assessed in Appendices B and D. The following sections deal with each chapter of the Plan, summarising the detail of implementation and effectiveness of the policies, rules and methods, drawing out general and more specific observations.

Implementation of policies is largely related to monitoring whether the policies have been invoked by resource consents, by the permitted rules, and by the methods. The COCO consents database does not record which policies have been invoked by a consent application. To discover that would involve finding and reading every decision report, a very onerous task which was not done. Only five of the nine chapters which contain rules have corresponding methods. There is no implementation of policies described for those chapters that do not have corresponding methods.

For an indication of implementation of rules, an attempt was made in May 2008 to find the number of consents granted under each rule. The consents database COCO does not register which rule is invoked by a consent application. However, COCO does have a data field for activity categories, which do not correspond with the Plan rules. Possible rules were attributed to each activity category. Further mismatching is possible because the consent officer has to categorise the activity correctly against the plan. Examples of this error include categorising driving vehicles on beaches as a coastal disturbance instead of a surface water and foreshore activity, and marina applications being classified as marine farms.

In July 2007 the Environmental Regulation Department prepared a summary of consent data for activities that could be restricted coastal activities but had not reached the required thresholds. This data was used to attempt to corroborate these numbers and refine which rules were invoked.

Numbers of consents are given pre-2000 (when the Plan became operative) and from 2000. The end result gives an approximation of the number of consent for various rules and chapters.

No information was gathered on how the rules were implemented, any problems or suggestions, except for staff comments made in the regional rule feedback forum and the Environmental Regulation focus group (see section 4.4.3).

An attempt has been made to use the “state of the environment” type information given in sections 4, 5 and 6 of this report to give an indication, where possible, of environmental outcomes attributable to the chapter rules and methods. For the most part, the monitoring information was not very helpful in giving the effects on the environment from the policies, rules and methods, except for water quality matters, where a targeted comprehensive monitoring system is in place. Other than that, many effects due to application of rules are likely to be localised, and news media reports of public concern

tend to focus on high profile major projects, rather than cumulative effects of a regulatory regime. These comments are under the headings for each chapter.

In describing the numbers of consents granted for each chapter, the descriptors used are: very low means 1 -3, low means <10, medium means ~40 – 60, and high means >100.

## **8.2 General issues and objectives**

In the general issues section are six environmental, six tangata whenua, and eight management issues.

There are 12 environmental, five tangata whenua, and nine management objectives to be achieved to address these issues.

In terms of public general feedback on the state of the environment, the submissions to the document *Our region, their future* give a public impression of effectiveness of coastal management, and what is lacking. This is reported in section 4.4.2. In summary, the responses indicate further protection of biodiversity and amenity values is required, coastal water quality requires further improvement, more directive policies are needed to control diffuse and point source discharges, development should not compromise coastal processes or natural character, and hazard management policies need to be more directive.

## **8.3 Implementation and effectiveness of general policies**

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

### **8.3.1 General – Environmental**

These policies appear to set up an overarching frame work on which policies in each chapter provide the detail for practical application.

There are no rules and methods clearly related to policy 4.2.2 (about natural character), or policy 4.2.13 (about protecting specified islands from invasion by predators) .and no obvious way in which these policies are invoked or implemented. It is difficult to see how these policies can be effective.

Policy 4.2.1 about recognising intrinsic values basically repeats the objective and then weakens the “preserve and protect” aspect by qualifiers such as “to recognise”, “worthy of protection” and “while allowing for...” No value is added by way of criteria or thresholds. The aim of the objective is clearly protective, whereas the policy can be used both to protect intrinsic values *or* to advocate for development. This policy is ineffective because of the lack of clarity of purpose. It can be implemented by a large number of rules. There is no general policy which reflects the intent of objective 4.1.2 for communities to provide for appropriate use and development. This policy attempts to mix this notion with that of the protection of intrinsic values. In doing that, both notions become unclear and ineffective.

Policy 4.2.3 about occupation, temporary and irreversible adverse effects acts as a list of criteria which applied to part of an objective. It is implemented through numerous rules,

but there is no information on *how* this has been done and whether it is effective in practice.

Policies 4.2.4 about cumulative effects and 4.2.5 about the precautionary approach both appear to give effect to the objectives but it is difficult to know *how* these are implemented in practice, and whether they are effective in the real world when balanced against other policies with stronger wording.

Policies 4.2.6 about navigation and 4.2.7 about port and harbour activities appear to give effect to their objectives, and are implemented through numerous rules and general standards.

Policies 4.2.8 about recognising and protecting existing users and 4.2.9 about cleaning up after abandoned activities are both not very clearly focused on their respective objectives, hence how they might be effective is not clear. In policy 4.2.8, the focus is restricted from *all* activities to only commercial and recreational and introduces *inter-user conflicts*. In policy 4.2.9, it is not clear why a previously appropriate activity may not be appropriate any more, and who is to do any restoration.

Policies 4.2.10 to 4.2.14 are protection policies for ASCVs and AICVs, habitats important for cultural purposes, historic features, predator-free islands and DOC administered areas. The first three of these policies start out with the very strong words “to protect”, but each of them has a form of qualifier that weakens this strong stance: either AICVs are not included in the rules for no reason, or the term “where practicable” is included, or the list of historic sites is very poor and unclear whether unlisted sites are also protected. Hence the policies are not as effective as they could have been. The intent of these policies has been implemented by many biodiversity programmes listed in numerous committee reports. The next policy of the group has a lesser status of “to recognise” and unusually for the Plan, the sites are specified so the problem of identification does not arise. However, it is still unclear how policy 4.2.13 can be implemented, as there are no apparent related rules or methods. Policy 4.2.14 starts with the next step down of importance with “to have regard to”. There are few DOC administered areas within the coastal marine area so the need for this policy is not clear, nor why such areas could not be included in the earlier policies. All in all, these policies could be more effective if the qualifiers were removed or better explained.

Policies 4.2.15 to 4.2.17 are about public access along and within the coastal marine area. There are 3 qualifiers in policy 4.2.15, which makes for difficult clarity of purpose and suggests it is not likely to be effective in practice. Policy 4.2.16 is a pro-active policy which really relies on a non-regulatory method to give effect to it. However, the only relevant method has not been done, so the policy has not been implemented and cannot be very effective. Policy 4.2.17 about restrictions on access should be more specific as to the circumstances (not in the explanation) and the reasons why. These 3 policies do not mention navigation or safety, which is surprising. There are numerous committee reports about the Navigation and Safety Bylaw which are relevant in a general sense. It is likely the policies would be more effective if they were better crafted and had specific outcomes.

The final policies in this section are specific purpose policies, which address:

- Policy 4.2.18 about allocation of Crown land, which is unclear about how allocation of space should be implemented, and does not address competition for the same space.
- Policy 4.2.19 about amenity values, is implemented by the water quality monitoring programme. The drafting does not make clear how such values are to be recognised, and is further weakened by the qualifier “where practicable”.
- Policy 4.2.20 about recreation activities has a similar construction to the previous policy and similar weaknesses. The Navigation Bylaw committee reports are relevant here.
- Policy 4.2.21 is about natural hazards and hazardous substances. The word ‘where appropriate’ reduces clarity and the explanation does not help by introducing the concept of risk. It would seem unusual and not very focused to have two very different types of hazard in the same policy. Again, there is no guidance on how these adverse effects are to be dealt with.
- Policy 4.2.22 about the Hutt River hydraulic line is more specific, and the explanation brings in new non-policy material raises the notion of the river mouth changing shape but it is not clear how this is to happen. Presumably there is a consented programme of works to do this and the policy is to protect this activity.
- Policy 4.2.23 about aquaculture has been superseded by the aquaculture reform legislation which prescribes aquaculture to only be allowed within Aquaculture Management Areas which are created by Plan plan changes.

This last collection of policies are similar in that most use the construction “to recognise” and it is difficult to know what each policy actually intends. They do not have a clear directive how to implement them. As policy constructions they are not very effective, and it is not known how effective they are in consent processing because the COCO database does not say which policies have been invoked.

In summary, as they stand the policies have problems with their construction, and how they are to be implemented. Qualifiers are frequently used that generally weaken the policy and create uncertainty as to what the relevant threshold should be. Often the explanation introduces new material which should be in the policy itself. As constructions they are not all that effective, but they have wide implementation by many rules.

### 8.3.2 General – tangata whenua

Three policies give effect to the objectives and three policies only partially give effect to the tangata whenua objectives. For example, policy 4.2.24 identifies relevant values but does not protect them, policy 4.2.25 does not go as far as saying that tangata whenua views will actually be taken into account, and the liaison approach of policy 4.2.28 falls short of objective 4.1.22’s “good communication” or “recognise and provide for” of objective 4.1.14. It is difficult to know how the “not restrict iwi development” of policy 4.2.29 can assist, in that all activities in the coastal marine area are subject to the RMA and Plan, and there are no exceptions allowed.

For all the tangata whenua policies, except for policy 4.2.25 about consent applications, there are no rules or methods that are clearly related, and no obvious way in which these policies are invoked or implemented. The “catch-all” structures rule 26 may be relevant to policies 4.2.27 and 4.2.29 but the connection is weak.

Even for policy 4.2.25 about consent applications for activities in or next to sites of significance to tangata whenua, it is not clear how an applicant can know whether a site has such significance, which is a significant barrier to the policy’s implementation.

The only committee reports which indicate any implementation are in relation to iwi consultation on biodiversity (policy 4.2.24) and the foreshore and seabed legislation (policies 4.2.24 and 4.2.28).

In summary, as they stand the policies have generally not been given effect to, and without specific methods or rules, are not be effective.

### 8.3.3 General - Management

Policies 4.2.30, 4.2.31, 4.2.32 and 4.2.34 are non-regulatory and only implemented by methods. The relevant methods have mostly been carried out and there are numerous committee reports detailed in Appendix C which confirm this. Generally, these policies give effect to the relevant objectives. However, policy 4.2.32 (about increasing public awareness) falls short of “involvement in decision making and management” of objective 4.1.19, and the specific focus on users has little connection with the objectives.

Policies 4.2.33 and 4.2.35 to 4.2.41 (inclusive) are about the resource consent process and conditions on consents. They are relevant to many rules. It is assumed that these are regularly invoked in processing resource consents and that they are effective. Generally these policies give effect to the relevant objectives. There are elements in these policies that do not have a connection to the objectives. There is no objective that addresses public or navigational safety as opposed to public health (objective 4.1.7) or maintaining public access (objective 4.1.8). For policies 4.2.40 and 4.2.41, the respective authorities have changed and are now Maritime New Zealand and Land Information New Zealand.

Policies 4.2.42 to 4.2.48 (inclusive) are about the commercial port, the Lambton Harbour Development Area and cross boundary processes with the adjacent district council. Policies 4.2.43 and 4.2.44 provide for commercial port activities and these have been implemented through the rules. They do not refer to recent development proposals such as buildings and community amenity values, rather than port type activities.

Policies 4.2.42 and 4.2.45 to 4.2.48 focus on the Lambton Harbour Development Area and cross MHWS boundary issues. These have been invoked by rules in considering several large scale development proposals for Wellington waterfront. The policies pre-date the Wellington Waterfront Framework and do not make reference to that strategy. In general, the policies do not rely on the Wellington City Council District Plan, but make reference to specific limited parts of that plan, namely, the objectives and policies (policy 4.2.42) and design guidelines specified in the district plan (policy 4.2.45). Related policy 6.2.9 has regard to any provisions in the adjacent district plan about protection of important views. It is clear that the considerations do not extend as far as



wholesale imposition of district plan rules on development in the coastal marine area, nor endorse the development proposal of the Wellington Waterfront Framework document. The implementation of policy 4.2.45 is enhanced by the detail in it, the fact it is a defined small area.

Policy 4.2.46 about changing the Plan to align rules for the Lambton Harbour Development Area with those in the Wellington City Council District Plan has not been implemented. The corresponding policy 4.2.47 about port noise provisions was done, resulting in new policy 4.2.48, as yet not invoked. Policies which require plan changes are onerous, in that the schedule 1 RMA process is costly and time consuming, and these policies are phrased in a way that follows the district plan change rather than initiate change to address an issue.

In summary, the general management policies have generally been implemented (except for 4.2.46), and are likely to have been effective, partly because some of the policies are detailed and specific, and the non-regulatory ones have had funds applied to the relevant methods to make them happen.

## **9. Reclamation and draining of foreshore and seabed**

The reclamation and draining of foreshore and seabed issues are made up of 11 environmental and two management issues.

There are three environmental and one management objective to be achieved to address these issues.

### **9.1 Implementation and effectiveness of policies**

No information has been obtained about which of the 11 policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

There are only five rules to implement 11 policies and no methods. This indicates a highly regulatory regime which is not duplicated by any other chapter. Policy 5.2.1 says that all reclamations have adverse effects indicating such a regime is appropriate.

Most of the rules give effect to most of the policies. There are no methods to implement the policies.

Policies 5.2.2, 5.2.6, 5.2.10 and 5.2.11 give effect to the objectives.

The other policies only partly give effect to the objectives:

- policy 5.2.1 does not go as far as objective 5.1.2
- policy 5.2.3 introduces a new idea of “balance” rather than having policies for separate elements
- policy 5.2.4 is inconsistent with objective 4.1.12
- terminology used in policy 5.2.5 is weaker than that in objective 5.1.3
- policy 5.2.7 only partly gives effect to objective 4.1.12
- policies 5.2.8 and 5.2.9 address sub-sets of objective 5.1.2.



In summary, it appears the objectives will not be achieved due to a mixture of policies being weaker than the objectives, inconsistency with objectives and a new idea of balance being introduced into the policy that does not exist in the objective.

## 9.2 Implementation of rules

There are no permitted or controlled activity rules in this chapter.

The following tables show the number of consents granted for reclamation activity from the COCO database activity categories, and from the restricted coastal activity-type activity analysis.

COCO database activity category	Probable rules	Consents granted <2000	Consents granted 2000+
Reclamation	4, 5	3	8

Restricted Activity type (from COCO)	Coastal activities	Probable rules	Consents granted <2000	Consents granted 2000+	Probable RCA rules	RCAs <2000	RCAs 2000+
Reclamation		4, 5	3	7	1	-	1

The restricted coastal activities rules 1 to 3 have only been invoked once. Rules 4 or 5 have only been invoked a low number of times.

## 9.3 Effectiveness of rules

To summarise Appendix B, the rules give effect to seven of the policies, do not implement two policies and partially implement three policies.

The Plan definition of “reclamation and reclaiming” complicates matters as it appears to attempt to exclude small reclamations from the rules. Section 12 (1) RMA however requires a resource consent anyway, because the Plan does not have an explicit permitted rule. For large reclamations, the rules do what they aim to do except for:

- the lack of addressing small reclamations < 2m width properly
- the lack of conditions or criteria to address dumping of waste as fill and leaching of contaminants
- not addressing AICVs, reefs and significant habitats and ecosystems.

There is no environmental monitoring relevant to reclamation and no relevant committee reports. Since there is no information to the contrary, the rules appear to be effective except for the three points above.

## 9.4 Summary of effectiveness of provisions for reclamation

It appears the objectives will not be met because the policies are weaker than required to achieve the objectives, combined with the difficulties caused by the definition of reclamation.

## 10. Structures

The structures issues are made up of 15 environmental and four management issues. There are four environmental and two management objectives to be achieved to address these issues.

The environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter includes:

- Feedback from *Our region, their future*, which said more guidance is required on responding to climate change and sea level rise, there is a tension between development and natural character, tighter more consistent hazard management policies are required and soft engineering hazard management solutions were not being explored.
- The resource consent statistics show in section 5.1.1 that the greatest number of consents for structures is for moorings. The environmental effects of this are not documented, but is likely to be relatively minor. There have been no consents for boat sheds since 2002.
- Reports on coastal natural hazards, and also beach profile survey data for Castlepoint and Riversdale beaches, reported in section 6.5.
- Feedback from the Environmental Regulation focus group raised the question of what the environmental effects are of not being able to apply the structures rules properly (section 4.4.3).
- Monitoring of permitted rules 9 (navigation aids) and 12 (cargo and passenger handling equipment). No adverse environmental effects were reported.
- Consents for structures make up the largest proportion of consents granted (section 5.1.1), and the greatest effect may be on natural character.
- Public concern reported by the news media (section 4.4.2) is often greatest for consent applications for large structures such as the proposed Hilton Hotel, Marine Education Centre, or the redevelopment of the Overseas Passenger Terminal.

### 10.1 Implementation and effectiveness of policies

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

Committee reports (detailed in Appendix E) indicate how some policies have been implemented in practice.

Topic	Relevant policy
South Wellington coast proposed marine reserve	6.2.2
Storm surge and tsunami modelling in Wellington harbour	6.2.5
Coastal structures inventory	6.2.8
Boatshed and compliance; historic heritage	6.2.11
Anti-fouling co-biocides	6.2.12
Proposed marine reserve and the navigation and safety bylaws	6.2.13
Coastal structures inventory	6.2.14 and 6.2.15
Development of a plan change to address port noise	6.2.17 and 6.2.18

There are seven permitted, four controlled, nine discretionary, two non-complying rules and four methods to implement the 18 policies (the greatest number of any chapter). This chapter's activities are not very highly regulated.

The policies range from being very clear and specific by giving effect to one objective and being implemented by one rule (for example, policies 6.2.4 and 6.2.5) to policies giving effect to a large number of objectives and being implemented by a large number of rules (for example, policy 6.2.2). Only four methods help to implement the 18 policies.

Policies 6.2.1, 6.2.3, 6.2.4, 6.2.7, 6.2.8, 6.2.9, 6.2.10, 6.2.11, 6.2.12, 6.2.13, 6.2.14, 6.2.16, 6.2.17 and 6.2.18 give effect to the objectives.

Policies which only partly give effect to the objectives are:

- policy 6.2.2 (the largest one in the chapter) is a “catch-all” policy with many parts and a ‘hierarchy of tolerance’. It is weakened and made less clear and certain by a qualifying clause at the end. Historic or cultural significance, navigation channels, recreational uses, and structures of architectural merit in the lists have little connection with the objectives. A large number of objectives are related to this policy, and a large number of rules implement this policy.
- policy 6.2.5 which focuses on climate change effects whereas objective 4.1.12 focuses on risk from natural hazards
- policy 6.2.6 does not have strong linkages to the objectives.

Policy 6.2.13 goes beyond the scope of objective 6.1.1. The second part of policy 6.2.15 reads more like a method than a policy.

There are problems with policy construction, such as the use of the phrase “to ensure”, which will be commented on in section 18.

In summary, fourteen of the eighteen policies give effect to the objectives. Four other policies only partly give effect to the objectives because of a mixture of being weaker and less clear than the objectives, not having a strong connection with the objectives, mismatch or going beyond the scope of the objectives.

## 10.2 Implementation of rules

Permitted activity rules 9 (navigation aids) and 12 (cargo handling equipment) have been invoked – see sections 4.7.1 and 4.7.2 respectively. There is no information on the

implementation of permitted activity rules 6 (maintenance of structures), 7 (removal of structures), 8 (temporary structures), 10 (activities in structures) and 11 (occupation).

The following tables show the number of consents granted for structures from the COCO database activity categories, and from the restricted coastal activity-type activity analysis.

COCO database activity category	Probable rules	Consents granted <2000	Consents granted 2000+
General structures (incl. jettys, boatsheds, overnight stays)	13, 14, 16, 25 -27	681	114
Moorings	15	290	146
Bridges	13, 25, 26	4	3
Pipelines and cables	25, 26	17	22
Hazard mitigation structures	18, 22, 25/6	54	37
Marine farms (actually marinas)	16, 84	4	1
Outfalls and intakes	16, 25, 40	22	22
Occupation	16, 84	36	73

Restricted Activity type (from COCO)	Coastal activities	Probable rules	Consents granted <2000	Consents granted 2000+	RCA rules	RCAs <2000	RCAs 2000 +
Seawalls		13, 25, 26	31	20	18, 22	-	-
Parallel structures		13, 25, 26	67	31	19	-	-
Other parallel structures		13, 25, 26	7	18	19?23?	-	-
Petroleum facilities		13, 25, 26	1	1	20, 24	-	-

From the two tables above it is not possible to ascribe the number of consents to each rule. However, the majority of structures fall under rules 13, 25 or 26. Seawalls and parallel structures have medium consent numbers.

Rule 14 (removal of structures) has not been invoked. There are a high number of consents for moorings under rule 15, and a high number for general structures (including jettys, boat ramps, boatsheds).

Rule 16 (occupation) is invoked in conjunction with most consents for structures and has medium to high consents numbers.

The Restricted Coastal Activity rules 17 to 24 have not been invoked since 2000.

Rule 27 (residential use of boatsheds) has been invoked.

This chapter's activities invoke a larger number of consents than all the other chapters.

### 10.3 Effectiveness of rules

#### 10.3.1 Permitted Activity rules

Rules 9 (navigational aids) and 12 (cargo handling equipment) give effect to the policies and appear to do what they intend. Feedback on implementation was obtained only for these permitted structures rules, and the rules appear to work.

The remaining permitted activity rules (6, 7, 8, 10 and 11) generally give effect to the policies, but fall short of policy requirements by not referring to AICVs, do not refer to “use” of structures, do not consider the full specified list of adverse effects, do not seek “adequate maintenance” and probably allow more than “minor effects”. Rule 11 does not comply with the part of the RMA that it is meant to enact.

In general the rules do what they aim to do, except rule 6 is difficult to apply because it is not clear what the thresholds mean and they are overly generous. The lack of clarity between “use” and “activity” makes it unclear what is included.

There are no reporting conditions so there is no information about how much they have been exercised, and although the assumption is they work in a practical sense, there is no information on the consequences on the state of the environment.

### 10.3.2 Controlled activity rules

Rules 13 and 14 generally implement the policies, but fall short of policy requirements by not referring to AICVs, do not refer to “use” of structures, do not consider historic heritage, do not consider the full specified list of adverse effects, do not seek “adequate maintenance” and probably allow more than “minor effects”.

Rule 13 has similar difficulties in implementation to rule 6, because it is not clear what the thresholds mean and they are overly generous. The lack of clarity between “use” and “activity” makes it unclear what is included. Rule 14 (removal of structures) probably does what it aims to do.

Rule 15 (swing moorings) implements the policies and does what it aims to do. The rule works but the function could be done other ways and this needs to be explored.

Rule 16 (occupation) implements the policies but the way it works can be confusing. It is always invoked in connection with another activity, but the “maintenance” part lies with the “occupation”, and does not include “use”.

### 10.3.3 Discretionary and non-complying activity rules

Rules 17 to 24 (discretionary and restricted coastal activities) implement the policies because of their unlimited discretion, except that all references to ASCVs should include AICVs to implement policy 4.2.10. The rules appear to do what they aim to do and they appear to work.

Rules 25 and 26 are “catch all” rules to apply to any activity that is not caught by the other rules. They generally implement the policies, except that all references to ASCVs should include AICVs to implement policy 4.2.10. The rules appear to do what they aim to do, except for the confusion about the difference between “use” and “activity”. They appear to work.

Rule 27 (no residential use of boatsheds) does implement the policies, except the word “prevent” in policy 6.2.11 could mean prohibited instead of non-complying. The rule does what it aims to do, but it does not work well because of the difficulties of compliance.

To summarise, most of the permitted activity rules fall short of policy requirements by not having conditions on them to address specific matters such as AICVs, not seeking adequate maintenance, allowing only minor effects and not considering a list of specified adverse effects. The thresholds are generous and not clear about how they should be applied. Two of the controlled activity rules have similar difficulties, but the remainder of the rules appear to give effect to the policies, with the exception of not referring to AICVs. There are practical compliance difficulties with rule 27 in relation to the residential use of boatsheds. There is very little information in terms of monitoring of effects resulting from this rules regime, notwithstanding the large number of committee reports on matters related to coastal structures. However, public feedback to the Regional Policy Statement discussion document suggests there are still concerns about maintaining natural character of the coast and the extent of use of hard erosion protection structures, suggesting these provisions are not working entirely satisfactorily.

#### **10.4 Implementation and effectiveness of methods**

Method 15.1.1 about investigating illegal structures is implemented in part by only responding to complaints. The method partially gives effect to the policies in that it does not go as far as the policies require.

Method 15.1.2 about legitimising coastal structures or have not been done. The method gives effect to the policies.

Method 15.1.3 about removing redundant structures has not been done. The method partially gives effect to the policies in that it does not go as far as the policies require.

Method 15.1.4 about the coastal structures inventory has been implemented, although there is no ongoing update or maintenance of the inventor. The method gives effect to the policies.

To summarise, two of the methods have been done in part and two have not been done at all. The methods generally give effect to the policies but do not go as far as the policies.

#### **10.5 Summary of effectiveness of provisions for structures**

Most of the policies give effect to the objectives, but there are difficulties with four of the policies in not doing this adequately. Five of the seven permitted rules have too few conditions to adequately give effect to the policies. There is insufficient information to know what the effects on the environment are as a result. The remaining rules generally give effect to the policies. They generate the largest number of consents granted by far under the Plan, yet there is no targeted monitoring to properly determine their environmental effects, though public feedback suggests there are adverse effects on natural character. The methods do not go as far as the policies, and only half of them have been done in part.

## **11. Destruction, damage or disturbance of foreshore or seabed**

The issues are made up of seven environmental and one management issues. There are three environmental and one management objectives to be achieved to address these issues.

Environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter includes monitoring of permitted activity rules 28 (clearance of stormwater outfalls), 29 (beach grooming), 30 (river and stream mouth cutting) and 33 (maintenance dredging).

### **11.1 Implementation and effectiveness of policies**

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

There are six permitted, three controlled, five discretionary, two non-complying activity rules and no methods to implement the 10 policies. The regime for this chapter's activities is quite regulatory.

Most policies are implemented by numerous rules. However, policy 7.2.10 is not implemented by any rule or method so it cannot be effective. However, related to the policy, is the non-group one-off voluntary activities of cleaning up beaches by the community (unrelated to beach grooming for contouring purposes), which is reported in various committee papers (see Appendix C). There are no methods to implement the 10 policies.

Policies 7.2.8, 7.2.9 and 7.2.10 give effect to the relevant objectives. Policies 7.2.1 to 7.2.7 (inclusive) give partial effect to the objectives.

Several policies (7.2.2, 7.2.3 and 7.2.8) are more permissive than their respective objectives by referring to having no significant adverse effects, rather than minor adverse effects in the objective.

Policy 7.2.1 about which activities may be allowed is a two part enabling policy. It has a complicated construction and a lot rests on the word "satisfactorily" avoiding adverse effects, implying an unspecified value judgement and lack of certainty. A part of the explanation introduces new material which should be in the policy itself.

The explanation to policy 7.2.2 includes what amounts to criteria, which ought to be in the policy itself.

Policy 7.2.4 is not consistent with several objectives (at the same time as implementing other objectives), and uses the undefined term "destruction" without distinguishing its threshold from "disturbance". Finally the intent of the policy is weakened and made less certain by using a qualifier "no practical alternative".

Policy 7.2.6 would be more effective if rocks of significance to māori were identified, but there is no method to do this. The policy would also be stronger if it included



damage and disturbance and included larger areas of foreshore and seabed than merely rocks.

Policy 7.2.7 serves several objectives. In doing so, it is not clear whether the two purposes, that of flood management and aquifer protection, are achievable simultaneously.

Policy 7.2.8 introduces a new concept of “offset” of adverse effects (in addition to mitigate and remedy) without explanation. This could be a further weakening of the policy as it offers another mechanism to “bargain” about adverse effects, especially as it is combined with the word “satisfactorily” which introduces further discretion and uncertainty.

Policy 7.2.9 introduces “acceptable effects” without defining what they are or their extent. These acceptable effects may be inconsistent with the “minor adverse effects” of the objective. The explanation is useful in giving examples of what is envisaged, but what if a novel proposal goes beyond this?

To summarise, most policies give effect to a small element of numerous relevant objectives, implying that the policy is either not very focused, or trying to do something the objectives did not clearly anticipate. It is not clear whether this is a very effective way of achieving the objectives – a lot of other policies from other chapter would have to be utilised to make sure that all the parts of all the objectives in question were being covered, which begs the question, whether these policies are working in a coordinated fashion. Only policy 7.2.6 implements one objective 4.1.13.

## 11.2 Implementation of rules

Permitted activity rules 28 (clearance of stormwater outfalls), 29 (beach grooming) and 30 (stream mouth cutting) have been widely invoked and largely appear to work in practice – see sections 4.7.3, 4.7.4 and 4.7.5 respectively. There is no information on the implementation of rules 31 (launching vessels) and 32 (drilling). Rule 33 (maintenance dredging) has not been invoked due to practical difficulties with the rule construction – see section 4.7.6.

The following tables show the number of consents granted for disturbance activities from the COCO database activity categories, and from the restricted coastal activity-type activity analysis.

<b>COCO database activity category</b>	<b>Probable rules</b>	<b>Consents granted &lt;2000</b>	<b>Consents granted 2000+</b>
Realignment of the Waikanae River	34	1	-
Dredging	35, 36, 40, 41-43	2	5
Extraction	35 - 37	2	4
Coastal disturbance (not incl driving)	40	27	47
Beach replenishment	40, 42	6	3

<b>Restricted Coastal Activity type activities (from COCO)</b>	<b>Probable rules</b>	<b>Consents granted &lt;2000</b>	<b>Consents granted 2000+</b>	<b>Probable RCA rules</b>	<b>RCAs &lt;2000</b>	<b>RCAs 2000+</b>

Restricted Coastal Activity type activities (from COCO)	Probable rules	Consents granted <2000	Consents granted 2000+	Probable RCA rules	RCAs <2000	RCAs 2000+
Coastal disturbance (not incl driving)	34 – 36, 40 - 43	16	48			
Dredging				37 - 39	1	4

From the two tables above it is not possible to ascribe consent numbers to every rule. The discretionary “catch-all” rule 40 for coastal disturbance has a medium number of consents granted. All other rules have been each invoked a low number of times.

### 11.3 Effectiveness of rules

#### 11.3.1 Permitted activity rules

Permitted activity rules 28 (clearing stormwater outfalls), 29 (beach grooming) and 30 (stream mouth cutting) implement the policies and appear to do what they intend. Positive feedback on implementation was obtained, and the rules appear to work, although review of the detailed conditions might be warranted.

Permitted activity rules 31 (launching etc vessels) and 32 (drilling) largely implement the policies but more conditions are required to satisfy the policies. They appear to do what they intend. There are no reporting conditions so there is no information about how much they have been exercised, and although the assumption is they work in a practical sense, there is no information on the consequences on the state of the environment.

Permitted activity rule 33 (maintenance dredging) does not implement the policies because the rule omits “navigation channels”. It does not appear to do what it intends due to uncertainty in practical thresholds. Feedback on implementation was obtained, and the rules does not work the way it is currently constructed and has not been invoked.

#### 11.3.2 Controlled activity rules

Rule 34 (Waikanae River mouth cutting) implements the policies and does what it aims to do, except it does not provide for maintaining fish passage, and seems to work.

Rule 35 (dredging for river management) partially implements the policies. All references to ASCVs should include AICVs to implement policy 4.2.10 and control should be retained for effects on shoreline stability. The rule is aimed at relatively minor works but actually allows quite major works.

Rule 36 (dredging outside port and Lambton Harbour Development Area) partially implements the policies. There are no restrictions for ASCVs and AICVs, effects on shoreline stability and significant adverse effects, and it should be confined to navigation channels. The rule does what it aims to do but the environmental controls are not tight.

### 11.3.3 Discretionary and non-complying activity rules

Rules 37 to 43 (discretionary and non-complying activities) implement the policies because of their unlimited discretion, except that all references to ASCVs should include AICVs to implement policy 4.2.10. The rules appear to do what they aim to do and they appear to work. There is no rule for activities with minor effects, which would seem to be an omission.

To summarise, three of the six permitted rules give effect to the policies and appear to work. Two permitted rules do not fully give effect to the policies, and there is no information on the extent to which they have been exercised or any effects on the environment. The remaining permitted rule does not fully give effect to the policy and has not been invoked due to practical difficulties with the rule. The controlled activity rules should have greater restrictions in order to give effect to the policies. The discretionary and non-complying rules give effect to the policies and appear to work. The largest number of consents granted under this chapter appears to be for rule 40, the catch-all discretionary activity rule.

### 11.4 Summary of effectiveness of provisions for damage or disturbance of foreshore or seabed

Most policies give effect to a small element of numerous relevant objectives. It is not clear whether this is a very effective way of achieving the objectives and whether these policies are working in a coordinated fashion.

Three permitted activity rules implement the policies and appear to work. Three permitted activity rules do not fully give effect to the policies, and it is not fully known how much they have been invoked. The controlled activity rules should have greater restrictions in order to give effect to the policies. The discretionary and non-complying activity rules implement the policies, appear to work, and invoke the greatest number of consents under this chapter.

There are no activities to assist implementing the policies and there is no information on effects on the environment resulting from these activities.

## 12. Deposition of substances on foreshore or seabed

The issues are made up of 10 environmental issues and one management issue. There are three environmental and one management objectives to be achieved to address these issues.

The environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter includes:

- Inter-tidal coastal surveys (sections 5.5 and 6.3) which say that in some areas, such as Porirua harbour, there are elevated rates of silt deposition and contamination of sediment, probably from streams carrying sediment. This is also reported in committee reports – see table 1, section 5.4 for report numbers.
- Newspaper reports of controversy surrounding the sinking of the frigate *Wellington* off the south coast of Wellington City.

## 12.1 Implementation and effectiveness of policies

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

There are one permitted, one controlled, two discretionary, two non-complying rules and no methods to implement the six policies. The regime for this chapter's activities is highly regulatory.

Policies 8.2.1, 8.2.4, and 8.2.5 give effect to the relevant objectives. Policies 8.2.2, 8.2.3 and 8.2.6 give partial effect to the objectives.

The explanation to policy 8.2.1 brings in new material that is not in the policy. It introduces the sediment budget concept, without including whether the beach is in long term erosion or accretion, or in short term fluctuation. This level of detail should either be in the policy or omitted.

The explanation to policy 8.2.2 uses terminology inconsistent with the policy, which confuses matters. The policy is inconsistent with objective 8.1.3.

Policy 8.2.3 has a loose connection to the nearest objective and is inconsistent with policy 8.2.1. Again the explanation confuses matters with the terminology that is used.

Policy 8.2.4 appears set the parameters for providing for the disposal (used in the explanation) of hazardous material, rather than to not allow it. The explanation introduces the new element of *mitigation* which is not in the policy itself.

Policy 8.2.5 is not helpful in that it gives no indication how the adverse effects of the spreading of organisms are to be measured or what the thresholds might be. This is all the more difficult as it relies on predictions of effects that are likely not to be at all well known.

To summarise, three policies give effect to the objectives and three give partial effect to them. The difficulties include inconsistency with objectives, not providing guidance on how a policy should be implemented and explanations that confuse matters in the policies.

## 12.2 Implementation of rules

The following table shows the number of consents granted for deposition activities from the restricted coastal activity-type activity analysis. There is no COCO activity category for deposition.

Restricted Coastal Activity type activities (from COCO)	Probable rules	Consents granted <2000	Consents granted 2000+	Probable RCA rules	RCAs <2000	RCAs 2000+
Seawall				16, 46	-	2
Deposition	48, 49	9	30	46	1	1

Wellington City Council invokes permitted activity rule 44 for wind blown sand. Rule 45 (beach nourishment) does not appear to have been invoked. There is a very low level

of activity for rule 46 and 47 (restricted coastal activities) and a low – medium number of consents issued since 2000 for rules 48 or 49 (deposition).

### **12.3 Effectiveness of rules**

Permitted activity rule 44 (wind blown sand) implements the policies and seems to do what it aims to do. It appears to work according to anecdotal reports.

Controlled activity rule 45 (beach nourishment) implements the policies, seems to do what it aims to do and appears to work.

Rules 46 to 49 (discretionary and non-complying activities) partially implement the policies. They need to address AICVs, natural hazard effects, the Hutt River hydraulic line and practical alternatives.

Generally, the rules appear to do what they aim to do and they appear to work.

### **12.4 Summary of effectiveness of provisions for deposition of substances on foreshore or seabed**

Three policies give effect to the objectives and three give partial effect to them. The difficulties include inconsistency with objectives, not providing guidance on how a policy should be implemented and explanations that confuse matters in the policies.

The rules appear to do what they aim to do, except they need to address AICVs, natural hazard effects, the Hutt River hydraulic line and practical alternatives. They appear to work. There are a low – medium number of consents issued since 2000, and there are no methods to assist with implementing the policies. Intertidal surveys are detecting sediment build up in Porirua Harbour which is likely to originate from stormwater and rivers rather than specific depositions. There is public controversy over depositions such as the sinking of the frigate *Wellington*.

## **13. Exotic or introduced plants**

The issues are made up of five environmental and one management issues. There are two environmental and one management objectives to be achieved to address these issues.

The environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter includes:

- Monitoring of *Spartina* under method 15.2.3.
- The grant of consent to farm the seaweed *Undaria* in 1997.
- The discovery of exotic sea squirt *Styela clava* by Biosecurity New Zealand (section 6.4).

### **13.1 Implementation and effectiveness of policies**

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

There are one discretionary, one non-complying and one prohibited rules and three methods to implement the four policies. This chapter's activities are highly regulated.

Policy 9.2.2 gives effect to the relevant objectives. Policies 9.2.1, 9.2.3 and 9.2.4 give partial effect to the objectives.

Policy 9.2.1 has many related objectives. It gives the council discretion about adverse effects and implies absolute certainty is not required. There is a risk of unintended introductions but there are no provisions to deal with the residual risk beyond assurances and likelihoods. There cannot be any guarantee that there will be no accidental introductions, which means objective 9.1.3 can only be partially satisfied.

Policy 9.2.3 has difficulties in practical implementation because the explanation requires *someone* to determine which "invasive" plants are likely to become established as weeds. This is a difficult task and is contrary to the spirit of protection objectives 4.1.1 and 4.1.6.

Policy 9.2.4 does not as far as is required by objectives 4.1.1 and 9.1.3. "To encourage" is a weak mechanism to achieve "no accidental introductions" or to protect intrinsic values of the coastal marine area. In a practical sense, there is no mechanism for what happens if there is an accidental incursion after "necessary actions to avoid such accidental introduction" have failed.

These policies are inherently permissive and enabling for potential economic and community benefit. In so doing, the general protection objectives are put at risk and not given effect to.

## **13.2 Implementation of rules**

There is no COCO activity category for exotic or introduced plants, so it is not known whether these rules have been invoked. There has been one consent issued for farming *Undaria* at a marine farm in Mahanga Bay.

## **13.3 Effectiveness of rules**

The rules appear to implement the policies. The policies are permissive and the rules cautiously reflect that – there are no permitted or controlled activities.

The rules differ in degree: for sites where exotic plants exist, for sites that they do not yet exist, and prohibited for the already introduced pest plant *Spartina*. It is clear that the Plan does not intend addressing exotic or introduced organisms apart from plants by the title of the chapter.

Generally, the rules appear to do what they aim to do and there is insufficient information to know if the rules work. In today's situation, the question would have to be framed in a broader context of marine biosecurity including non-plant organisms, and the context of perceived risk. This is a case of where state of the environment reporting is important to determine whether there are any adverse effects, given that the policies and rules appear to align.

### **13.4 Implementation and effectiveness of methods**

Method 15.2.1 about the Regional Pest Management Strategy was implemented and the method gives effect to the general policies only.

Method 15.2.2 about distributing promotional material was not done because Biosecurity New Zealand was created and took over that responsibility. The method does give effect to the policy.

Method 15.2.3 about monitoring *Spartina* in Lake Onoke was partly done, and there is no recent information on the extent of this plant. The method has indirect connections to the policies. It is most strongly related to objective 9.1.2 rather than any policy.

In summary, there has been a mixed implementation of the methods, and they generally give effect to the policies. There is no policy about biosecurity generally.

### **13.5 Summary of effectiveness of provisions for exotic or introduced plants**

These policies put the general protection objectives at risk and do not give effect to them by being inherently permissive and enabling for potential economic and community benefit. The rules generally appear to do what they aim to do and there is insufficient information to know if the rules work. There is no recent monitoring to determine if *Spartina* is spreading. There has been a mixed implementation of the methods, and they generally give effect to the policies. There is no policy about biosecurity generally.

## **14. Discharges to land and water**

The issues are made up of eight environmental and three management issues. There are five environmental and two management objectives to be achieved to address these issues.

The environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter includes:

- Lots of information from the ambient water quality and shellfish flesh contamination surveys summarised in *Measuring Up 2005* and reported in section 4.3.
- Intertidal biodiversity monitoring of the beaches reported in section 5.5.
- Feedback from *Our region, their future*, which said water quality needed to be improved, and management between land and the coastal marine area needed to be integrated.
- Reports on sediment quality in Porirua harbour reported in sections 5.5 and 6.3.
- News media reports of sewage discharges such as the re-consenting of the Moa Point discharge, Western Wastewater Treatment Plant discharge from Karori Stream, and sewage overflows into Wellington harbour from the sewage pipeline to the discharge at Pencarrow Head.



In short, there is more targeted monitoring and other investigations of environmental effects for this chapter than for any other.

### 14.1 Implementation and effectiveness of policies

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

Committee reports (detailed in Appendix C) indicate how some policies in this chapter have been implemented in practice. The report topics and the corresponding report numbers are given in table 1 section 5.4.

Topic	Relevant policy
Anti-fouling co-biocides	10.2.7, 10.2.9, 10.2.10
Coastal & marine biodiversity programme and broad scale mapping of the intertidal area	10.2.9, 10.2.10, 10.2.12
Contaminants in shellfish flesh	10.2.9, 10.2.16
Pauatahanui inlet catchment project & Porirua harbour sediment investigations	10.2.9, 10.2.10, 10.2.12
Recreational water quality monitoring	10.2.9, 10.2.16
Seaweek and coastal cleanups	10.2.9, 10.2.10
South Wellington coast proposed marine reserve	10.2.9

There are four permitted, three discretionary, three non-complying rules and 12 methods to implement the 17 policies. This chapter’s activities are not that highly regulated and there are a lot of relevant consents.

There are twelve methods to assist in implementing seventeen policies.

Policies 10.2.1 to 10.2.6 inclusive, 10.2.9, 10.2.11, 10.2.14, 10.2.15 and 10.2.16 give effect to the relevant objectives. Policies 10.2.7, 10.2.8, 10.2.10, 10.2.12, 10.2.13 and 10.2.17 give partial effect to the objectives.

Policies 10.2.1 to 10.2.3 form a suite which sets up areas of the coastal marine area to be managed for either shellfish gathering or contact recreation purposes, and water quality criteria (in Appendix 6) for those purposes. This arrangement will not fully satisfy the protection objectives as the criteria do not include thresholds for toxic contaminants, such as heavy metals, hydrocarbons and pesticide residues, and viral loadings in sewage discharges. There is also no reference to timing and methodology of monitoring, nor mention of mixing zones and their potential size. Practical implementation of such a regime is not easy because it is difficult to know whether a proposed discharge will meet the standard when cumulative with other discharges and this regime does not translate ambient water quality standards to an acceptable end-of-pipe concentration of contaminants.

Policy 10.2.4 would better serve the objectives if the bullet points were matters for consideration rather stating the presumption that the discharge will be allowed, and it does not make clear what is reasonable mixing. It is also difficult to implement because several uncertain terms are used: “is not likely to”, “would result” and “temporary

nature”. Planned maintenance of discharges are predictable and can cause adverse effects, so they should not be allowed by this policy.

Policy 10.2.5 about improving existing discharges would be more effective if it required review conditions placed on consents for “periodic review”. It should make it clear that planning for improvements should take place prior to expiry of discharge consents, as these dates are clear and known. If the notion of allowing time to implement a new consent is retained, then the policy should indicate what an acceptable time frame is.

Policy 10.2.7 about encouraging existing marinas to accept sewage and contaminants for disposal through sewage systems is not a very effective way of enhancing currently degraded water which is the aim of objective 10.1.2. Again, imposition of review conditions would better implement the objective of enhancing water quality.

Policy 10.2.9 to have regard to adverse effects is good in that it gives specificity to the very broad protection objectives. It would be more effective if the consideration was on the values themselves rather than on areas with those values. The explanation creates confusion in referring to the third schedule of the RMA, which has a different purpose to the application here. It also creates uncertainty in referring to undefined “extents”.

Policy 10.2.10 is implemented by methods alone. There is not a good match between the methods and the policies. The implementation of the methods has been very variable. This policy is a non-regulatory policy that must be complemented by a regulatory regime to be effective.

Policy 10.2.11 about having regard to tangata whenua values gives effect to the objectives, and the explanation is useful. Its effectiveness relies on how the policy is implemented in practice and there is no information on this.

Policy 10.2.12 is a non-regulatory policy that relies on a single method 15.3.6 to implement it. The method is not well aligned with this policy in that it focuses on silt discharges from subdivision development in particular rather than non-point source discharges in general. Furthermore, this policy does not give any guidance or instruction in how to deal with non-point source discharges. This policy is not effective.

Policy 10.2.13 is a non-regulatory policy that relies on a single method 15.3.7 to implement it. The Marine Pollution Regulations have superceded this policy by imposing a regulatory regime for discharge of ballast water.

Policy 10.2.14 about discharge of human sewage is effective by setting up a regulatory regime, under which consents have been granted and improvements in sewage discharges have been significant.

Policy 10.2.15 is a non-regulatory policy that relies on a several methods to implement it. This policy is onerous to implement since it should be the monitoring data and not the programme that should be reviewed annually. The programme has not been reviewed annually, so the policy is not effective. However, the data is reviewed annually, and that review is effective in contributing to the two purposes mentioned in the policy.

Policy 10.2.16 is a non-regulatory policy that relies on methods 15.3.10 and 15.3.11 to implement it. The policy should also include natural occurrences that may cause risks for human health. The policy is effective.

Policy 10.2.17 is a non-regulatory policy about the feasibility of a water classification system that relies on methods 15.3.1, 15.3.2 and 15.3.3 to implement it. The explanation provides no help and no description of what might be entailed and how it would differ from the regime set out in the current Plan. This policy was not implemented and it is not effective.

In summary, twelve out of seventeen policies give effect to the relevant objectives, and the remaining five policies give partial effect to the objectives. The suite of policies (10.2.1 – 10.2.3) which sets up management for either shellfish gathering or contact recreation purposes, will not fully satisfy the protection objectives as the criteria do not address toxic contaminants. There are practical difficulties with their implementation. The policies would be more effective if they made clear what is “reasonable mixing” (10.2.4), did not use qualifiers and uncertain terms (10.2.4) and required review conditions on consents (10.2.5). Policies 10.2.9, 10.2.14 and 10.2.16 are generally effective. The effectiveness of policy 10.2.11 about tangata whenua values depends on how it is implemented in practice and there is no information on this.

This chapter has the greatest number of policies (eight) implemented by methods alone. There is no strong method to implement policy 10.2.7, the methods for policies 10.2.10 and 10.2.12 are not well aligned, and the method for policy 10.2.15 is onerous and not necessary to the extent stated. Policy 10.2.17 is about the feasibility of a water classification system which is unclear and poorly explained and the three methods to implement it were never done, so it is not effective. In short, these policies are not that effective.

## 14.2 Implementation of rules

There is no information on the implementation of permitted rules 53 and 56, but it is known that there are large numbers of stormwater discharges to the coastal marine area. Rules 54 and 55 have been superceded by the Marine Pollution regulations. The following tables show the number of consents granted for discharges to land and water from the COCO database activity categories, and from the restricted coastal activity-type activity analysis.

COCO database activity category	Probable rules	Consents granted <2000	Consents granted 2000+
Sewage discharges (incl deposition of silt)	58, 60	11	7
Stormwater discharges (incl some for discharge of silt or contaminants)	57, 59, 61, 62	-	30
Comprehensive stormwater discharges	61	3	-

Restricted Coastal Activity type activities (from COCO)	Probable rules	Consents granted <2000	Consents granted 2000+	RCA rules	RCAs <2000	RCAs 2000+
Discharges	61, 62	19	27	57, 58	9	1
Sewage				58	7	7

The number of restricted coastal activities for discharges granted is twice as many as any other chapter's activities, so there is a potential for significant adverse effects. Each represents a typically large scale activity. A medium number consents for discharge of stormwater and other contaminants have been issued since 2000. Collectively these consents have the potential for significant environmental effects.

### **14.3 Effectiveness of rules**

Permitted activity rules 54 (operational needs of ships) and 55 (other discharges from ships) have been superceded by the Marine Pollution Regulations and will not be considered further.

Permitted activity rules 53 (stormwater) and 56 (other discharges of water) implement the policies, but only if policies 10.2.1, 10.2.2 and 10.2.3 are adhered to, and that is very difficult to say since those policies are about the condition of the receiving environment and difficult to monitor and attribute changes to individual point discharges.

The rules do not do what they aim to do because they are not specific enough to avoid adverse effects on the environment. They do not have conditions on chemical and microbiological contamination. It is very difficult to know whether such uncontrolled discharges will have "any significant effects on aquatic life" until the effects have been seen – if they have been monitored. State of the environment monitoring suggests that adverse effects are now being recorded. The rules do not work because the criteria and thresholds in the rule are not certain enough, they are not required to be monitored or reported so ensuring compliance is impossible. The condition about being suitable for farm animals to drink should be deleted.

Rules 57 to 62 (discretionary and non-complying activities) implement the policies, except that AICVs should be included wherever ASCVs are mentioned. Generally, the rules appear to do what they aim to do and they appear to work. There is no rule to allow discharges which have minor effects, either due to the quantity or quality of discharge.

In summary, two permitted activity rules have been superceded by the Marine Pollution Regulations, and two permitted rules are difficult to correctly implement because of not being sure of the effects on the receiving environment. The permitted rules are not specific enough, and the criteria and thresholds not certain enough, to avoid adverse effects and give effect to the policies. The remaining rules give effect to the policies. There is no rule to allow discharges with minor effects.

### **14.4 Implementation and effectiveness of methods**

Seven of the seventeen policies are implemented by methods alone and not rules. These are policies 10.2.7, 10.2.10, 10.2.12, 10.2.13, and 10.2.15 to 10.2.17. There is clearly a big emphasis on using non-regulatory mechanisms.

Methods 15.3.1, 15.3.2 and 15.3.3 form a suite concerning the possible introduction of a water classification system for receiving waters. The methods were not carried out and there does not appear to be a record of the decision not to pursue this direction. A water classification system would require rules to implement it, which would have to be have

to be hard and fast about the resultant water quality after the discharge, irrespective of changing ambient instream conditions. The methods are not well aligned with the policies.

Method 15.3.4 about liaising with territorial authorities to improve stormwater quality was done, and it gives effect to the policies.

Method 15.3.5 about monitoring ambient water quality is implemented, however there is a mismatch with the policies which are focused on research and consent information rather than monitoring. There is a closer alignment with the objectives.

Method 15.3.6 about monitoring and making rules about silt discharges was carried out. There are several other initiatives in progress to address these kinds of discharges, including promoting district plan rules and bylaws for earthworks. The method should actually be a policy in order to promulgate changing a rule in a plan. The method is not closely aligned with the policies, but it is more aligned with the objectives.

Method 15.3.7 about reducing contaminants from vessels is done, by CentrePort and MAF, not the Harbourmaster. The method has been superseded by the Marine Pollution Regulations 1998, which has largely replaced education by national regulation. The method gives partial effect to the policies, but it does not go as far as the policies.

Method 15.3.8 about a report on contaminants from vessels and distribution of educational material has been partly done. A report on a specific aspect of contaminants (antifouling co-biocides) was prepared by Ministry for the Environment and GW Harbours Department do distribute educational material. The method partially gives effect to the policies.

Method 15.3.9 about supporting community effort to clean up the coastal marine area is done. The method partially gives effect to the policies.

Method 15.3.10 about notifying authorities of adverse ambient coastal water quality is done and the method implements the policies.

Method 15.3.11 about holding annual meetings to discuss water quality monitoring results is partly done in that meetings are held but not annually, and the report of monitoring is sent out annually. The method implements some relevant policies.

Method 15.3.12 about promoting a “pollution hotline” is done and it partially gives effect to the policy.

In summary, some of the methods have been carried out, some have not been done at all, and some have been partially done. Broadly speaking, there is not a good match between the methods and the policies. There are several methods that are much more aligned with objectives than the policies. Having said that, there are more than twice as many methods for this chapter than for any other, and more it is likely more non-regulatory work has been accomplished, and more is known about the state of the environment for this chapter than for any other.

## **14.5 Summary of effectiveness of provisions for discharges to land and water**

Most of the policies give effect to the relevant objectives. The remaining policies give partial effect to the objectives by not fully satisfying the protection objectives as the criteria do not address toxic contaminants and having practical difficulties with implementation. The policies would be more effective if they made clear what is “reasonable mixing”, did not use qualifiers and uncertain terms and required review conditions on consents. The effectiveness of the tangata whenua policy depends on how it is implemented in practice and there is no information on this.

This chapter has the greatest number of policies implemented by methods alone. Generally, those methods are not strong, not very clear, not well aligned with policies, or are onerous and not carried out. In short, these policies are not that effective.

The permitted rules have either been superceded by the Marine Pollution Regulations, or are difficult to correctly implement. They are not specific enough, and thresholds not certain enough, to avoid adverse effects and implement the policies. The remaining rules give effect to the policies. There is no rule to allow discharges with minor effects.

About half of the methods have been done, but some not at all, and some partially done. Broadly speaking, there is not a good match between the methods and the policies. There are more than twice as many methods for this chapter than for any other, and more it is likely more non-regulatory work has been accomplished.

Generally, the health of the intertidal zone is good, except for localised “hot spots” near stormwater and sewage discharges and some stream inflows, which bring both diffuse and point source discharge to the coast. The numbers of consents granted are not great, but the potential effects are large with this chapter generating the largest number of RCAs. Rivers and streams are the largest contributor of contaminants to the coast so it is important that the regional plans which control those activities are coordinated to minimise the adverse effects on the coastal marine area. Environmental monitoring shows that a small number of beaches are unsafe for swimming a small number of times each year. There are indications of toxic contaminant build-up in sediments in Porirua harbour. The adverse effects noted show greater, more effective controls are required to reduce these.

## **15. Discharges to air**

The discharges to air issues consist of four environmental and two management issues. There are four environmental and two management objectives to be achieved to address these issues.

There is no environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter. There are no committee reports related to how these policies have been implemented in practice.

### **15.1 Implementation and effectiveness of policies**

There are five permitted, two discretionary, two non-complying rules, one prohibited activity rule and four methods to implement the five policies. The regime for this



chapter’s activities is balanced regulatory/non-regulatory (but none of the methods have been done).

Policies 11.2.1, 11.2.3 and 11.2.5 give effect to some of the objectives. Policies 11.2.2 and 11.2.4 give effect in part to the objectives.

Policy 11.2.1 about allowing certain discharges to air is contrary to objective 11.1.4 which seeks to minimise adverse effects. The explanation introduces elements that do not fit with the policy. Most of the consents that invoked these rules have been sand blasting of bridges across the coastal marine area, nothing to do with the port, which is an application that the policy does not anticipate. There is no incentive to improve management practices of unloading fine powders from ships.

Policy 11.2.2 is about not allowing discharges to air for certain conditions. It is difficult to implement in practice because baseline monitoring would be required (and none is done), the term “site” is used but it has little meaning in the coastal marine area, and the term “unacceptable degradation of existing amenity” has little certainty about it.

Policy 11.2.4 about research and monitoring relies on being implemented by one method only (15.4.2), which has not been done. The policy is ineffective.

Policy 11.2.5 about this section of the Plan being compatible with the regional Air Quality Management Plan would be effective if there was anything done on air quality in the coastal marine area and if the qualifier “as far as is practicable” were removed. It is implemented by two methods and no rules, which have not been done. The policy has not been effective.

To summarise, three policies give effect to some of the objectives. Policy 11.2.1 is contrary to objective 11.1.4, hence cannot be effective. Policy 11.2.2 is difficult to implement in practice because there is no baseline monitoring of air quality in the coastal marine area. Policies 11.2.4 and 11.2.5 are not effective because they rely on being implemented by methods alone, which have not been done. In short, less than half the policies are effective.

## 15.2 Implementation of rules

The following tables show the number of consents granted for discharges to air from the COCO database activity categories, and from the restricted coastal activity-type activity analysis.

COCO database activity category	Probable rules	Consents granted <2000	Consents granted 2000+
Discharges to air	71, 72	7	1

Restricted Coastal Activity type activities (from COCO)	Probable rules	Consents granted <2000	Consents granted 2000+	RCA rules	RCAs <2000	RCAs 2000+
Discharges to air	71, 72	8	2	68, 69	-	-

There is no information on the implementation of permitted activity rules 63 to 67, or prohibited activity rule 70. These rules have generated a very low number of consents



granted since 2000, and no restricted coastal activities. The main activity has been sandblasting the few bridges in the coastal marine area and portside structures.

### **15.3 Effectiveness of rules**

Permitted activity rule 63 (operational needs of ships) has been superceded by the Marine Pollution Regulations and will not be considered further.

Permitted activity rules 64 (port operational needs), 65 (maintenance of structures) and 66 (venting of drainage systems) generally implement the policies, but are not as strict as the respective key policies. They do not do what they aim to do because of the lack of clarity in the conditions imposed. There is no reporting condition and no monitoring done so it is not possible to tell if the rules work.

Permitted activity rule 67 (flaring of hydrocarbons) implements the policies. There is no reporting condition and no monitoring done so it is not possible to tell if the rule has been invoked or if it works.

Rules 68, 69, 71 and 72 (discretionary and non-complying activities) give effect to the policies, except that AICVs should be included wherever ASCVs are mentioned. Generally, the rules appear to do what they aim to do and they appear to work

Rule 70 (prohibited activity) has been superceded by a National Environmental Standard with respect to burning of insulated cables and tyres, but does not cover burning cars and firework displays, which this rule does cover. The rule partially implements the policies, but does not provide for frequency, intensity or duration of the activity. The rule is probably broader than it was intended to be and does not really work in banning activities such as fireworks displays.

To summarise, one rule has been superceded by the Marine Pollution Regulations, and four permitted rules generally give effect to the policies, but there is no monitoring done so it is not possible to tell if they are effective. The discretionary and non-complying rules give effect to the policies. There are very few consents granted under this chapter. The prohibited rule has partly been superceded by national regulation, but part prohibits activities such as firework displays which was possibly not intended, and not that effective if that activity has minor effects.

### **15.4 Implementation and effectiveness of methods**

Method 15.4.1 about preparing a Regional Air Quality Management Plan (RAQMP) has been done, however the RAQMP does not manage air quality in the coastal marine area. The method does not align with the policy.

Method 15.4.2 about co-ordinating air monitoring requirements is not done because air quality is not monitored in the coastal marine area. The method implements the policies.

Methods 15.4.3 and 15.4.4 about reviewing this section of the Plan within one year of the RAQMP and assisting with the preparation and dissemination of guidelines have not been implemented. These methods are misaligned with the policies.

In summary, only one method has been done, and that method does not relate to the coastal marine area. Most methods are not well aligned with the policies.

## **15.5 Summary of effectiveness of provisions for discharges to air**

To summarise, less than half the policies appear to be totally effective. Some policies are not effective because they rely on being implemented by methods alone, which have not been done. Some are difficult to implement in practice because there is no baseline monitoring of air quality in the coastal marine area.

The four permitted activity rules generally give effect to the policies, but there is no monitoring done to tell if they are effective. The discretionary and non-complying rules give effect to the policies. There are very few consents granted under this chapter. Part of the prohibited activity rule prohibits activities such as firework displays which was possibly not intended, and not that effective if that activity has minor effects.

Only one method has been done, and that method does not relate to the coastal marine area. Most methods are not well aligned with the policies. There is no monitoring data to show how effective the provisions have been to maintain the health of the environment.

## **16. Taking, use, damming or diversion of water**

The issues are made up of three environmental and one management issues. There are three environmental and one management objectives to be achieved to address these issues.

There is no environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter. There are no committee reports related to how these policies have been implemented in practice.

### **16.1 Implementation and effectiveness of policies**

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

There are two permitted, one controlled, one discretionary and one non-complying rules and no methods to implement the 6 policies. The regime for this chapter's activities is quite regulatory but with very low consent numbers.

Policies 12.2.3, 12.2.4 and 12.2.5 give effect to the relevant objectives. Policies 12.2.1, 12.2.2 and 12.2.6 give effect in part to the objectives.

Policy 12.2.1 about activities having no discernible adverse effects is more stringent than objective 12.1.2, but it does not include amenity and cultural values as concerns (objective 12.1.1).

The permissive policy 12.2.2 does not include the qualifier of having no adverse environmental effect (objective 12.1.2).

Policy 12.2.6 about generally providing for the taking and use of water omits a qualifier about potential adverse effects.

To summarise, half the policies give effect to the objectives and half the policies give effect in part to the objectives. The policies either do not address all the relevant matters or do not have qualifiers about adverse effects.

## 16.2 Implementation of rules

There is no information on the implementation of permitted rules 73 and 74. The following tables show the number of consents granted for damming, diversion and taking water, from the COCO database activity categories, and from the RCA-type activity analysis. There are no restricted coastal activity rules in this chapter.

COCO database activity category	Probable rules	Consents granted <2000	Consents granted 2000+
Damming	76	1	1
Taking (coastal water)	75 - 77	9	1

Restricted Coastal Activity type activities (from COCO)	Probable rules	Consents granted <2000	Consents granted 2000+
Impede the flow of water	76, 77	9	7

There is no information on the implementation of permitted activity rules 73 and 74. These rules have generated a low number of consents since 2000.

## 16.3 Effectiveness of rules

Rules 73, 74 and 75 (permitted and controlled activities) only partially implement the policies. They do not provide for damming or diversion, do not address fish spawning or migration, do not address mauri of the coast and have no conditions to limit the effects of the activity to having “no discernible adverse effects”. The rules are limited in doing what they aim to do in that they ignore significant considerations of effects. It means that the most minor damming or diversion is at least a discretionary activity.

Rules 76 and 77 (discretionary and non-complying activities) partially implement the policies, except that AICVs should be included wherever ASCVs are mentioned.

The number of consents granted is low. Generally, the rules only partly implement the policies and there is no monitoring information to tell if they work.

## 16.4 Summary of effectiveness of provisions for taking, use, damming or diversion of water

Half the policies give effect to the objectives and half the policies give effect in part to the objectives. The policies either do not address all the relevant matters or do not have qualifiers about adverse effects. The number of consents granted is low. Generally, the rules only partly give effect to the policies and there is no monitoring information to tell if they work.

## 17. Surface water and foreshore activities

The surface water and foreshore issues are made up of three environmental and two management issues. There are three environmental and one management objectives to be achieved to address these issues.

The environmental monitoring information available that is directly relevant to determining the effectiveness of the provisions in this chapter includes:

- Lots of news media reports about dangerous driving on beaches (nationwide).
- Greater Wellington involvement in the Porirua City Council Titahi Bay Beach Reserve Management Plan process.
- Non-compliance with prohibited activity rule 82 (driving on central part of Titahi Bay beach) in committee report 02.618.
- Permitted activity rule monitoring for rule 79 (horse racing) reported in section 4.7.7.

### 17.1 Implementation and effectiveness of policies

No information has been obtained about which of these policies have been invoked in specific consent applications. It is assumed they have been invoked as required.

Committee reports (detailed in appendix C) indicate how some policies have been implemented in practice. The report topics and the corresponding report numbers are given in table 1 section 5.4.

Topic	Relevant policy
Navigation bylaw and amendments	13.2.5
Titahi Bay beach compliance	13.2.3
Titahi Bay beach management plan	13.2.1, 13.2.3

There are four permitted, three discretionary, one non-complying, one prohibited rules and five methods to implement the five policies. The regime for this chapter's activities is balanced regulatory/non-regulatory. There have been complaints in the media about non-compliance with the prohibited rule.

Policies 13.2.2, 13.2.3 and 12.2.5 give effect to the relevant objectives. Policies 13.2.1 and 13.2.4 give partial effect to the objectives.

Policy 13.2.1 about allowing foreshore and surface of water activities is internally inconsistent in that the threshold for wildlife disturbance is "significant", but the threshold for adverse effects is "minor".

Policies 13.2.3 and 13.2.4 give no indication that other additional mechanisms are likely to be required for these policies to be effective, such as collaboration with the adjacent district council or the Department of Conservation. Committee report 02.618 about the

difficulties of compliance of activities on Titahi Bay beach indicates these policies are not effective on their own.

Numerous committee reports (detailed in Appendix E) relate how powers to deal with navigation and safety (in policy 13.2.5) have been exercised. The policy is effective.

To summarise, three policies give effect to the relevant objectives, and two give partial effect to the objectives. Policy 13.2.1 about allowing foreshore and surface of water activities is internally inconsistent. Two policies give no indication that other additional mechanisms are likely to be required for these policies to be effective.

## 17.2 Implementation of rules

Permitted activity rule 79 (horse races) is implemented and detailed in section 4.7.7. Permitted activity rule 80 (temporary military training) does not appear to have been invoked. There is no information on the implementation of permitted activity rules 78 (general surface water and foreshore activities) and 81 (driving on beaches).

The following tables show the number of consents granted for surface water and foreshore activities from the restricted coastal activity-type activity analysis. There is no COCO activity category for surface water and foreshore activities, but driving on beaches has been included in this part of the database since 2000.

COCO database activity category	Probable rules	Consents granted <2000	Consents granted 2000+
Coastal disturbance (driving on beaches)	83	-	29

Restricted Coastal Activity type activities (from COCO)	Probable rules	Consents granted <2000	Consents granted 2000+	RCA rules	RCAs <2000	RCAs 2000+
Disturbance (vehicle driving)	83	-	26			
Exclusive occupation				84	-	-

There are problems with compliance with prohibited rule 82 (driving on Titahi Bay beach). Rules 84, 85 and 86 (discretionary and non-complying activities) do not appear to have been invoked. A medium number of consents for driving on beaches have invoked rule 83.

## 17.3 Effectiveness of rules

Permitted activity rule 78 (general surface water and foreshore activities) does not give effect to the policies as there are too few restrictions as it is presently written. The rule is permissive, which is probably its aim. There is no monitoring, so no information on whether it works.

Permitted activity rule 79 (horse races) gives effect to the policies, the rule does what it aims to do, and it works where there are no other restrictions necessary (such as district council bylaw and consent requirements).

Permitted activity rule 80 (temporary military training) does not give effect to any policy. The rule has a public notification condition and there is no record of such notification. It is likely the rule has not been invoked so it is not known if it works.

Permitted activity rule 81 (motor vehicles on beaches) does not give effect to the policies as there are too few restrictions as it is presently written. The rule aims to generally allow vehicle use on beaches and it does that with few restrictions. It does not work well as there is limited protection for ecological values and insufficient protection of other users of the beach. On its own, compliance and enforcement is practically impossible.

Prohibited activity rule 82 (motor vehicles on Titahi Bay beach) gives effect to the policies and does what it aims to do. The rule does not work on its own. It is still not complied with, and there is a need for the ability to properly enforce it.

Rule 83 (restricted discretionary, vehicles on beaches) gives effect to the policies, except for considerations of protecting flora and fauna. The rule largely does what it intends to do, but does not retain discretion over the weight of the vehicle and the frequency of trips. The rule “sort-of” works in that some consents have been granted. It is a long and complicated rule covering six specific locations. The degree of non-compliance with obtaining consents is unknown, though committee report 02.618 discusses non-compliance at Titahi Bay beach specifically.

Rule 84 (discretionary, exclusive occupation) gives effect to the policies, and it does do what it aims to do.

Rules 85 and 86 (discretionary and non-complying activities) partially give effect to the policies, except that AICVs should be included wherever ASCVs are mentioned. Generally, the rules appear to do what they aim to do, except there could be confusion with permitted rule 78 as it too is designed to be a “catch-all” rule covering the same sorts of activities, albeit with a condition of scale. The rules appear to work

To summarise, the permitted activity rules for general activities and vehicles on beaches do not give effect to the policies as there are too few restrictions as it is presently written and compliance and enforcement is practically impossible; the permitted rule for horse races gives effect to the policies, and it works; the military training permitted rule does not give effect to any policy and there is no information that it has been invoked.

The prohibited activity rule for vehicles on part of Titahi Bay beach gives effect to the policies but does not work on its own as there are serious difficulties with being able to enforce it. The restricted discretionary rule for vehicles on beaches gives effect to the policies, except for considerations of protecting flora and fauna. The “catch all” discretionary and non-complying rules partially give effect to the policies, except that AICVs should be included wherever ASCVs are mentioned.

A medium number of consents granted for driving on beaches. There have been complaints in the media and committee reports about non-compliance with the rules for Titahi Bay, and driving on beaches in general. It is clear these provisions are not effective on their own.

## **17.4 Implementation and effectiveness of methods**

Method 15.5.1 about providing guidance relating to navigation and safety has been done. The method is misaligned with the policies which focus on conflict between users rather than individual safety issues.

Method 15.5.2 about facilitating conflict resolution is carried out. The method is misaligned with the policies but closely aligned with objective 13.1.3.

Method 15.5.3 about investigating the impact of activities on wildlife with DOC has not been done, and it does not give effect to one of the policies. However, intertidal surveys commissioned by Greater Wellington have looked at stressors (including foreshore activities) and their impact. There has been some liaison with DOC over the proposed south Wellington coast marine reserve.

Method 15.5.4 about public awareness campaigns has not been done, and it gives effect to some policies but not others. It is more directly aligned with the objectives.

Method 15.5.5 about encouraging designated vehicle routes to facilitate foreshore activities has not been done. It gives effect to general policy 4.2.16 and is outside the scope of specific policy 13.2.3.

In summary, three of the five methods have not been done. The methods are not well aligned with the policies, but are aligned more directly with some of the objectives.

## **17.5 Summary of effectiveness of provisions for surface water and foreshore activities**

Three policies give effect to the relevant objectives, and two give partial effect to the objectives. Two policies give no indication that other additional mechanisms are likely to be required for these policies to be effective.

The permitted rules for general activities and vehicles on beaches are too permissive and compliance and enforcement is practically impossible. The rule for horse races works, and the permitted rule for military training does not give effect to any policy but it may not have been invoked. The “catch all” discretionary and non-complying rules partially give effect to the policies.

There are problems with implementing all the rules about vehicles on beaches. They do not fully give effect to the policies because they do not consider all the effects. They do not work on their own as there are serious difficulties with being able to enforce them.

Three of the five methods have not been done. The methods are not well aligned with the policies, but are aligned more directly with some of the objectives. There have been complaints in the media and committee reports about non-compliance with the rules for Titahi Bay, and driving on beaches in general. It is clear these provisions are not effective on their own.



## 18. Section 35 RMA effectiveness analysis

A new requirement of the Resource Management Amendment Act 2003 was the substitution of section 35(2)(b) which requires a council to monitor the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan. This requirement is different to the plan effectiveness procedures that were stated in section 19.2 of the Plan.

### 18.1 Do the policies implement the objectives?

#### 18.1.1 Do the policies give effect to the objectives?

Generally, the policies do give effect to the objectives, but often not very well. Some of the connections between objectives and policies are not a good match, weak, or only between parts of the provisions. There are extensive difficulties with policy construction.

Each objective is given effect to by at least one policy. Appendix G shows which policies implement each objective. This table is derived from Appendix C (implementation and effectiveness of policies). There is no objective for maintaining and increasing navigational channels.

Some objectives are implemented by large numbers of policies. Ninety policies (out of the total of 130 policies) give some effect to more than one objective. This could indicate that the Plan is a well integrated document, but it could also indicate that the objectives are not focused enough and/or not targeted well. The answer lies in the detail.

For example, policy 7.2.7 serves two objectives (of flood protection and aquifer protection), but it is not clear that they are achievable simultaneously. Many policies from the chapter on disturbance to the foreshore give effect to a small part of several relevant objectives. For all parts of each objective to be given effect to, a lot of coordination of the policies is necessary and this is not readily apparent. This construction makes it easy to have policy gaps and duplication.

Four general objectives (4.1.3, 4.1.17, 4.1.23 and 4.1.24) are implemented by general policies only and not by any specific activity policy, which raises the question how that objective can be implemented in a practical way.

Specific objective 7.1.3 is implemented by general policy 4.2.10 only, again raising the question of how well it can be given effect to in practice.

On the other hand, some topics have specific policies which make a clear link to the objectives, for example, historic heritage in policies 4.2.12 and 7.2.1, AICVs in policies 4.2.10 and 6.2.2, Hutt Valley aquifer protection policies 4.2.22, 7.2.1, 7.2.5 and 7.2.7, and policy 7.2.8 about the commercial port, Lambton Harbour Development Area and navigation.

There are no explicit historic heritage objectives. “Economic and social well-being” of objective 6.1.1 is the catch-all that serves to address historic heritage.

## 18.1.2 Mismatches between objectives and policies

Policies that go beyond the scope of the objective include policies 6.2.13 (for objective 6.1.11), 7.2.9 and 12.2.1. Examples of policies that are more permissive in their effects thresholds than the objective include policies 7.2.2, 7.2.3 and 7.2.8.

Examples of policies being inconsistent with objectives include:

- policy 8.2.2 with objective 8.1.3,
- policy 7.2.4 is inconsistent with several objectives while implementing another objective,
- policy 11.2.1 is contrary to objective 11.1.4, and
- policies 10.2.1 – 10.2.3 do not fully satisfy the objectives.

Examples of how some policies are weaker than the relevant objective include:

- “to recognise” in policies 4.2.11 – 4.2.14 will not achieve “to protect”
- “to have regard to” in policy 4.2.14 will not achieve “protection” that is the aim of objective 4.1.6
- policy 4.2.25 which requires consent applicants to consult with tangata whenua does not mean that their values will be protected as in objective 4.1.13
- increasing public awareness in policy 4.2.32 is not going as far as involving the public in decision making and management as in objective 4.1.19
- “to encourage” in policy 9.2.4 will not achieve “there are no accidental introductions...” for objective 9.1.3.
- The objectives for structures are weak and vague. Most of the policies for structures give effect to the general objectives, which are all non-specific.

There are numerous omissions in the policies that do not give effect to the objectives, for example:

- Maori values not mentioned in policy 10.2.4;
- there is no navigation or safety considerations in policies 4.2.15 – 4.2.17 to give effect to objective 4.1.7.
- The qualifiers “where there are no adverse effects on the environment” in objective 12.1.2 is omitted in policies 12.2.1 and 12.2.2.

The only objective that is relevant to significant infrastructure is objective 4.1.2, but that objective is weak in this regard. Policy 5.2.4 has a weak connection with this objective.

## 18.1.3 Summary of policy effectiveness from each chapter

### **1. Do the policies give effect to the objectives?**

The policies have a mixture of some giving effect to the relevant policies, some only partially giving effect to the objectives.

A majority of policies have generally given effect to the objectives and they include:

- the general management policies (except for policy 4.2.46), partly because some of the policies are detailed and specific
- half of the tangata whenua general policies
- fourteen of the eighteen structures policies

- half of the deposition of substances policies
- twelve out of seventeen discharges to land and water policies
- most of the discharges to air policies
- half of the damming and diversion of water policies, and
- half of the surface water and foreshore activities policies.

Policies that only partially give effect to the objectives include:

- The general environmental policies which have problems with their construction, frequently use qualifiers that generally weaken the policy and create uncertainty as to what the relevant threshold should be.
- Half of the tangata whenua general policies.
- The reclamation policies which are weaker than the objectives, are inconsistent with the objectives and introduce a new idea of balance into the policy that does not exist in the objective.
- Four out of eighteen structures policies because of a mixture of being weaker and less clear than the objectives, not having a strong connection with the objectives, mismatch with them or going beyond the scope of the objectives.
- Most disturbance to foreshore policies give effect to a small element of numerous relevant objectives, implying that the policies are either not focused, or try to do something the objectives did not clearly anticipate.
- Half of the deposition of substances policies.
- The exotic plants policies which are inherently permissive and enabling for potential economic and community benefit. In so doing, the general protection objectives are put at risk and not given effect to.
- Five out of seventeen discharges to land and water policies, which include the suite of policies which set up management purposes without criteria that address key toxic contaminants.
- Discharge to air policy 11.2.1 is contrary to objective 11.1.4.
- Half of the damming and diversion of water policies, which either do not address all the relevant matters or do not have qualifiers about adverse effects.
- Two surface water and foreshore activities policies give partial effect to the objectives. Policy 13.2.1 about allowing foreshore and surface of water activities is internally inconsistent.

## **2. Have the policies been implemented?**

Policies are implemented through rules and methods. There are indicative numbers for the number of consents granted for certain activities, which suggest the number of times the policies may have been invoked. The consents database does not record which policies are invoked in which consent, but if there are few consents, it is assumed the

relevant policies cannot have been invoked very much. There is information on whether the methods have been done and to what extent they implement the policies.

The general management policies have generally been implemented (except for policy 4.2.46), partly because some of the policies are detailed and specific. The non-regulatory policies have had funds applied to the relevant methods to make them happen.

There are practical difficulties with implementing the general environmental policies, deposition of substances policies (including not providing guidance on how a policy should be implemented), the discharges to land and water policies, and the discharges to air policies.

The highest numbers of consents are granted for structures and for discharges to land and water. Few consents are granted for reclamation, deposition of substances, exotic plants, discharges to air and damming and diversion of water.

The tangata whenua general policies have generally not been implemented.

Discharges to land and water has the greatest number of policies (eight) implemented by methods alone, but the methods are either not strong, not well aligned, or onerous. The three methods to implement water classification system were never done. The discharges to air policies have not been done.

### **3. Are the policies effective?**

To be effective, the policies need to have clear and strong policy constructions, rules and methods which clearly and directly implement them, and environmental monitoring to verify that the state of the environment is being maintained or improved.

This report has shown that many policies do not give effect to the objectives and that there are many problems with policy construction. Most methods either are not properly targeted to implement policies or have not been done. Many of the rules invoke few consents, except for the structures and discharges to water chapters.

Generally, there is insufficient monitoring, and not targeted monitoring to detect changes in attributes these policies address, to be able to tell whether the environment is being maintained or improved. Where significant monitoring is carried out, in the area of coastal water quality, the general standard is good except for localised hotspots (near sewage or stormwater drains or rivers) or temporary but potentially significant effects, such as contamination influxes from rivers in the first flush after a dry spell or after upstream earthworks. It would be prudent to do monitoring in the area that generate the greatest activity for which we have little information of their effects, that is, structures. In addition, there is plenty of anecdotal evidence that the driving on beaches policies are not effective from the recreational, amenity and safety aspects.

The general management policies are likely to have been effective, partly because some of the policies are detailed and specific, and the non-regulatory ones have had funds applied to the relevant methods to make them happen

As constructions, the general environmental policies are not all that effective, but they have wide implementation by many rules.

It is not clear whether the damage and disturbance to foreshore policies are effective as a lot of other policies from other chapter would have to be utilised to make sure that all the parts of all the objectives in question were being covered.

The discharges to land and water policies would be more effective if they were clearer about “reasonable mixing”, did not use qualifiers and uncertain terms. Some are generally effective. The effectiveness of the tangata whenua policy depends on how it is implemented in practice and there is no information on this. This chapter has the greatest number of policies implemented by methods alone, some of which have problems or were never done, so are unlikely to have been fully effective, and environmental monitoring shows up problems in certain areas..

The discharges to air policies cannot be effective because they rely on being implemented by methods alone, which have not been done.

The tangata whenua general policies are not effective because they do not have specific methods or rules.

#### 18.1.4 Problems in policy construction

**Qualifiers** can weaken a policy, display a lack of clarity of purpose and have the potential to be ineffective. There are many examples in the policies:

- ‘while allowing for’, ‘worthy of protection’ in policy 4.2.1
- ‘where practicable’ in policies 4.2.15, 4.2.19 and 4.2.20
- ‘where appropriate’ in policies 4.2.21 and 6.2.2
- ‘compromises the ability’ in policy 6.2.10
- ‘no practical alternative’ in policy 7.2.1
- ‘satisfactorily’ in policies 7.2.1 and 7.2.8
- ‘no practicable alternative’ in policy 7.2.4
- ‘offset’ in policy in policy 7.2.8
- ‘acceptable effects’ in policy 7.2.9
- ‘not likely to’, ‘would result’ in policy 10.2.4
- ‘to encourage’ in policy 10.2.7 is not strong enough to achieve the objectives
- ‘unacceptable degradation of existing amenity’ in policy 11.2.2
- ‘as far as practicable’ in policy 11.2.5

**Lack of clarity of purpose** is demonstrated in several examples:

Many policies are not clearly focused on a relevant objective. There’s a danger in missing parts of objectives by many policies giving effect to them with a piecemeal approach, or an approach that is in the same subject matter but has a different focus (concern). For example, policy 4.2.8 restricts objective 4.1.3’s ambit of “all existing legitimate activities” to “commercial and recreational users” and introduces new idea (inter user conflicts) not covered in objectives.

Large complicated policies which have many relevant objectives and many related rules e.g. policies 6.2.2 for structures and 7.2.1 for destruction, damage or disturbance.

Policies which simultaneously address two or more matters lose their clarity of purpose. For example, policy 4.2.1 “balances” protection and advocacy for development; policy

5.2.3 “balances” alternatives; policy 7.2.7 seeks to maximise Hutt River flow, but can that be done at the same time as protecting the Hutt Valley aquifer?; policy 4.2.21 deal with both natural hazards and hazardous substances but they may need quite different considerations.

**Some policies are vague and not helpful.** Policies should state how something should be done or implemented in practice, for example policies 4.2.3, 4.2.4, 4.2.5, 4.2.8, 4.2.18, 4.2.19, 4.2.20, 4.2.21, 4.2.22, 4.2.29 and 8.2.5. Using the terminology “to recognise” inherently asks “how”? This cannot be effective. We cannot check if the policy has been effective because the consents database COCO does not tell us which policies were invoked and whether there were adverse effects.

**Other difficulties:**

- The connection between some provisions is either unclear or weak.
- The terminology “to ensure” begs the question “how?” and “it that possible?”. It would be clearer and more certain if “to provide for” were used, for example in policy 6.2.4.
- Policy 5.2.4 uses the term “net beneficial effects” without explaining how this is to be determined. This balancing should occur at the consent consideration stage.
- The circumstances are not specific and the reasons are not stated, for example, policy 4.2.17.
- Some policies are internally contradictory eg policies 8.2.2 and 13.2.1.
- Complicated policy construction such as the two part enabling policy 7.2.1 is difficult to use.
- The assumptions about reasonable mixing are not clear in policy 10.2.4.
- Consistency is needed with the Freshwater Plan eg definition of stormwater in policy 12.2.2
- Providing for fish passage does not appear to fit in as it is not mentioned in any rule.
- No policies allow small removals or depositions to the beach. s12(1)(c) RMA says no person may disturb any foreshore in a manner that has an adverse effect on the foreshore unless expressly allowed by a rule in a Plan. So small removals are allowed as they do not have an adverse effect, but this is not generally known.

**Examples of good explanations** are policies 4.2.6, 4.2.22, 4.2.33, 4.2.35 – 4.2.41, 7.2.9 and 10.2.11 which give concrete examples of what is envisaged in the policy itself. The explanation can become very important in those policies which are vague and not helpful, for example, policy 6.2.11 about residential use of boatsheds is good.

**Examples of poor explanations** include:

- a) New matters included which were not raised in the policy, which correctly should lie in the policy itself e.g. policy 7.2.1, or the “criteria” in policy 7.2.2.



- b) Explanations that go beyond the policy e.g. 4.2.22, 8.2.1, 10.2.10.
- c) Explanations that introduce new elements e.g. policies 4.2.18, 10.2.10.
- d) Explanation to policy 12.2.1 introduces new items and casts doubt over the actual policy.
- e) Some explanations not useful at all e.g. policies 4.2.1, 10.2.17.
- f) Explanations which introduce new ideas which should be in the policy itself eg risk in policy 4.2.21; Hutt River mouth changing shape in policy 4.2.22.
- g) Explanations which do not explain a new concept introduced in a policy include: the idea of “offset” of effects (what it is, how does it work, where it might be applicable) in policy 7.2.8; the sediment budget concept in policy 8.2.1; the idea of mitigating adverse effects in policy 8.2.4.
- h) Explanations that say “self explanatory” when the policy cries out for details and how it should be implemented, e.g. policy 10.2.17.
- i) Inconsistency between explanation and its own policy in policy 11.2.1
- j) New terminology introduced that adds confusion without explanation e.g. policy 7.2.10.
- k) Explanations that create confusion 10.2.9

#### 18.1.5 Have the policies been implemented?

A policy has to be given effect to by a rule or method, and the method has to have been done, for the policy to have been implemented.

The following policies are not given effect to by any rules or methods, hence cannot be implemented or be effective: 4.2.2, 3.2.13, 4.2.24, 4.2.26, 4.2.28, 4.2.46, 7.2.10, 10.2.1 and 10.2.2.

The following policies are given effect to by methods only: 4.2.30, 4.2.31, 4.2.32, 4.2.34, 6.2.15, 9.2.4, 10.2.1, 10.2.2, 10.2.7, 10.2.10, 10.2.12, 10.2.13, 10.2.15, 10.2.16, 10.2.17, 11.2.4 and 11.2.5. Most policies do not have an associated method. Some policies are given effect to by a method but the method has not been done, therefore the policy cannot be implemented. Non-regulatory policies rely on the method being realistic and achievable (even though there is never certainty about funding a method due to the Annual Plan funding mechanism). This is discussed in the section on effectiveness of methods.

For policies concerned with cross boundary issues, either with district councils or with the other regional plans, there is no indication that other mechanisms are necessary for effectiveness. For example, policies 13.2.3 and 13.2.4 about driving on beaches need coordination with district plan provisions and possibly bylaws under the Local Government Act and also involvement with the police and community. To reduce contaminants flowing into the coastal marine area via rivers, which contributes to low



coastal water quality, coordination with the Freshwater Plan, Soil Plan and Discharges to Land Plan is necessary.

Some policies are relevant to a very large number of rules and they are so broad that they provide justification for both granting and declining consent, which is not very helpful. Policy 4.2.1 is one of the few “enabling” general policies, which is why so many rules are relevant to it. Policies which have little specificity are probably given little weight if they are applied. Examples include policy 4.2.5 about the precautionary approach, and the tangata whenua general policies 4.2.24 to 4.2.29.

The tangata whenua policies are weak, as no rule specifically refers to them. Policy 10.2.11 about considering māori views and values in discharge to water consent applications relies on how it is implemented in a practical way and there is no information on this.

There are difficulties in implementing policy 4.2.12 concerning historic heritage. Only rule 13 specifically mentions appendix 4, the schedule of heritage items to be protected. Other rules such as rules 6, 7 and 10 should have this direct connection. Appendix 4 is really an extension of this policy, but it has no criteria for including items in the list, and no location or grid reference for the items. There is no indication of the values of each structure that we are trying to protect.

The definition of reclamation creates implementation difficulties for all small reclamations. The word is defined as meaning more than 2 metres width, which itself has an unclear meaning. There should be a drawing to explain such an obscure meaning.

The following policies have very weak implementation by general “catch-all” rules:

- Policy 4.2.14 about having regard to DOC administered land
- Policy 4.2.23 about aquaculture is very passive and has no specific method
- Tangata whenua policies 4.2.25, 4.2.27 and 4.2.29
- Policy 4.2.42 which has regard to certain district plan provisions in applications that span MHWS
- Policy 5.2.6 about minimum size of reclamations
- Policy 6.2.4 about providing disabled persons access in new structures
- Policy 6.2.5 about allowing for sea level rise in structures
- Policy 6.2.6 about exterior lighting on structures
- Policy 6.2.9 about protecting important views in developing structures.

#### 18.1.6 Are the policies effective with regard to adverse effects?

Effectiveness in terms of no more than minor environmental effects being detected relies on a comprehensive set of baseline monitoring for the attributes that are being controlled, that is, targeted at parameters for each chapter, and also monitoring capable of detecting change in those parameters. Neither of these happens now. This monitoring can be set up by specific methods in each chapter (noting that four out of nine chapters have no methods at all), and/or by a separate monitoring strategy that stands outside of the Plan. The methods inside the Plan mechanism would be more transparent in how the policies were to be given effect to and implemented, and subject to scrutiny by way of this mandatory effectiveness report.

Monitoring is important if an effects-based Plan is to be maintained. At the moment there is very little information on the effects produced by each chapter's provisions. There is now good data for baseline state of the intertidal zone (but not generally in the coastal marine area), there are ongoing investigations into sediment and water quality at "hot spots" such as Porirua Harbour and monitoring of ambient coastal water quality at bathing beaches. The limited other data such as the structures databases have not been updated. Survey information, such as responses to *Our region, their future*, that has been used in this report and some relevant committee reports, is a way of gauging public opinion on effects on natural character, but none of it was targeted towards this attribute specifically and is of limited value because little of it is specific to the coastal marine area.

Having so many general policies is problematic from an effectiveness point of view. In principle, it is challenging to design monitoring to detect environmental effects resulting from general provisions. The usual way of dealing with this is to specify Environmental Results Anticipated (ERAs) in the Plan, but there are no targeted ERAs and no quantified method to measure them. Realistically, any data is likely to be indirect via targeted policies and the usefulness of that is questionable.

Need more monitoring and/or reporting of permitted activities, tighter definition of what is permitted, more in line with the policies and intention to create only minor adverse effects. In practice, this means limits on nature of the activity, scale and location. There are potentially significant effects but no information to say so.

COCO could record any environmental effects detected from annual consent inspections. That relies on adequate monitoring and reporting conditions being placed on consents, and on a thorough inspection of effects (not just the consented activity). It also relies on accurate data transfer into COCO, and relies on COCO being capable of accepting this data, and organising it in a way that it can be extracted and useful for plan effectiveness evaluations. It cannot do this.

Identification of specifics is needed to make some policies more effective. For example, policy 7.2.6 about rocks of significance to Māori needs to say where they are or how to find out; policy 4.2.12 in conjunction with Plan appendix 4 needs to identify locations and extent.

## **18.2 Do the rules implement the policies?**

### **18.2.1 Overview of the rules**

The proportion of type of rules in the Plan for different activity types is given in table 2. A third of the rules are permitted activity rules, with some more specific than others. Information was obtained on the implementation of seven of these rules for this report. There is no information of the degree to which the more general permitted activities are exercised. There is little monitoring of these rules, and no ambient state of the environment monitoring (excepting water quality) to detect their effects indirectly.

About a third of the rules are restricted coastal activities, and there are few consents, most being for discharges of sewage and contaminants, but their effects are, by definition, potentially significant. These always get a high level of scrutiny because they

are always publicly notified, and the final decision is made by the Minister of Conservation.

About 20% of the rules are “catch all” type rules, consistent with an effects-based plan. This required a high level of information, and possibly certainty, about what the effects are. These types of policies rely on policies strongly giving effect to objectives and robust monitoring for them to work effectively. It is unlikely that this is true in this Plan. About half of these “catch all” rules are non-complying and these should have very robust policies to support this status according to best practice advice published on the Quality Planning website.

Only three discretionary/non-complying activity rules are specific to particular activities, and rely on targeted policies. These are, of course, not directly effects focussed, but they are easier to apply and work with.

**Table 1 Rules for each type of activity**

Type of rule	Rule numbers	Total # rules	% of all rules
Permitted	6-12, 28-33, 44, 53-56, 63-67, 73-74, 78-81	29	34
Controlled	13-16, 34-36, 45, 75	9	10
Restricted discretionary	83	1	1
“Catch all” discretionary	4, 25, 40, 48, 50, 61, 71, 76, 85	9	10
“Catch all” non-complying in ASCVs – not RCAs	5, 26, 43, 49, 62, 72, 77, 86	8	9
Discretionary / non-complying specific (ie not “catch all” )	27, 41, 42	3	4
Non-complying RCAs in ASCVs	3, 21-24, 39, 47, 59, 60, 69	10	28
Discretionary RCAs not in ASCVs	1, 2, 17-20, 37, 38, 46, 51, 57, 58, 68, 84	14	
Prohibited	52, 70, 82	3	4

## 18.2.2 Summary of effectiveness of rules from the chapters

### 1. Do the rules give effect to the policies?

Many of the rules fall short of giving effect to the policies. This includes:

- The rules for reclamation do not address small reclamations properly, do not have conditions or criteria to address dumping of waste as fill and leaching of

contaminants, and do not address AICVs, reefs and significant habitats and ecosystems.

- Most of the structures permitted activity rules fall short of policy requirements by not having conditions on them to address specific matters such as AICVs, not seeking adequate maintenance and not considering a list of specified adverse effects.
- Half the damage and disturbance to foreshore permitted activity rules give effect to the policies, and half do not. The controlled activity rules should have greater restrictions in order to give effect to the policies.
- The deposition of substances rules need to address AICVs, natural hazard effects, the Hutt River hydraulic line and practical alternatives.
- The rules for taking, damming and diversion of water only partly give effect to the policies.
- For surface water and foreshore activities, the permitted activity rules for vehicles on beaches do not give effect to the policies as there are too few restrictions. The military training permitted rule does not give effect to any policy. The restricted discretionary rule for vehicles on beaches does not consider the protection of flora and fauna. The “catch all” discretionary and non-complying rules partially give effect to the policies, except that AICVs should be included wherever ASCVs are mentioned.

Many of the discretionary and non-complying activity rules give effect to the policies because most are “catch all” rules which invoke the policies as required. For example:

- The damage and disturbance to foreshore discretionary and non-complying rules give effect to the policies.
- The exotic plants rules generally appear to do what they aim to do.
- The discharges to land and water remaining rules give effect to the policies. There is no rule to allow discharges with minor effects.
- For the discharges to air rules, all the rules generally give effect to the policies.
- The permitted activity rule for horse races, and the prohibited activity rule for vehicles on part of Titahi Bay beach gives effect to the policies.

## **2. Have the rules been implemented?**

The rules are implemented by permitted and prohibited activity rules, and granting consents under the other activity rules. The greatest number of consents granted by far are for structures and for discharges to land and water. For this reason alone, the rules and policies for these chapters need to work well, be robust and have good monitoring to check that they are not causing unintended environmental effects. A medium number of consents is granted for rule 40 (disturbance of foreshore), deposition of substances, and driving on beaches (rule 83). All other chapter rules have low numbers of consents

granted. These numbers are estimates because COCO consents database does not record which rule is invoked against a consent application.

Enforcement of permitted and prohibited activity rules is a serious matter. They are not monitored except for responses to complaints, and the limited monitoring of seven permitted rules done for this report. The permitted activity rules are also difficult to monitor because most are written in a permissive way that does not make it clear what the extent of activity is before a rule is invoked that requires resource consent. There are reports of non-compliance with the driving on Titahi Bay beach prohibited rule even though the rule has been implemented by erecting an indicative line showing the location of the prohibited area on the beach for the summer months. There is no information on whether the other prohibited rules are complied with.

The thresholds for structures permitted activity rules are generous and not clear in how to apply them. Two of the controlled rules have similar difficulties. There are practical compliance difficulties with rule 27 about residential use of boatsheds.

The two permitted discharges to land and water rules and one discharges to air rule have been superceded by the Marine Pollution Regulations. The discharges to air prohibited rule has partly been superceded by National Environmental Standard.

### **3. Are the rules effective?**

Ultimately, whether the rules are effective depends on what the effects on the environment are. That involves monitoring and information gathering on the state of the environment, also the effort required, being the degree of enforcement and compliance and everything that entails, to make the rules regime work, and the degree to which the rules can give effect to the policies and objectives if they were working well.

There is very little targeted state of the environment monitoring done for any of the chapter activities, so the effects of granting the consents or permitted certain activities is for the large part unknown. There is good monitoring of ambient coastal water and shellfish flesh quality, and intertidal biodiversity that is an indirect measure of the effectiveness of the discharges to land and water rules. This indicates that generally the values are good, except for hotspots near sewage and stormwater discharges and rivers, and other temporary effects, so the regime needs further improvement. There is public feedback which suggests there are concerns about maintaining natural character of the coast, the extent of use of hard erosion protection structures, and seeking further improvements to coastal water quality suggesting these provisions are not working entirely satisfactorily.

The degree of enforcement and compliance exercised is insufficient to be confident that all permitted and prohibited activity rules are being complied with, and that all consent conditions are always complied with. Where enforcement and compliance complaints are received or annual consents monitoring reveals non-compliance, these are acted upon. At the very least there are reports of non-compliance of the rules about driving on beaches that are very difficult to enforce by the Plan rules and council's powers under the RMA.

It is clear from the earlier analysis that the rules could give effect to the policies better and the policies could give effect to the objectives better. A further consideration is the

eight “catch all” non-complying rules (shown in table 2), and whether there is sufficient policy support to make them effective. For a non-complying rule to have any significantly greater effect than a discretionary rule, its gateway test under section 104D(1)(b) RMA needs to be robust. This says that a non-complying activity must “not be contrary to” the objectives and policies of the plan (or the effects must be less than minor). If the policies are not strong and specific, then almost any proposal will be able to “not be contrary to” those provisions, with the end result that would be similar to the outcome from of discretionary activity process. The policies in the Plan are generally not strong and specific (though a few are), which casts a question mark over the effectiveness of those “catch all” rules. It is unlikely those rules have been invoked very often from the consents data.

### 18.2.3 Do the rules give effect to the policies?

#### **Permitted activity rules**

The permitted activity rules have numerous relevant policies. Some rules cover many different aspects of policy (for example, structures rules 6, 7, 8 and 10). Many of the relevant policies are broad and can be applied to many things (for example, policy 4.2.1). There are few policies focused on permitted activities and determining the extent of them.

Writing permitted activity rules that are certain, capable of being monitored, and cause less than minor adverse effects is very difficult. They have to be precise, with thresholds that should allow for small scale activities that are unlikely to have adverse effects, and not loose enough to allow activities that are more than minor in effects. Examples of activities with minor effects include taking of shells or seaweed for home garden use, or small discharges with minor effects.

Many of the permitted activity rules have too few restrictions to fully implement the policies, for example, rules 78 and 81. There is a lack of clarity in conditions imposed in rules 64, 65 and 66.

In order to give effect to the general protection policies, there should be a degree of certainty that the effects allowed by permitted activity rules are minor. This requires confidence that the extent of exercise of the rules and their effects on the environment are minor. In general there is no information on the extent of exercise (apart from the rules reported in section 4.7) because there is no monitoring of the permitted rules (except for Pollution Control response to complaints) and no reporting conditions on the rules. There is no baseline data and no monitoring of the environmental effects of the exercise of the permitted rules. The potential for including reporting requirements for some permitted activities should be looked at, acknowledging that there could be little compliance even if they were imposed.

There are some omissions in policy requirements with some of the rules. For example, rules 73, 74 and 75 omit referring to mauri, and there are no conditions for “no discernible effects”.



## **Catch-all rules**

The “catch-all” rules which capture activities that do not have a specific rule (for example, rule 26), necessarily have many relevant policies in order to capture most possible effects. In order to work, they should be very policy and effects-based focused. They rely on policies giving strong effect to objectives, and robust monitoring conditions to be capable of their environmental effects for these rules to work.

Policy 4.2.10 is not given effect to throughout the Plan. It affords protection to AICVs as well as ASCVs, without any distinction of importance. It does not say only ASCVs will invoke restricted coastal activity status. However, there are no rules relating to AICVs. This results in weak protection given to these special sites.

For foreshore and surface water activities, there are “catch-all” rules for both permitted rule 78 and discretionary/non-complying activity rules 85 and 86. The only distinction is that the permitted rule has a condition requiring any disturbance to be removed by two high tides. This is a weak distinction between two very different types of rules, especially since the condition requires a prediction as to future events.

## **Prohibited rules**

Prohibited activity rule 70 goes beyond the scope of policy 11.2.2 in banning “any discharge to air...with the open burning of...any other combination of metals or combustibles...” This catch-all of activities may not reach the thresholds of adverse effects in the policy. For example, it is questionable whether firework displays in Wellington Harbour, have “an objectionable or offensive odour” and “result in unacceptable degradation of the existing environment” as required by the policy. This activity was probably unanticipated when the rule was written.

Policy matters not covered by the rules include:

- Historic heritage is not addressed properly in the structures chapter.
- Fish passage, fish spawning and migration is not mentioned in any rule, for example, rules 73 – 75.
- Structures rule 6 is difficult to apply due to lack of clarity over what the thresholds mean and whether “use” or “activity” is interchangeable.

Some rules have little connection with policies. Examples include:

- The occupation of space by structures rules 11 and 16 have very weak policy support. Petroleum industry activities have no directly related policy support, except for hazardous substances aspects.
- Navigational aids (rule 9) have weak policy support. Policy 4.2.6 indirectly addresses this. It refers to “use and development” whereas the necessary support should refer to promoting navigational safety. There is no specific objective in support. The closest is objective 4.1.8 relating to public access, which is broad and non specific.
- There is virtually no policy support for temporary military training activities rule 80.



#### 18.2.4 Have the rules been implemented?

It is not easy to know which rules have been invoked, and therefore find out how effective they have been. Reasons include:

- Council has no knowledge of the extent of use of permitted rules as there is no reporting requirement.
- The consents database COCO is not set up to easily extract this information from consent applications.
- There appear to be few anecdotal recollections of many consent applications in ASCVs.
- There are few anecdotal recollections of the removal of redundant structures. There is no incentive to do this, and many would have no “current owner”.

Inconsistencies in rules include:

- Permitted rule 79 for takes of water is not consistent with the corresponding rule in the Freshwater Plan – it should be subject to no adverse environmental effects.
- Rule 30 about cutting the mouth of the Waikanae River has an inconsistency between the list of rivers in Table 7.1 of the Plan which sets out the trigger levels for cutting.
- There is a discrepancy between information requirements for consent application on page 139 and a lack of addressing this in the rules, for example, faecal coliforms, heavy metals etc. are in the information requirements but are not considered as conditions in the permitted rules.

Compliance with rules is a big problem with permitted activity rules, prohibited activity rules and rules about driving on beaches.

The Marine Pollution Regulations have superceded several rules 54, 55 and 63, and part the National Environmental Standard for air has superceded part of rule 70.

#### 18.2.5 Are the rules effective with regard to adverse environmental effects?

To answer this question the following would be required:

- ambient environmental monitoring designed to address the activities in each chapter
- baseline monitoring as a starting point to detect changes caused by those activities
- monitoring of the effects of specific consents.

The only ambient environmental monitoring that is done is coastal water, shellfish flesh and limited amounts of sediment quality and deposition rate. This shows that generally the quality is good except for hotspots, such as near sewage and stormwater outfalls and after first flush rain events. This type of monitoring is especially relevant to the permitted activities where it is unknown when and where such rules are exercised.

Baseline monitoring of the intertidal zone and sediments in Porirua harbour has been done, but nothing else that is specific to the Plan chapters.

Consents granted should include monitoring conditions specific to the exercise of that consents which will fill the information gap about specific “hotspots”. The activities

with the greatest number of consents should bear some accumulated information, for example, for discharges to water. There is not much useful information for the other activity of high consent numbers, structures (apart from residential use of boatsheds). There is no information of the effects of other activities such as reclamations.

The message of section 18.1.6 is relevant here – for the most part the information does not exist as to the environmental effectiveness of the rules. Where monitoring has been done, some problems have been detected.

### **18.3 Do the methods implement the policies?**

Five of the nine chapters have methods. Four of those chapters have between three and five methods, and the discharges to water chapter has twelve methods.

Methods can be important and the only mechanism of giving effect to policies, for example, in the discharges to water chapter. Where they are the only means of implementing the policy, there should be a good match with policies.

Generally, there is a weak or only partial connection to policies. Many methods in this Plan have stronger connections to objectives than policies.

Implementation of methods is subject to Annual Plan funding and the initiative to carry them out. They are not reactionary mechanisms in the way that consent applications invoke rules.

#### **18.3.1 Do the methods give effect to the policies?**

The exotic plants methods generally give effect to the policies.

The structures methods generally give effect to the policies but do not go as far as the policies.

The methods for discharges to land and water, discharges to air, and surface water and foreshore activities do not have a good match between the methods and the policies. There are several methods that are much more aligned with objectives than the policies.

Method 15.1.2 has no supporting policy. Methods 15.2.1, 15.2.3 and 15.4.1 have a relevant objective but no relevant policy.

In short, the majority of methods are not well aligned with the policies.

#### **18.3.2 Have the methods been implemented?**

Most of the methods for the discharges to land and water chapter have been carried out.

There has been a mixed implementation of the methods for exotic plants, structures, surface water and foreshore activities and the remainder of the discharges to water and land methods. Some have been done and other not at all.

For the discharges to air chapter, only one method has been done, and that method does not relate to the coastal marine area.

Policy 10.2.15 methods (discharges to land and water) are onerous to implement. Methods 15.3.1 – 15.3.3 set up a water classification system that was never carried out. Biosecurity New Zealand has taken over the function of method 15.2.2.

### 18.3.3 Are the methods effective with regard to adverse effects?

The question of environmental effects should be answered in terms of the combination of the effects of rules and methods. Monitoring is needed to check that activity effects have not “fallen through the gaps” and ultimately state of the environment monitoring to see if it is effective.

There are more than twice as many methods for the discharges to land and water chapter than for any other, and more it is likely more non-regulatory work has been accomplished, and more is known about the state of the environment for this chapter than for any other.

## 18.4 Do the rules and methods provide an appropriate mix of regulatory and non-regulatory measures to implement the policies?

This analysis is intended to be a broad brush overview of the whole plan, and recognises that the function and importance of each provision is not equal, that some policies do not effectively implement the objectives, that some rules have been superceded by the Marine Pollution Regulations and that for some permitted activities there is no information on the degree to which they have been invoked.

Table 3 shows the spread of policies, permitted rules, rules that require resource consent and methods for each chapter of the Plan, to give an indication of the ratio of regulatory to non-regulatory provisions. Table 3 also indicates the numbers of resource consents and RCAs granted for each chapter to show where most activity is occurring.

The indicators for approximate consent numbers are: very low means 1 -3, low means <10, medium means ~40 – 60, and high means >100.

The table does not indicate the environmental effects of the consents granted or permitted activities invoked. The number of consents granted cannot be equated to effects on the environment. Although the consent numbers for structures is high, the majority is for moorings and slipways, boatshed and wharfs which probably have minimal effects except cumulatively on natural character.

The number of policies and consents for structures and discharges to land and water is significantly higher than the other chapters. The analysis says they are both not highly regulated. The ambient water quality monitoring shows there are some adverse effects from discharges, which suggests that the regulatory/non-regulatory mix is not strong enough, and the relatively large number of non-regulatory methods are not sufficient. Public feedback shows concern with development, primarily of structures, that impacts cumulatively on amenity, historic heritage and natural character values. This suggests that there should be more focus on these two chapters in any review of the Plan.

There is a significant contribution of contaminants into the coastal marine area via rivers and streams that contributes to the environmental outcome, that is not controlled by this plan but by the other regional plans. This suggests that review of the discharges chapter should be integrated with that of the regional plans that control discharges into

rivers and streams, otherwise the Plan discharges chapter will continue to be relatively ineffective.

The degree of regulation varies between chapters. It is appropriate that the degree of regulation is related to the activities and potential effects. Because all reclamations have adverse effects (according to policy 5.2.1) it is appropriate that they are all regulated. Other very regulatory chapters are deposition of substances and exotic and introduced plants. They all have low numbers of consents granted. It is not clear if the low numbers are due to low development pressure for that activity, or due to the strict regulatory regime, and there is insufficient targeted monitoring to say whether there are any adverse effects.

**Table 2 The mix of regulatory and non-regulatory measures to implement policies**

<b>Chapter</b>	<b>Policies</b>	<b>Permitted rules</b>	<b>Regulatory rules</b>	<b>Ratio</b>	<b>RCAs since 2000</b>	<b>Consent numbers since 2000</b>	<b>Methods</b>	<b>How many done?</b>	<b>Regulatory / non-regulatory mix?</b>
<b>Reclamation and drainage</b>	11	0	5	0:5	1	Low	0	-	All regulatory
<b>Structures</b>	18	7	11	7:11	0	High	4	Half done	Not highly regulated, but lots of consents
<b>Destruction, damage, disturbance</b>	10	6	10	6:10	4	Medium for rule 40 only	0	-	Quite regulatory. Most consents from 1 catch-all rule
<b>Deposition of substances</b>	6	1	5	1:5	3	Low - medium	0	-	Highly regulatory but not many consents
<b>Exotic plants</b>	4	0	4	0:4	0	Very low	3	Half done	Highly regulatory but very few consents
<b>Discharges to land and water</b>	17	4	6	4:6	8	Medium	12	2/3 done	Not much regulation but invoked a lot
<b>Discharges to air</b>	5	5	5	5:5	0	Low	4	Not done	Balanced reg/non-reg but no methods done
<b>Taking, damming, diversion of water</b>	6	2	3	2:3	-	Low	0	-	Quite regulatory but very few consents
<b>Surface water &amp; foreshore activities</b>	5	4	5	4:5	0	Medium for rule 83	5	< half done	Balanced reg/non-reg

## 19. Summary of effectiveness

There are 68 objectives and 121 policies in this plan. This is a large number of separate provisions. The connection between objectives, policies, rules and methods is not explicit. This is particularly so in the case of the 26 general objectives and 47 general policies.

### 19.1 Summary of effectiveness from the Plan section 19.2 effectiveness evaluation.

The monitoring techniques listed in section 19.2.2 of the Plan in general are not targeted at the general objectives or the objectives for each chapter, except for discharges to air and discharges to water. They are not explicitly related to the Environmental Results Anticipated, and few methods are included to set up the implementation of the techniques.

Similarly, the attributes listed in section 19.2.1 of the Plan are not directly related to the chapters and monitoring techniques appropriate to each attribute is not stated.

Section 7.1 of this report states that many of the parameters have not been monitored, and where monitoring has been done, the majority of it amounts to baseline monitoring rather than monitoring that has been designed to detect changes in attributes. Only three of the Plan's methods produce information directly relevant to the analysis. What is evident is that there has been a steady pressure of development with most consents being for structures and for discharges to water.

Water quality monitoring has been set up and is being done, and shows that generally the quality is good, except for localised hotspots, near discharges of sewage, stormwater and inflow of streams and rivers.

The analysis of whether any changes are attributable to the objectives and policies says mostly it is not possible to answer the question.

There is information that shows that localised lower quality water, shellfish flesh and sediment results suggest that the discharges to water provisions are not stringent enough. In particular, the stormwater provisions need tightening up, and contaminant flow via rivers needs to be addressed by coordination with other regional plans.

The analysis also calls for:

- a) a clearly stated measure or environmental result anticipated (ERA)
- b) a monitoring programme directed at that measure, and
- c) a baseline from which to detect change.

This original section 32 RMA assessment of benefits and costs of principal alternative means is still applicable, because it was couched in such broad terms, it would encompass most new recommendations for changes to specific objectives and policies. It is not useful in assessing the effectiveness of the Plan.

The response to the question "Have the issues been addressed by the plan provisions?" was that the public appears to have realised that there have been some improvements, such as the improvement in the quality of sewage discharges, but now the focus has

shifted to trying to clean up stormwater discharges. There is a great concern about coastal development, but most of that concern relates to subdivision and development on coastal land, not within the jurisdiction of the Plan.

## **19.2 Summary of effectiveness according to section 35(2) RMA analysis.**

This analysis examined whether the policies give effect to the objectives and whether the rules and methods give effect to the policies.

To be effective, the policies need to have clear and strong policy constructions, rules and methods which clearly and directly implement them, and environmental monitoring to verify that the state of the environment is being maintained or improved.

Generally, the policies do give effect to the objectives, but often not very well. Some of the connections between objectives and policies are not a good match, weak, or only between parts of the provisions. There are extensive difficulties with policy construction.

Most methods either are not properly targeted to implement policies or have not been done. Many of the rules invoke few consents, except for the structures and discharges to water chapters.

Effectiveness in terms of no more than minor environmental effects being detected relies on a comprehensive set of baseline monitoring for the attributes that are being controlled, that is, targeted at parameters for each chapter, and also monitoring capable of detecting change in those parameters.

Generally, there is insufficient monitoring, and not targeted monitoring to detect changes in attributes these policies address, to be able to tell whether the environment is being maintained or improved. Where significant monitoring is carried out, in the area of coastal water quality, the general standard is good except for localised hotspots. Monitoring is important if an effects-based Plan is to be maintained. At the moment there is very little information on the effects produced by each chapter's provisions.

Having so many general policies is problematic from an effectiveness point of view. In principle, it is challenging to design monitoring to detect environmental effects resulting from general provisions. The usual way of dealing with this is to specify Environmental Results Anticipated (ERAs) in the Plan, but there are no targeted ERAs and no quantified method to measure them. Realistically, any data is likely to be indirect via targeted policies and the usefulness of that is questionable.

Many of the rules fall short of giving effect to the policies. The greatest number of consents by far is granted for structures and for discharges to land and water. For this reason alone, the rules and policies for these chapters need to work well, be robust and have good monitoring to check that they are not causing unintended environmental effects.

Enforcement of permitted and prohibited activity rules is a serious matter. They are not monitored except for responses to complaints, and the limited monitoring of seven permitted rules done for this report. The permitted activity rules are also difficult to monitor because most are written in a permissive way that does not make it clear what



the extent of activity is before a rule is invoked that requires resource consent. The thresholds for structures permitted rules are generous and not clear in how to apply them.

There is very little targeted state of the environment monitoring done for any of the chapter activities, so the effects of granting the consents or permitted certain activities is for the large part unknown, except for the discharges to water chapter.

Generally, the connection between methods and policies is a weak, partial or not well aligned. Many methods have stronger connections to objectives than policies.

Most of the methods for the discharges to land and water chapter have been carried out.

There has been a mixed implementation of the methods for exotic plants, structures, surface water and foreshore activities and the remainder of the discharges to water and land methods. Some have been done and other not at all.

The balance of regulatory to non-regulatory provisions varies between chapters. It is appropriate that the degree of regulation is related to the activities and potential effects. Because all reclamations have adverse effects it is appropriate that they are all regulated. Other very regulatory chapters are deposition of substances and exotic and introduced plants. They all have low numbers of consents granted. It is not clear if the low numbers are due to low development pressure for that activity, or due to the strict regulatory regime, and there is insufficient targeted monitoring to say whether there are any adverse effects.

The Plan section 19.2 analysis is an empirical way of determining effectiveness, that is, it seeks to measure a physical or social outcome. This type of analysis gives results of a general nature, rather than the effectiveness of specific policies or rules, unless the objectives have been very tightly constructed with a very clear and readily measurable outcome for each one. However, most of the provisions have not been constructed in this way, so the evaluation could not be adequate in this way.

The Plan attempts to link environmental outcomes to objectives and policies. It cannot do that without explicit links and targeted monitoring which has a baseline data set.

## 20. Recommendations for appropriate action

Section 35(2) of the RMA states that local authorities must "...take appropriate action ... where this is shown to be necessary" as a result of monitoring of effectiveness of plans. Recommendations from this report are:

1. The greatest focus in the Plan review should be on the structures and the discharges to land and water chapters as they generate the highest activity. They have the most policies to be implemented, the most methods to be carried out and the highest numbers of consents granted. They have potentially significant adverse environmental effects: for structures the effects on coastal processes, historic heritage and natural character; for discharges, cumulative ecological, recreation and amenity effects.
2. The other chapters (reclamation, destruction and damage, deposition, exotic plants, discharges to air and taking and damming coastal water) warrant far less attention, with fewer provisions and fewer consents invoked.
3. Two cross boundary matters require significant development:
  - a) Integration of this plan with the provisions in the other regional plans needs to be enhanced in order to effectively deal with the adverse effects of discharges of sediment and contaminants to the coast.
  - b) Integration with district plans, management plans, bylaws and other mechanisms is required to address foreshore and surface water activities that span the MHWS jurisdictional boundary, notably driving vehicles on beaches. Such activities have potential health and safety, community, amenity, ecological and recreational adverse effects.
4. Improved construction of provisions is needed. There need to be clear and transparent links between the provisions, they need to be clearer and easier to interpret and apply, internally consistent, and consistent between plans.
5. Give special attention to conditions on permitted activity rules in general. Designing limits to what is allowed as of right is a careful balance between minimising bureaucracy to allow the community's expectations for a reasonable coastal way of life, and the potential for cumulative adverse effects. Ideally they need to be amenable to being monitored.
6. The permitted activity rule for discharge of stormwater needs to be more stringent, with clear thresholds and conditions for contaminants and acceptable loading rates.
7. Look at the benefits and difficulties of imposing reporting requirements for certain permitted activities (for example, those in section 4.7).
8. Whether the balance of methods and rules to implement the policies is still appropriate should be looked at.
9. More methods are required to set up targeted monitoring to address information needs for effectiveness reporting. Monitoring is also required for state of the

environment type reporting to detect changes in the environment attributes to achieve the objectives for each chapter.

10. Databases capable of accepting, manipulating and analysing the monitoring data are necessary. Funding and personnel to maintain them are necessary. It must be made clear who “owns” the databases for the purpose of monitoring the plan and determining its effectiveness.

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## 22. Appendix A - Pollution incidents reported to Greater Wellington

The incident database records the location, type of incident, response, effect on the environment etc. that is maintained by the Pollution Control team of what is now Environment Regulation Department. Incidents that had a bearing on the coastal marine area were selected from the database. The number each type of incidents for each year was worked out and collated (Table 1).

There are two databases. The original database was designed with ACCESS software and has a record of all incidents reported between 1995 and February 2003. This version did not record which plan (or rule) was affected in an incident. A new database was set up in February 2003 and records this information and any follow-up work that was done by staff.

The categories in the two data bases were similar but not exactly the same. In formulating this summary, the categories were aligned as far as possible to get a continuity of data. Some alignments and categories require comment:

“Agricultural effluent” in the early database did not follow on to the later database. Prior to 1999, when the Regional Plan for Discharges to Land (DTL) was made operative, all such discharges were treated as incidents contrary to section 15 RMA and resource consent was subsequently sought.

The “vehicles” category includes disposal of abandoned cars (the predominant type of incident in the old database) and driving on beaches where it was prohibited or requires resource consent (the predominant type of incident in the new database).

Category “other” in the early database included noise complaints, but boat noise was separated out as a separate category in the later database.

“Natural occurrence” includes such natural phenomena as algal blooms and accumulations of pollen.

“Hydrocarbons” includes discharges of petrol, diesel and from road accidents into stormwater drains or directly to the coast. It does not include discharges of oil products from vessels, which are dealt with by the Harbourmaster under the Maritime New Zealand oil spill procedures.

“Liquid waste” includes paint, industrial discharges, industrial washwater etc.

Section 4.4.1 comments on the data in Table 1 and analyses it to see how useful it is for providing monitoring information for the state of environmental aspects in section 3 of this report, and as an information source for the section 35 RMA effectiveness analysis in section 18 of this report.

**Table 3 Incident data for reported coastal incidents - 1990-2007**

<b>Old incident data for coastal from 1990 onwards</b>														
<b>Year</b>	<b>Vehicles</b>	<b>Aggricualtural effluent</b>	<b>Dead stock</b>	<b>Hazardous substance</b>	<b>Hydrocarbons</b>	<b>Liquid waste</b>	<b>Sewage</b>	<b>Silt</b>	<b>Solid waste</b>	<b>Other</b>	<b>Natural occurrence</b>	<b>Unconsented</b>	<b>Boat noise</b>	<b>Total for year</b>
1990	0	0	0	1	2	0	1	0	0	1	0	0		<b>5</b>
1991	0	0	0	0	13	17	22	3	1	7	0	0		<b>63</b>
1992	0	2	0	0	7	12	32	8	0	3	3	0		<b>67</b>
1993	0	0	0	2	10	13	26	4	3	10	0	0		<b>68</b>
1994	0	0	0	3	5	11	10	6	0	8	1	0		<b>44</b>
1995	2	0	2	0	7	11	6	10	0	3	4	0		<b>45</b>
1996	1	0	1	0	8	6	3	3	0	6	0	0		<b>28</b>
1997	2	0	2	0	11	4	6	8	0	5	0	4		<b>42</b>
1998	8	1	8	0	21	23	11	9	13	13	4	11		<b>122</b>
1999	3	0	3	3	13	18	12	8	6	28	0	3		<b>97</b>
2000	4	1	4	1	14	14	22	2	8	14	2	8		<b>94</b>
2001	4	0	4	2	5	15	5	9	6	19	2	2		<b>73</b>
2002	3	1	3	2	13	11	11	3	3	9	2	3		<b>64</b>
2003 (to 21/2/03)	0	0	0	0	2	7	1	2	1	2	3	1		
<b>New incident data for coastal from 2003 onwards</b>														
2003 (from 25/2/03)	14		6	4	11	19	4	6	6	12	7	4	0	
<b>Total for 2003</b>	<b>14</b>		<b>6</b>	<b>4</b>	<b>13</b>	<b>26</b>	<b>5</b>	<b>8</b>	<b>7</b>	<b>14</b>	<b>10</b>	<b>5</b>	<b>0</b>	<b>112</b>
2004	19		10	7	16	16	18	9	6	4	12	4	0	<b>121</b>
2005	14		3	2	23	18	10	7	6	1	20	3	3	<b>110</b>
2006	3		6	5	20	18	15	23	10	1	13	4	3	<b>121</b>
2007 up to 20/5/07	2		1	0	11	14	3	3	1	0	4	0	0	



## 23. Appendix B – Summary of staff comments recorded on Greater Wellington’s regional rule feedback forum and rule effectiveness analysis

This appendix relates to section 5.2 of this report. The Feedback Forum comments are those up to 1 November 2007.

### 23.1 Reclamation and Draining of Foreshore and Seabed

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	General Comments		<p>Section 1.2 says landward boundary where a river comes into the coastal marine area is 1km upstream or 5 x width. Looks like this formula has been applied to the specific rivers in appendix 1. But – at the end of appendix 1 it says for remaining rivers the mouth is a straight line across MHWS. <u>So which is it for the “remaining rivers”?</u></p> <p>Motor vehicle – in the absence of any definition, a hovercraft appears to fit into this category, and a such would be restricted from certain foreshore areas. However, it would not have the same physical contact as a traditional motor vehicle. Should there be an exemption or special mention of hovercraft??</p> <p>Require more direction from the policies as most of them can be used either way at the moment.</p>	<p>The default river mouth boundary for non named rivers should be clarified. Only the mouths of small rivers have not been specifically delineated, so the discrepancy is likely to be of the order of up to about 25m.</p> <p>There are no operational hovercrafts in the region, but there was a commuter service briefly. The effects and whether to specifically mention them should be considered in the review.</p>	<p>Recommend the clarification of the definition of river mouths for small rivers that are not specifically delineated. Appendix 1 is referred to in the rules and should have greater standing than the RMA repeat definition which is in the introduction, describing the area of jurisdiction for the plan, rather than directly defining river mouths.</p> <p>Recommend the definition clarifies whether hovercraft are vehicles, based on the assessment of their effects. Are hovercraft controlled by the same motor vehicle laws?</p>
	Defining MHWS		<p>Coastal Marine Area is not defined, although Mean High Water Springs is. The fact that MHWS varies over time fundamentally undermines enforcement of rules in this plan, as activities fall into and out of the rule dependent on variables such as sea level, beach profile, coastal erosion/accretion and tectonic movement. One example would be erosion protection structures on the Kapiti Coast, that are outside the coastal marine area, but were within the coastal marine area when constructed prior to the Regional Coastal Plan. We therefore need area specific surveys.</p> <p>Inability to determine where the boundary of the coastal marine area begins and ends (from a beach gravel extraction purpose). While the RMA definition is quite clear, once on site there is no easy way to tell where one zone begins and the other ends. There are GIS problems inherent, but a MHWS line on a map would be a wondrous thing.</p>	<p>The coastal marine area is defined in the RMA. There is some technical debate as to how to measure MHWS. However, there is no doubt that it moves over time. Surveys could be done when issues arise and these are likely to be localised in extent. The example of gravel extraction would be a good example which might warrant a MHWS survey. Having complementary plan provisions (through aligning district plans with the regional coastal plan) either side of the MHWS would assist.</p>	
	Reclamations in general		<p>What happens to existing unlawful ones? Should they be controlled so they can be non-notified (as they already exist)?</p>	<p>Do we know which reclamations are unlawful? These should all be historical. Retrospective consent can be applied for. There can now be no vesting of such land and only a lesser interest such as a lease or license may be granted.</p>	
	Gravel extraction		<p>Gravel extraction at the mouth of the Wainuiomata River involved mobile plant separating approximately 10,000 m3 of mixed gravels. The extraction represents a significant environmental concern we were not able to deal with effectively under any rule in our regional plans. Perhaps a “gravel extraction” rule could be added to one of the plans, hopefully not the coastal one.</p>	<p>This should be addressed in the Regional Policy Statement review, however environmental effects of gravel extraction are not included in the draft “minerals section”.</p>	
1	Discretionary and Restricted Coastal Activities: Large	4.2.41, 5.2.1-4,	<p>Need to look at the <b>definition</b> in the interpretation section which says:</p>	<p>All of the policies in section 5 apply to the consideration of consent applications for reclamations. The rules form</p>	<p><b>Policy 4.2.10</b> about protecting ASCVc and AICVs is only partly implemented as the AICV part is completely missed</p>

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
2	reclamations outside the Commercial Port Area Discretionary and Restricted Coastal Activities: Large reclamations within the Commercial Port Area	5.2.6? 5.2.7-11 4.2.41, 4.2.44, 5.2.1-4, 5.2.7-11	<b>Reclamation</b> and <b>Reclaiming</b> mean the permanent infilling of the foreshore or seabed with sand, rock, quarry material, concrete, or other similar material, where such infilling results in a surface (usable for any purpose) <i>which is greater than 2 metres in width above the level of MHWS</i> , and includes any embankment, but does not include any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment.	a suite of increasing restriction based on scale and whether the proposal is in the Commercial Port Area or an ASCV/AICV. There are no permitted reclamations – however see the definition which is confusing, referring to a width of 2 metres above MHWS.  Rules 4 and 5 are “catch all” rules intended to require consent for activities not specifically addressed by rules 1-3. In practice, because rules 1-3 are for large reclamations, these “catch all” rules are actually about <i>small scale</i> reclamations, since all the criteria in rules 1-3 are about dimensions and incremental extensions (and whether it is in an ASCV). However, due to the Plan definition for reclamation, this “small scale” is down to the limit of the definition ie “2m in width above MHWS”.	out in rules 3 – 5. <b>Policy 4.2.41</b> about notifying the Hydrographer. All rules have this as a term. The policy is implemented. <b>Policy 5.2.1:</b> all reclamation has adverse effects. There are no permitted or controlled rules, so on the face of it looks like the rules comply with the policy. However, the definition plays an important part here. Because the activity of reclaiming small areas < 2m in width is not addressed by a rule, it is termed “innominate”, and falls under section 77C to require discretionary resource consent. The rules have failed to provide for this and are ineffective in this respect. <b>Policy 5.2.2</b> about not using reclamations as a dumping ground for waste. There is no condition in the rules and no requirement to address this in making a consent application according to section 5.4, so the rules fail to implement the policy. <b>Policy 5.2.9</b> about designing reclamations to prevent leaching of contaminants is not implemented by the rules. <b>Policy 5.2.3</b> about practicable alternatives is implemented by a requirement in section 5.4(5) for an evaluation of alternatives to be included in a consent application. <b>Policy 5.2.4</b> about the purpose of a reclamation is implemented by a requirement in section 5.4(5) for an explanation of the necessity to be included in a consent application. <b>Policy 5.2.5</b> about reclamations in ASCVs etc is partly implemented by rules 3 and 5. There are no rules which explicitly address AICVs, reefs or significant habitats or ecosystems. Only partly effective. <b>Policy 5.2.6</b> about reclamation being no larger than necessary is implemented by the rules which address large proposals. The rules do not address the necessity for small reclamations < 2m width, hence the policy is ineffective. <b>Policy 5.2.7</b> about the external appearance of a proposal is implemented by a requirement in section 5.4(4) for a description of the adjacent area to be included in a consent application. <b>Policies 5.2.8, 5.2.10 and 5.2.11</b> are implemented by a requirement in section 5.4(9), 5.4(2) and 5.4(10) for relevant information to be included in a consent application. The effectiveness components are addressed in section 9.5. <b>Does it work?</b> Since 1998 there have been 10 consents issued, only one of which has been in the Wairarapa.
3	Non-complying and Restricted Coastal Activities: Reclamations in Areas of Significant Conservation Value	4.2.10, 4.2.41, 5.2.1-5, 5.2.7-11	The bit in italics is unclear and implies small reclamations that extend out into the coastal marine area by 2m are permitted because they are not captured by this definition.		
4	Discretionary Activities: Other activities reclaiming or draining foreshore or seabed outside Areas of Significant Conservation Value	4.2.41, 5.2.1-4, 5.2.7-11	However, if the intention was to circumvent a requirement for consent for small reclamations, this has not been achieved. Section 12(1)(a) RMA says reclamation or drainage of foreshore or seabed is not allowed except when expressly allowed by a rule in a coastal plan or a resource consent. There is no rule in the Plan expressly allowing small reclamations, therefore the activity falls under section 77C(1)(a) RMA and a discretionary resource consent is required.		
5	Non-complying Activities: Other activities reclaiming or draining foreshore or seabed in Areas of Significant Conservation Value	4.2.10, 4.2.41, 5.2.1-5, 5.2.7-11			

## 23.2 Structures

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	General – related to appendix 4	4.2.12 refers to	Appendix 4 has no location or grid reference for the items. It is difficult to identify which wharf or slipway is referred to when there	This appendix is never directly referred to in the text of the Plan. There are various objectives and policies that	Appendix 4 only partially implements policy 4.2.12 as the appendix does not state the values that are to be protected.

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		Appendix 4	<p>are several in the area eg Evans Bay. There is no indication of the values of each structure that we are trying to protect.</p> <p>The items in appendix 4 appear to be based on what was identified in the Wellington Harbour maritime planning scheme, operative 1988. The items are shown on the planning maps, which are in the Library 333.917 Z WEL. There is also “Historical and cultural resources study of the Wellington harbour maritime planning area,” prepared by Boffa Miskell in 1988. The report contains brief information about historic places and places of significance to iwi along the coast, and maps showing where the places are located.</p> <p>No requirement to notify.</p>	<p>talk about recognising significant historic values or protecting important heritage sites but the wording is always slightly different so you never know whether the list is the thing that we should looking at. We should also make it clearer which of the sites listed in appendix 4 are actually fully in the coastal marine area and which are partly above and partly below. An example of this is the Evans Bay Slip and Jetty, the land part of which is going to be recognised as a “Heritage Area” in the WDP. When a Plan change goes through we should check what our TA counterparts are doing in terms of heritage recognition and try to make the plans “stitch” together better.</p> <p>Appendix 4 has no location or grid reference for the items. It is difficult to identify which wharf or slipway is referred to when there are several in the area eg Evans Bay. There is no indication of the values of each structure that we are trying to protect. Not very helpful.</p> <p>The items in appendix 4 appear to be based on what was identified in the Wellington Harbour maritime planning scheme, operative 1988. The items are shown on the planning maps, which are in the Library 333.917 Z WEL. There is also “Historical and cultural resources study of the Wellington harbour maritime planning area,” prepared by Boffa Miskell in 1988. The report contains brief information about historic places and places of significance to iwi along the coast, and maps showing where the places are located. It can be found in the Library 993.1 BOF.</p> <p>There is a report that went to the council in 2000 recommending inclusion of the breakwater and eastern and western seawalls of the Clyde Quay boat harbour in appendix 4. A consultant’s evaluation is in file X/25/1/1 v5.</p>	<p>In more general terms, the appendix does not do what it aims to do because the appendix was never a comprehensive and systematic survey of historic heritage in the coastal marine area, the location and extent of each item is not indicated, and there no other obvious source to go to about historic heritage in the coastal marine area that would assist in implementing the policy.</p> <p>The vagueness and lack of detail in the appendix does not “make it work”. Furthermore, the appendix is not referred to in all the rules that are relevant. Nothing is said about how to treat items that cross MHWS – does the items “extent” include the part that lies within the adjacent district, or is “half the item” to be considered?</p>
	Commercial port area	4.2.43, 4.2.44	<p>It is difficult to work out what is going here as its all about percentage increases, and we don’t know what the baseline is. Also do the percentage increases include just things like the wharf, or do they include office buildings/portable buildings located on the wharf.</p> <p>As a part of this, do we control use? Do we want to control use? At present the only use we try to control is boat sheds. Do changes in use require new consents? Changes in use require a building consent.</p>	<p>Being clear as to what the starting point for taking a proportion is necessary to apply the intent of the rule, but the rule does not help much in this.</p> <p>There is a lack of clarity between “activity” and “use”. “Use” only appears in rule 25. Everywhere else “activity” is referred to. The Freshwater Plan uses both terms in the same rule (rule 34). Consistency?</p>	
6	Permitted Activities Maintenance, repair, replacement, extensions, additions and alterations to structures	4.2.10, 4.2.12 heritage, 4.2.22 Hutt	<p>No requirement to notify. No notification that it is occurring, and so how can we monitor compliance?</p> <p>A Karehana Bay (Plimmerton) structure to discharge freshwater has accumulated seaweed and debris this year due to low flows in the</p>	<p>The monitoring of permitted activities is a critical matter. How do we know they are happening if we are not requiring a resource consent application, and how do we find out their effects, on an a site specific or cumulative basis? All this is relevant to setting</p>	<p>The rule implements the policies to some extent. However, AICVs are not referred to when ASCVs are (policy 4.2.10), the rule does not refer to “use” of structures (policy 6.2.1), there is nothing about “adequately maintenance” (policy 6.2.7), and it is doubtful if the threshold criteria in clause 1</p>

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		<p>River hydraulic line, 4.2.41 hydrographic, 4.2.44 port, 4.2.48, 6.2.1, 6.2.7, <b>6.2.16 most direct related policy</b>, 6.2.17, 6.2.18</p>	<p>catchment being insufficient to flush out the debris. This debris has rotted and caused objectionable odours. The debris has been flushed out using freshwater, and PCC is considering redesigning the structure to prevent the accumulation of sea-derived material. This will be a permitted activity under rule 6. Because no resource consent is required there is potential to replace (alter etc) a current structure (of good or poor design) with a new structure of poor design, and, there is no requirement to consider fish passage, which could be either created or obstructed.</p> <p>The permitted rule for modifications, extensions etc (rule 6) specifically excludes appendix 4 structures, however the controlled activity rule 13 doesn't... The changes to dimensions allowed within rule 13 are really quite generous (i.e it looks like both jetties in the Hilton proposal would fit within the allowed dimension changes...</p> <p>Perhaps a future change could be for this rule to either also exclude appendix 4 structures (consistent with rules 6, 7, and 14), or permit maintenance only changes to App 4 structures?</p> <p>In 6(b) take out the bit about 5%. Is this just the bit above the seabed? Maybe we need an explanation about air space and below the seabed being part of the coastal marine area? In addition, there is no reference to ASCV or AICV in this rule (they had an example where a cable went through one and there was nothing they could do...</p> <p>A caller asking about replacing some giant electrodes (2m deep x 1m diameter) used to earth the Cook Strait cables. Rule 6 thresholds do not appear to relate to the disturbance part of the rule – they appear to be designed to relate to changes to in buildings and structures themselves. How do you measure 5% disturbance to cross-sectional area?</p> <p>What does ‘substantially alter the appearance’ mean? This is a bit of a problem when people want to use the side of their building for a billboard – maybe we need to look at what the district plans do with signage?</p> <p>Commercial Port Area: no idea what is happening there. This makes things difficult as its all about percentage increases, and we don't know what the baseline is. Also do the percentage increases include just things like the wharf, or do they include office buildings/portable buildings located on the wharf.</p> <p>As a part of this, do we control use? Do we want to control use? At present the only use we try to control is boat sheds. Do changes in use require new consents?</p>	<p>thresholds, or checking that existing thresholds do not create more than minor effects.</p> <p>Does not refer to AICVs.</p> <p>No reference to not adversely affecting fish passage</p> <p>The rule does not <u>require</u> structures to be maintained as per policy 6.2.7.</p> <p>Policy 6.2.16 refers to extensions with minor effects being permitted – does 30% increase in cross-section or 30 metres horizontal projection really mean this? It's a very generous interpretation, especially if the percentage includes the part of the structure that is on land, such as a wharf.</p> <p>Does not address changes in use or activities.</p> <p>This rule was changed by Plan Change 1 to include reference to noise sensitive activities in the commercial port area.</p>	<p>represent “minor effects” (policy 6.2.16).</p> <p>The rule is more liberal than the aim of allowing minor changes to structures. It is difficult to apply because it is not clear and certain. It is not clear what the 5% and 30% thresholds in clause (1) refer to. Does it mean the whole wharf structure when extending a building on it? Does it include the part of a building outside of the coastal marine area if the building spans MHWS or is continuous with land-based structures? Does it refer to the airspace above the seabed? This is crucial as it defines the baseline. These stated thresholds appear to very generous, especially for the port area, and on the face of it, would potentially result in more than minor effects. It is not clear what “substantially alter the appearance” means. Does it allow billboards and advertising? How is “use” addressed compared to “activities”? There are plenty of matters that should be clarified for this rule to have a clear aim.</p> <p>There is no incentive to improve the design or construction of structures embedded in the rule, and no opportunity to address fish passage.</p> <p>There is no information on the extent to which this rule is invoked, as there is no monitoring of permitted rules for structures, and no reporting requirements as a rule condition.</p>
7	Permitted Activities Removal or demolition of structures	4.2.9, 4.2.10, 4.2.12, 4.2.17	<p>No requirement to notify. How do we know it is occurring, and so how can we monitor compliance?</p> <p>Removal of all or nothing – we don't actually want people leaving</p>	<p>The policy does not refer to removal of parts of structures but implies a whole illegal structure. Condition 3 of the rule addresses this – should be the whole thing.</p>	<p>The rule does generally implement the policies. There needs to be a reference to the adverse effects of removing a structure being less than the adverse effects of leaving it there (policy 6.2.8).</p>



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		ASCV, 4.2.41 hydrographic, 4.2.22 Hutt River hydraulic line, 6.2.8, <b>6.2.14</b>	half a structure.		The rule largely does what it aims to do. It does not encourage the removal of illegal or redundant structures (policies 6.2.8 & 6.2.14).  There is no reporting condition and no monitoring done, so it is not known if the rule works.
8	Permitted Activity Temporary structures	6.2.1, 6.2.2, <b>4.2.3</b> , 4.2.6, 4.2.10, 4.2.15, 4.2.17 ASCV, 4.2.41 hydrographic, 4.2.22 Hutt River hydraulic line	No requirement to notify. How do we know that it is occurring, and so how can we monitor compliance?  There should be a limit on disturbance allowed, for example, tankers in Seaview have built a temporary ramp so they don't have to actually go on the beach and they're removing (who knows what). An alternative would be to limit the size of the structure, for example to 3 square metres or similar.	Minimising disturbance is not strongly supported by policies.	The rule generally implements the policies, but does not refer to AICVs when it refers to ASCVs (policy 4.2.10), and does refer to the full list of adverse effects listed in policy 6.2.2.  The rule quite possibly does do what it aims to, but there is no reporting condition, so we do not know in practice. There is no size restriction, so there is the potential for significant effects. There is no reference to effects on safety and on land outside the coastal marine area, so it could allow for billboards and advertising in an uncontrolled way.  There is no reporting condition and no monitoring so there is no information as to whether it works. There have been complaints about billboards on vessels distracting drivers on State Highway 2.
9	Permitted Activity Navigation aids for shipping	4.2.6, 4.2.16? 4.2.41 hydrographic	No requirement to notify. No notification that it is occurring, and so how can we monitor compliance?  Need a definition for navigation aid.	Mike Pryce, Harbourmaster comments: Rule 9 in the Plan seems fine as it is. It has only rarely been used by us (once), but does provide us with the ability to place any new navigation aids as required.  Prior to any new navigation aid being erected or placed, permission is required (under the Maritime Transport Act) from the Director of MNZ, who will also require approval from the Harbourmaster if it is within a harbour/port area. (This is a long-standing requirement of many years, but is not mentioned in Rule 9, so may need to be added)  The Hydrographer of the Royal New Zealand Navy is part of LINZ Hydrographic Services these days.	The rule does implement the policies. The rule does do what it aims to do. However, to install a navigational aid, permission is also required from the Harbourmaster (within the port area) and also from Maritime New Zealand. Perhaps this should be included in the rule.  The Harbourmaster says the rule has only been used once, so it looks like it works. CentrePort adds that it has invoked the rule several times by putting lights on wharfs and erecting a wind sock. CentrePort says such a rule is essential.
10	Permitted Activity Activities in or on structures	4.2.45, 4.2.45, 4.2.48, 6.2.1, 6.2.17, 6.2.18	Rule 16 allows for occupation of the coastal marine area by structures (controlled activity) and Rule 10 allows for activities in or on 'legal' structures as a permitted activity. Rule 25 relates to the <b>use</b> of structures as a discretionary activity where not otherwise provided for by Rules 6-24 and Rules 26 & 27. None of these Rules (except #25) specifically consider 'use' of structures. Therefore, technically speaking, every existing structure that has an occupation consent (which I note can provide for maintenance conditions as this	It seems anomalous that a consent about occupation should have considerations for maintenance, which in practice should be attached to a consent for a structure.  The difference of "activity" and "use" should be clarified. Perhaps it is correct that rule 25 is meant to catch all "uses" but not all "activities".	The rule generally implements the policies, except for the confusion about not using the term "use" in policy 6.2.1.  The rule probably does what it aims to do.  There is no reporting condition and no monitoring is done, so we do not know if the rule works.

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
			<p>remains under our control) also needs a ‘use’ consent. The plan does not state what ‘use’ of a structure means. To add to my confusion there is no part of section 12 of the Act that specifically addresses use of structures in the coastal marine area (only their construction – s12(1)(b) and occupation of the coastal marine area s12(2)). Although I guess that s12(3) could be seen as a catch all...</p> <p>No requirement to notify. We do not know that it is occurring, and so how can we monitor compliance? What is the intent of the rule - what does it refer to? Provide guidance about what it refers to.</p>	<p>This rule was changed by Plan Change 1 to include reference to noise sensitive activities in the commercial port area.</p>	
11	<p>Permitted Activity Occupation by structures of land of the Crown or any related part of the coastal marine area</p>	<p>4.2.8? 4.2.18</p>	<p>There needs to be more clarity on the difference and interrelationship of “use” and “occupation”. In the Freshwater Plan “use” is commonly employed.</p>	<p>Need to clarify the distinction between occupation and use. The policy direction here is not very strong and directly related.</p>	<p>The rule implements the policies. The rule <b>does not comply</b> with section 418(6)(e) RMA which does not provide for such activities to be continued as a <b>permitted</b> rule.</p> <p>The rule probably does what it aims to do, but does not comply with the RMA. It is about allowing activities that had authorisations obtained before the RMA, to continue. It essentially says that such “deemed consents” may continue until their term expires, whereupon a new consent is required.</p> <p>There is no reporting condition and no monitoring is done, but since these authorisations have the effect of deemed consents we assume the rule works. The notable activity that is covered by this is the port.</p>
12	<p>Permitted Activity Cargo and passenger handling equipment</p>	<p>4.2.7, 4.2.43, 4.2.44, 6.2.1, 6.2.9</p>	<p>Maybe put portable office buildings as part of port here?</p>	<p>4.2.7 and 4.2.43 are identical!</p> <p>The 27m height restriction was probably imposed to be consistent with WCC District Plan Central Area 27m height restriction, being consistent with policy 6.2.9 which has regard to the adjacent district plan for the protection of important views.</p>	<p>The rule implements the policies. The rule probably does what it aims to do. It relates to a clearly defined area with limited activities, providing certainty. CentrePort invokes this rule in providing gangways for the Toll ferry terminal, the oil booms at Seaview and other facilities. The container cranes are 87m high and have existing use rights. CentrePort does not see the need for the 27m height restriction. The rule works.</p>
13	<p>Controlled Activities Maintenance, repair, replacement, extensions, additions and alterations to structures</p>	<p>4.2.10, 4.2.12, 4.2.41 hydrographic, 4.2.44 port, 4.2.45, 4.2.47, 4.2.48, 6.2.1, 6.2.2, 6.2.7, <b>6.2.16</b> <b>most</b> <b>directe</b> <b>d</b> <b>related</b></p>	<p>Alteration to existing structures only addresses physical features, and not the use of the structure. For example, an old water tank could be used to hold a hazardous substance in the future.</p> <p>This rule covers replacement, extensions, additions and alterations to heritage structures such as Days Bay wharf and Petone Wharf. There are applications to add a ferry passenger shelter and making the boarding facility safe at these wharves. Consents would have to be granted for these additions and alterations, without the permission of any party including the HPT, and the only control we could have is over the appearance of the alteration (provided the size is within the limits). Rule 6 (the permitted activity) excludes structures listed in appendix 4. So should rule 13. The council should retain full discretion over alterations and changes to heritage structures and the HPT should be consulted.</p> <p>In 6(b) take out the bit about 5%. Is this just the bit above the seabed? Maybe we need an explanation about air space and below</p>	<p>See related discussion on rule 6. A change in use should be covered by rule 25 – discretionary. This is a good example of the difference between activity and use – the activity of liquid storage has not changed but the substance and its potential effects has.</p> <p><b>General terms 14.2</b> appears to just repeat sections of the RMA. What is the value of repeating this?</p> <p>This rule was changed by Plan Change 1 to include reference to noise sensitive activities in the commercial port area.</p> <p>Nothing here about having to maintain a structure in good condition as a standard condition of consent.</p> <p>No reference to historic items in appendix 4.</p>	<p>The rule implements the policies to some extent. However, AICVs are not referred to when ASCVs are (policy 4.2.10), appendix 4 and historic heritage is not referred to (policy 4.2.12), the rule does not refer to “use” of structures apart from noise matters (policy 6.2.1), and there is nothing about “adequately maintenance” (policy 6.2.7).</p> <p>The rule is liberal than the aim of allowing fairly significant changes to structures by way of controlled activity where consent cannot be refused. Matters of control do not extend to those raised in the above policies. Amenity values could well be compromised with such thresholds (policy 6.2.7). Historic heritage is not a matter of control (policy 4.2.12). The matters of control do not include all the matters in policy 6.2.2. The intent of policy 6.2.16’s “minor effects” is probably not given effect to here, bearing in mind there is no notification and no affected parties. It is difficult to apply because it is not clear and certain. It is</p>

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		policy, 6.2.17, 6.2.18	<p>the seabed being part of the coastal marine area? In addition, there is no reference to ASCV or AICV in this rule (they had an example where a cable went through one and there was nothing they could do...</p> <p>The Plan could be very permissive if the application was only for the wharf related elements of the proposal (i.e without the hotel building) - while the destruction of the wharf to facilitate the modifications would be discretionary (being not permitted by rule 7 or 14, which specifically exclude appendix 4 structures), under rule 13 the modifications, extensions, additions etc look like they would fit within the dimensions of rule 13 as a controlled activity - i.e. must be granted.</p> <p>Commercial Port Area: no idea what is happening there. This makes things difficult as its all about percentage increases, and we don't know what the baseline is. Also do the percentage increases include just things like the wharf, or do they include office buildings/portable buildings located on the wharf. As a part of this, do we control use? Do we want to control use? At present the only use we try to control is boat sheds. Do changes in use require new consents?</p> <p>The percentages are too high. Change 20% to 10% and reduce 3 and 10 metres.</p>		<p>not clear what the 20% and 50% thresholds in clause (2) refer to. It would appear these thresholds are very generous for a controlled activity. Does it mean the whole wharf structure when extending a building on it? Does it include the part of a building outside of the coastal marine area if the building spans MHWS or is continuous with land-based structures? Does it refer to the airspace above the seabed? This is crucial as it defines the baseline. It also makes it difficult to monitor whether a port structure is increased by &lt;30% (rule 6) or &lt;50% (rule 13)</p> <p>“Use” is not addressed as opposed to “activities”. For example, an old water tank could be used to hold a hazardous substance in the future. There are plenty of matters that should be clarified for this rule to have a clear aim.</p> <p>There is no incentive to improve the design or construction of structures embedded in the rule, and no opportunity to address fish passage.</p>
14	Controlled Activities Removal or demolition of structures	4.2.9, 4.2.10, 4.2.12, 4.2.41 hydrographic, 6.2.2, <b>6.2.8</b> , <b>6.2.14</b>			<p>The rule partially gives effect to the policies. It does not include AICVs where ASCVs are mentioned (policy 4.2.10). The matters of control do not address all of the matters to be considered in policy 6.2.2, and they are not requested as required information for consent application, except vaguely in clause (6).</p> <p>The rule probably does what it aims to do, without the wider policy requirements.</p>
15	Controlled Activities Placement of swing moorings	4.2.3, 4.2.6, 4.2.7, 4.2.16, 4.2.20, 4.2.43, 6.2.1, <b>6.2.13</b>	<p>Harbours are doing a swing mooring audit, and have been forever – where is it? Can this be made a permitted activity with some sort of permit required from the Harbourmaster – and then be administered under the bylaws?? Look into this...</p> <p>Mooring areas should be offset from Mean High Water Springs (MHWS). They are generally not full with moorings and are generally considered to be much bigger than necessary. If moorings were a permitted activity, could this be subject to notifying Greater Wellington, so that we know what is happening.</p>	4.2.7 and 4.2.43 are identical!	<p>The rule gives effect to the policy.</p> <p>The rule does do what it aims to do. Does it need a reporting requirement and inspection for biosecurity purposes? The activity needs to be regulated for assigning locations, but it could be a RMA permitted activity and regulated under the Navigation and Safety Bylaw administered by Harbours. The Extent of the Mooring Areas needs revisiting: do they need to be so big? Should there be any new ones, or existing ones deleted? They need to be offset from MHWS to be realistic. Moorings constitute a large proportion of consents with minimal environmental effects. If they were permitted under the Plan, it would remove a significant workload, but that workload would shift to Harbours.</p> <p>Otherwise it seems to work.</p>
16	Controlled Activities Occupation by structures of land of the Crown or any related part	4.2.3, 4.2.18,	Rule 16 allows for occupation of the coastal marine area by structures (controlled activity) and Rule 10 allows for activities in or on ‘legal’ structures as a permitted activity. Rule 25 relates to the		<p>The rule gives effect to the policy.</p> <p>It is not clear if the rule does do what it aims to do.</p>



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	of the coastal marine area	4.2.33	<p>use of structures as a discretionary activity where not otherwise provided for by Rules 6-24 and Rules 26 &amp; 27. None of these Rules specifically consider 'use' of structures. Therefore, technically speaking, every existing structure that has an occupation consent (which I note can provide for maintenance conditions as this remains under our control) also needs a 'use' consent. The plan does not constitute what 'use' of a structure means. To add to my confusion there is no part of section 12 of the Act that specifically addresses use of structures in the coastal marine area (only their construction – s12(1)(b) and occupation of the coastal marine area s12(2)). Although I guess that s12(3) could be seen as a catch all...</p> <p>What is a lawful structure? Seawalls that exist... had a structure permit, no occupation permit – how do we deal with this (is it now land legally as well as effectively).</p>		
17	Discretionary and Restricted Coastal Activities Structures which impound or effectively contain the coastal marine area	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17- 4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35- 45, 6.2.2- 7, 6.2.9-10		All these Restricted Coastal Activities come from New Zealand Coastal Policy Statement requirements.	The rules give effect to the policies, except all mentions of ASCVs should also include AICVs (policy 4.2.10). The rules do what they aim to do. The rules appear to work.
18	Discretionary and Restricted Coastal Activities Structures more or less parallel to mean high water springs	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17- 4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35- 45, 6.2.2- 7, 6.2.9, 6.2.10			
19	Discretionary and Restricted Coastal Activities Structures oblique or perpendicular to mean high water springs	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17-			

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35-45, 6.2.2- 7, 6.2.9, 6.2.10			
20	Discretionary and Restricted Coastal Activities Structures used in the petroleum and chemical industry	4.2.3, 4.2.11, 4.2.12, 4.2.15, 4.2.17-4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35-45, 6.2.2- 7, 6.2.12			
21	Discretionary and Restricted Coastal Activities Structures which impound or effectively contain the coastal marine area in Areas of Significant Conservation Value	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17-4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35-43, 6.2.2- 7, 6.2.9, 6.2.10			
22	Discretionary and Restricted Coastal Activities Structures more or less parallel to mean high water springs in Areas of Significant Conservation Value	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17-4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35-43,			

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		6.2.2- 7, 6.2.9, 6.2.10			
23	Discretionary and Restricted Coastal Activities Structures oblique or perpendicular to mean high water springs in Areas of Significant Conservation Value	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17- 4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35- 43, 6.2.2- 7, 6.2.9, 6.2.10			
24	Discretionary and Restricted Coastal Activities Structures used in the petroleum and chemical industry in Areas of Significant Conservation Value	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17- 4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35- 45, 6.2.2- 7, 6.2.12			
25	Discretionary Activities All remaining activities involving the use and development of structures outside any Area of Significant Conservation value	4.2.3, 4.2.10, 4.2.11, 4.2.12, 4.2.15, 4.2.17- 4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.35- 45, 6.2.2- 7, 6.2.9, 6.2.10	Rule 16 allows for occupation of the coastal marine area by structures (controlled activity) and Rule 10 allows for activities in or on 'legal' structures as a permitted activity. Rule 25 relates to the use of structures as a discretionary activity where not otherwise provided for by Rules 6-24 and Rules 26 & 27. None of these Rules specifically consider 'use' of structures. Therefore, technically speaking, every existing structure that has an occupation consent (which I note can provide for maintenance conditions as this remains under our control) also needs a 'use' consent. The plan does not constitute what 'use' of a structure means. To add to my confusion there is no part of section 12 of the Act that specifically addresses use of structures in the coastal marine area (only their construction – s12(1)(b) and occupation of the coastal marine area s12(2)). Although I guess that s12(3) could be seen as a catch all...	These are "catch all" rules for anything else not thought of.	The rules give effect to the policies, except all mentions of ASCVs should also include AICVs (policy 4.2.10). The rules do what they aim to do, except that the confusion about "use" as opposed to "activity" needs to be cleared up. Refer to discussion on rule 16. The rules appear to work.
26	Non-complying Activities All remaining activities	4.2.3, 4.2.4,			

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	involving the use and development of structures in Areas of Significant Conservation Value	4.2.5, 4.2.6, 4.2.8, 4.2.10 ASCVs, 4.2.11, 4.2.12, 4.2.15, 4.2.17- 4.2.23, 4.2.25, 4.2.27, 4.2.29, 4.2.33, 4.2.35- 43, 6.2.2- 7, 6.2.9, 6.2.10, 6.2.12			
27	Non-complying Activities The use of any boat shed for residential purposes and non-water based activities which do not require a coastal location	6.2.1, 6.2.11	<p>Sleeping-over in boatsheds is apparently common in some areas, and causes huge complaints from rate-paying neighbours. Is there scope to define residential use more clearly, to make it explicit that no residential use includes sleep-overs etc.</p> <p>A better definition of 'residential purposes' is required. Also – why non-complying and not prohibited? The policies are stronger than the rules here... Prohibited in ACSV and AICV and non-complying everywhere else. How do we define activities that require a coastal location – e.g. a floating restaurant does in fact require a coastal location.</p> <p>Boatsheds could be put into zones or limited to specified areas as are moorings. They are often not used for boats and should be more tightly controlled.</p>	<p>Greater clarity about what residential purposes could be provided, but what are the effects of the occasional sleepover?</p> <p>Boatsheds &amp; compliance. Committee report 99.485</p> <p>Use of boatsheds by consent holders. Committee report 03.119</p>	<p>The rule gives effect to the policies, except it depends on the meaning of “prevent” – does it mean non-complying or prohibited?</p> <p>The rule does what it aims to do, except for clarifying the meaning of “prevent” – does it mean non-complying or prohibited.</p> <p>The rule does not work well due to compliance problems. Refer to Committee Reports 99.485 and 03.119.</p>

### 23.3 Destruction, Damage or Disturbance of Foreshore or Seabed

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
28	Permitted Activities Clearance of piped stormwater outfalls	4.2.15, 7.2.1, 7.2.9	<p>If contaminated material is present, do you really want to keep this within the active beach system? Reasonably concise. No notification required, so we only hear of it once there is a problem. Possible low level of awareness of this rule. Allow removal of contaminated material from the active beach system.</p>	<p>Surely removal of contaminated material should be subject to scrutiny ie consent? How did the contaminated material get there in the first place?</p> <p>Carterton and South Wairarapa District Councils have not invoked this rule. No response was received from Masterton District Council and Wellington City Council.</p> <p>In coastal built-up areas there are numerous stormwater</p>	<p>The rule does implement the policies.</p> <p>For implementation, see section 4.7.1 and appendix F. CDC and SWDC have not invoked the rule. No response from WCC. All other TAs invoke the rule.</p> <p>The rule seems to work.</p>

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
				outlets to the sea. Hutt City, Kapiti Coast District and Porirua City (PCC) Councils regularly inspect them at intervals varying from 3 times per year to every week. The extent of work necessary to clear the drains varies from removal by hand to clearance by machine, and debris is typically left on site. PCC has recently started clearing more frequently to reduce the number of flooding incidents caused by blocked outfalls. The Councils report that the rule works well and no changes are required.	
29	Permitted Activities Beach grooming and re-contouring	4.2.3, 7.2.3, 7.2.9	<p>This rule makes no consideration of beach communities below the tide line, i.e. shellfish invertebrates etc. Is very permissive in contradiction of s5 (2) and s12 of the RMA.</p> <p>Parts of Petone Beach have large pipi beds that extend above low water mark. There is the potential to damage these beds. As a permitted activity there is no recording or monitoring of where and when the beach grooming occurs.</p> <p>Re-contouring etc could result in major changes in beach form - not limited (within 50,000m3). Rewrite &amp; integrate with Rules 37 &amp; 38.</p>	<p>Perhaps beach grooming should only be permitted for those areas that do not have pipi beds? It would be possible to have grooming only for specified areas of Petone beach? We could get information on frequently and location of grooming as it is only ever carried out by the City &amp; district councils.</p> <p>The thresholds of rules 37 &amp; 38 are very large and dictated by the NZCPS. If re-contouring is a problem at a scale less than 50,000m3 then need to go to a different rule.</p> <p>Carterton, Kapiti Coast District and South Wairarapa District Councils have not invoked this rule. No response was received from MDC. HCC grooms the beaches 9 times a year plus extra grooms after severe storms.</p> <p>PCC groom Brendan's Beach at Pukerua Bay approximately 5 times a year. About once a year the sand is moved back from the north end access ramp at Titahi Bay.</p> <p>WCC undertakes grooming and re-contouring on the Freyberg beach, and at Oriental Bay on a regular basis. The latter is part of resource consent conditions when the beach was formed in 2003, so does not represent implementation of this permitted rule. Other beaches are managed where and when problems arise.</p> <p>Only WCC commented on changes to the rule. They were that all beaches should come under this rule rather than just the named beaches. WCC deals with requests/complaints associated with sand, seaweed or driftwood problems on beaches on a regular basis. WCC mentioned that the MHWS boundary is difficult to determine therefore there should be some elasticity in where these rules apply.</p> <p>No data was supplied for re-contouring (except from WCC), which might never get done. It may be possible to specify certain parts of beaches to reduce the environmental impact. No comments were made on the</p>	The rule implements the policies. There is no data whether there are any biodiversity values that are being compromised by these activities. Data from the intertidal surveys of the regions beaches could be applied to this question, and the list of beaches and particular stretches of them, could be refined to minimise effects on biota. This could also address whether it is reasonable to include all beaches in Wellington City, as WCC have requested. For implementation, see section 4.7.2 and appendix F. It seems to do what it aims to do and seems to work.

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
				conditions in the rule.	
30	Permitted Activities River and stream mouth cutting	4.2.3, 4.2.21, 7.2.1, 7.2.4? 7.2.9	Whakitaki River (Castlepoint) should be included.  No monitoring. No requirement to notify. Waikanae River also dealt with by Rule 34. Waikanae River not in list of rivers in Table 7.1 - should we refer to Rule 34 which deals specifically with Waikanae River realignment.  Why is the Waikanae controlled and what about during whitebait season?  Why don't the ASCV etc get a mention in the rules anywhere – what is the point in having them?	CDC, HCC and SWDC have not invoked this rule. No response was received from MDC and WCC.  The majority of listed stream mouths are cut by GWRC Flood Protection Department, who provided detailed information on their activities. Generally, river mouths are not cut until public complaints are received, after trigger levels have been met. The trigger levels are fine, except for Waitohu Stream where detailed records are being kept to re-visit the levels in the Plan review. No changes to the rule were suggested except for Lake Onoke where the cut depth and width stipulation is immediately enlarged by the flow.  PCC cut the stream course at Plimmerton South Beach approximately 4 times a year. This stream is not listed in rule 30 as a permitted activity. KCDC cut stream mouths of the Hadfield Drain, and the Tikotu, Wharemauku and Waikakariki Streams up to 3 times a year. There were no comments supplied on the trigger levels or conditions, and no suggestions on rule changes.	The rule implements the policies. The rule does do what it aims to do. Review of some thresholds might be warranted. The inconsistency between listing the Waikanae River in table 7.1 but not in the rule itself needs clarification. Review of which streams should be included should be done, including whether the Whakitaki River should be included. A condition to report if and when works are done would assist in plan effectiveness monitoring. For implementation, see section 4.7.3 and appendix F. The rule appears to work.
31	Permitted Activities Launching, retrieval, navigation and mooring of vessels	4.2.3, 4.2.6, 4.2.8, 7.2.1, 7.2.9	Does this mean that if there is a boat ramp, there is no need to use it? Does 'damage' include oil spillage etc?  Vehicles should not be left on the beach (in coastal marine area obviously) as a condition on this rule.  Why don't the ASCV etc get a mention in the rules anywhere – what is the point in having them?	Oil spillage would be a discharge to land or water – rule 61 discretionary. Assume it means physical damage.  If a vehicle is left abandoned on a beach below MHWS, it would not be in a healthy state, and the “disturbance” would not have been removed by 2 high tides, so would not comply with the rule, nor with general standard 14.1.6 not to leave litter or debris.	The rule implements the policies. No information on the implementation of the rule and no monitoring of the environmental effects of its use. I assume it works.
32	Permitted Activities Drilling	4.2.22, 7.2.1, 7.2.5	Why on earth would somebody want to drill such holes?? What about the number/density of bores - what limit to prevent saline intrusion? Clarify what this rule addresses. Backfill/reinstatement requirements.  Maybe some restrictions on where – e.g. ASCV, AICV, Titahi Bay etc.  Why don't the ASCV etc get a mention in the rules anywhere – what is the point in having them?	Similar holes were drilled for testing of activities associated with the Cook Strait cable operation. Number or density of holes could be an issue.  ASCVs are mentioned in discretionary/non-complying rules.	The rule partially implements the policies. There are not enough conditions in the rule to satisfy all the components of policy 7.2.1. There is no environmental monitoring required and no reporting condition, so we do not know if the rule does what it aims to do. What the rule does is more liberal than the policy, so the rule is unlikely to protect the environment sufficiently. Do not know whether the rule works.
33	Permitted Activities Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area	4.2.6, 4.2.7, 4.2.41 hydrographic, 4.2.43, 7.2.1, 7.2.8, 7.2.9	Very difficult to enforce due to definition of 'minimisation' of turbidity. Takes no account of toxic release from materials in silt etc. Is extraction unlimited? Previous resource consents are likely to be very vague - do old conditions apply? Rewrite. Make a consented activity above certain volumes, or where there is a risk of significant environmental deterioration.  4.2.7 and 4.2.43 are identical.	It is limited to extent of dredging already approved by resource consent (presumably depth and mapped area would be major constraints), and to the commercial port and Lambton Harbour Development Area.  CentrePort has not exercised this permitted rule because Wellington harbour only experiences minor sediment build-up. There would be a practical difficulty with exercising the rule. CentrePort says it cannot use the rule the way it is written because the permitted dredging is to levels previously approved by resource consent (subject	The rule does not implement the policy as it does not include “navigation channels” of policy 7.2.8. The rule does not do what it aims to do because of the uncertainty in practice of the threshold that dredging can go down to, and the inherent difficulties in disposal of dredge spoil that is not addressed in this rule. For implementation, see section 4.7.4 and appendix F. The rule does not work. The way it is presently constructed.



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
				<p>to conditions). There has been no level determined by a resource consent (since the enactment of the RMA). CentrePort do hold permits for capital dredging but they have not been exercised yet.</p> <p>CentrePort suggest that the default level for maintenance dredging should be to depths previously established by charted soundings. It would also be helpful if there was a designated site for dumping of maintenance dredge spoil or permitted removal from the coastal marine area to a landfill, as the spoil has to be disposed of somehow. The alternative would be to shift the dredged material to one side, as has happened satisfactorily at Seaview Wharf recently, which required resource consent.</p>	
34	Controlled Activities River and stream mouth cutting	4.2.3, 4.2.10, 4.2.14, 4.2.15, 4.2.21, 7.2.1, 7.2.4, 7.2.9	Why is the Waikanae controlled and what about during whitebait season?	Because the Waikanae is a true estuary not just a narrow river mouth, and it is within a Marine Reserve. Control is reserved over the timing of the cutting – could be more specific as to whitebait spawning and running.	The rule implements the policies. The rule does what it aims to do, except that a condition about maintaining fish passage should be added.
35	Controlled Activities Dredging for river management purposes	4.2.10, 4.2.21, 4.2.22, 7.2.1, 7.2.2, 7.2.5, 7.2.7, 7.2.9	This rule allows removal of up to 50,000 cubic metres of bed material even from river mouths in areas of significant conservation value (Pauatahanui Stream!) provided it is for “river management purposes”. Given the lack of standards to protect aquatic life and that consents can be processed non-notified without approval, it seems rather permissive. Either make it a discretionary activity, or add in some standards to protect aquatic life and anything else that’s relevant.	Control is reserved for volume and depth of dredging, the method, frequency and timing of dredging. “Timing” matter could be extended by referring to whitebait spawning and running periods.	The rule partially implements the policies. There are no exclusions for ASCV and AICVs in accordance with policy 4.2.10. Policy 7.2.2 would require a condition to control effects on shoreline stability. The rule is aimed at relatively minor works but actually allows large works, therefore does not do what it aims to do.
36	Controlled Activities Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area	4.2.41 hydrographic, 7.2.1, 7.2.2, 7.2.8, 7.2.9	Maintenance dredging – is this appropriate still (e.g. Pauatahanui). Identify areas where not controlled (e.g. ASCV, AICV etc), and possibly control over depth?	Need to check that there is the need for navigation and safety purposes.	The rule partially implements the policies. There are no exclusions for ASCV and AICVs ( policy 4.2.10), no control on effects on shoreline stability (policy 7.2.2) and no reference to no significant adverse effects. The rule should be confined to navigation channels only (policy 7.2.8). The rule does do what it aims to do but the environmental controls are not tight enough.
37	Discretionary and Restricted Coastal Activities Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth	4.2.5, 4.2.35-37, 4.2.39, 4.2.41 hydrographic 7.2.2, 7.2.4, 7.2.6, 7.2.8	Re-contouring etc could result in major changes in beach form - not limited (within 50,000m3). Rewrite & integrate with Rules 37 & 38.	The thresholds and requirement for an RCA come from the NZCPS. Most of the general policies have relevance to consent applications for large activities. The policies do not clearly distinguish between very large activities, and merely large.	These rules do not include AICVs with the reference to ASCVs in line with policy 4.2.10. Otherwise the rules appear to implement the policies. The rules appear to do what they aim to do. There is no rule for small activities with less than minor adverse effects eg rule 40 requires a discretionary consent to take a bucket of sand off the beach.
38	Discretionary and Restricted	4.2.7,	Re-contouring etc could result in major changes in beach form - not	The thresholds and requirement for an RCA come from	



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	Coastal Activities Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth Area	4.2.22, 4.2.35-37, 4.2.39, 4.2.41 hydrographic 4.2.43, 4.2.44, 4.2.45, 7.2.2, 7.2.4-8	limited (within 50,000m3). Rewrite & integrate with Rules 37 & 38.	the NZCPS.	
39	Non-complying and Restricted Coastal Activities Disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation Value	4.2.10, 4.2.35-37, 4.2.39, 4.2.41 hydrographic, 7.2.2, 7.2.4, 7.2.9			
40	Discretionary Activities Other activities involving the destruction, damage, or disturbance of foreshore or seabed outside Areas of Significant Conservation Value	4.2.10, 4.2.35-37, 4.2.39, 4.2.41 hydrographic 7.2.2, <b>7.2.4</b> , 7.2.5, 7.2.6, 7.2.7	<p>This rule is often uncaptured in the coastal marine area reach of the region's rivers. For example the digging of drainage channels is effectively in breach of this rule however is not evaluated.</p> <p>One person wanting 2.5 cubic metres of beach sand – would need discretionary consent under this rule. There isn't any rule permitting removal of small quantities of sand ie a bucket full. Maybe the threshold would not stretch to 2.5 cubes – but an alternative might be for that same person to take the sand from the adjacent dunes above MHWS – thereby degrading them – but what's to stop him doing that in the District Plan?</p> <p>People taking nice looking rocks from the rocky shore at Mataikona – and destroys the distinctive natural landscape. It's an AICV so policy 4.2.10 refers to it, but there's no specific rule. This policy would only kick in if a discretionary consent under rule 40 was applied for. How likely is that for these gardeners? Should be a specific rule for AICVs?</p>		
41	Discretionary Activities Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle	4.2.22, 4.2.35-37, 4.2.39, 7.2.2, <b>7.2.4-7</b>		This rule repeats part of rule38, but is for Hutt River management purposes, and is for lesser threshold than the rule 38 RCA.	
42	Discretionary Activities Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc) including the removal of sand, shell or shingle or other material	4.2.7, 4.2.35-37, 4.2.39, 4.2.43, 4.2.44,		This rule repeats part of rule38, except the thresholds are <b>up to</b> the RCA thresholds.	

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		4.2.45, 7.2.2, 7.2.4, 7.2.6, 7.2.8			
43	Non-complying Activities Other activities involving the destruction, damage or disturbance in Areas of Significant Conservation Value	4.2.10, 4.2.35-37, 4.2.39, 4.2.41 hydrographic, 7.2.2, 7.2.4	The title of rule 43 is grammatically incorrect – either remove “the” or replace the in” with an “of”.		

#### 23.4 Deposition of Substances on Foreshore or Seabed

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
44	Permitted Activities Wind blown sand	4.2.19, 8.2.1, 8.2.5	Other natural material' is too vague - does it include horse manure? Clarify 'natural material', 'substantially clean', and the objective of this rule. Deposition of wind blown sand (this is confusing).	Horse manure is unlikely to have been “derived from the beach where it is to be deposited”. I think the intention is that material that came from the beach, and has not been contaminated too much when it has been off the beach. Maybe the term used should be “return of” wind blown sand to the beach?  WCC comment that they move sand off the seawalls and redistribute it onto the beach at Lyall bay and Island bay on a regular basis when it reaches a certain height (trigger for this is usually resident requests or officer inspection). WCC would like to have the ability to relocate sand from some of the smaller seawalls (Seatoun, Owhiro, Worsler, Scorching) when required.	The rule partially implements the policies. It does not refer to the amenity effects of the activity to areas outside of the coastal marine area eg return of sand blown across the road into people’s gardens in Lyall Bay. It does do what it aims to do. It appears to work according to anecdotal informal reports.
45	Controlled Activities Beach nourishment	4.2.19, 4.2.21, 8.2.1, 8.2.6	Control over either source or Iwi matters needs to be added.	What is the concern over source? The conditions say it needs to be clean, and control is retained over its composition.	The rule implements the policies. It does do what it aims to do. It appears to work.
46	Discretionary and Restricted Coastal Activities Deposition of large volumes of substances	4.2.21, 4.2.22, 4.2.41 hydrographic, 8.2.2, 8.2.3, 8.2.4, 8.2.5		The thresholds and requirement for an RCA come from the NZCPS.	The rules partially implement the policies. Wherever ASCVs are referred to, so should AICVs to give effect to policy 4.2.10. Section 8.4 (requirements for consent application) does not require details of effects on natural hazards (it’s vague under part (11)); the Hutt River hydraulic line (policy 4.2.22) is only indirectly connected through requiring information on location. There is no requirement to detail practical alternatives (policy 8.2.2). Generally, the rules do what they intend to do.
47	Non-complying and Restricted Coastal Activities Deposition of substances in	4.2.10, 4.2.21, 4.2.22,		The thresholds and requirement for an RCA come from the NZCPS.	They appear to work.

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	Areas of Significant Conservation Value	4.2.41 hydrographic 8.2.2, 8.2.3, 8.2.4, 8.2.5			
48	Discretionary Activities Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed outside Areas of Significant Conservation Value	4.2.10, 4.2.21, 4.2.22, 4.2.41 hydrographic 8.2.2, 8.2.3, 8.2.4, 8.2.5		For depositions less than that for RCAs or which do not meet the requirements.	
49	Non-complying Activities Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed in Areas of Significant Conservation Value	4.2.10, 4.2.21, 4.2.22, 4.2.41 hydrographic 8.2.2, 8.2.3, 8.2.4, 8.2.5			

### 23.5 Exotic or Introduced Plants

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
50	Discretionary Activities Species which are already established in the area	4.2.1, 4.2.4, 4.2.11, 9.2.1, 9.2.2	But we don't know what's already there – maybe as a method that we need to find out. Maybe NIWA or DoC or someone else has this information.	No one will have done a complete survey of the whole coast. The rule seems to address enhancement – it has to be deliberate, and the plant is already there. It would be very difficult to determine if any plant was an unauthorised planting or accidentally turned up on a vessel hull. Note the section is consistent with s12(1)(f) which does not refer to introducing animals eg scallop or paua enhancement.	The rules appear to implement the policies. The policies are permissive and the rules cautiously reflect that – there are no permitted or controlled activities. The rules differ in degree: for sites where exotic plants exist, for sites that they do not yet exist, and prohibited for the already introduced pest plant <i>Spartina</i> . The rules aim to allow considered and controlled introductions of exotic plants that have economic or commercial benefits. No animal or other marine organism is addressed. Since this plan was written, the awareness and incidence of biosecurity incursions has increased, resulting in a present day attitude that is more cautious than this chapter would suggest.
51	Non-complying and Restricted Coastal Activities Species not already established in the area	4.2.1, 4.2.4, 4.2.11, 9.2.1, 9.2.2, 9.2.3		The thresholds and requirement for an RCA come from the NZCPS.	

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
52	Prohibited Activities Spartina	4.2.1, 9.2.3			

### 23.6 Discharges to Land and Water

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	General		There is no rule allowing discharges of freshwater contaminated with chlorine and fluoride (as from water supply mains) as a Permitted Activity. This requires Bulk Water to get a discharge permit for a fairly common maintenance operation that appears to have less than minor effects. We should investigate adopting a new rule along the lines of Rule 1 in the Regional Freshwater Plan.	This would also be true for minor discharges of contaminants such as from NIWA's monitoring probe for the Cook Strait cable. The reality is that people just do minor discharges without any knowledge of the RMA requirements.	
	General		There is no rule allowing discharges of human remains to the coastal marine area yet there is some demand for scattering ashes. In consultation with iwi before anything is drafted, we could investigate adopting a new rule that allowed such discharges provided certain conditions, such as excluding specified areas, were complied with. The rule needs to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Burial at sea could also be considered too.		
53	Permitted Activities Stormwater	4.2.1, 10.2.1, 10.2.2, 10.2.3, 10.2.4	<p>"the rendering of fresh water unsuitable for consumption by farm animals' This is not in keeping with section 12 RMA or consistent with similar SW rules in the Freshwater and DTLP's. It doesn't include std bit about hazardous substances used or stored...</p> <p>Stormwater should be defined and use the same meaning as is used in the Freshwater Plan.</p> <p>Best practicable option very difficult to define. What about where stormwater enters a stream prior to the coastal marine area - is the stream a discharge of stormwater, or do we need to link to the freshwater discharge rule? Many sources of contamination will affect stormwater, and there is great difficulty in identifying the source in some cases. Be more specific about what we are referring to - network stormwater and ..... What else? Link to discharge of stormwater to land/freshwater rules in other plans.</p> <p>Conditions</p> <p>(1) bullet point 4 this seems unnecessary in the Coastal plan unless intended to apply to Marine Farming ??</p> <p>This should be made consistent with the changes to the freshwater plan – and remove reference to animals. Although such changes would mean that there needs to be a treatment system in place, and would there would need to bring this in over time. Do we need</p>	<p>The list of conditions comes from s107 RMA and I agree that farm animal consumption would not be usual, except for water takes for on-land aquaculture (eg Karahana) – that's if marine species can be termed "farm animals". S 15B relating to discharges from ships, omits the farm animal component.</p> <p>Cannot include discharges to streams at locations that are not inside the coastal marine area.</p> <p>The "thresholds" are quite high and do not consider chemical and microbiological contamination.</p>	<p>The rule implements the policies but does not allow for small quantities or amounts of discharges with small amounts of contamination that would not have any effect on the water quality in the coastal marine area. The farm animal drinking water condition should be deleted to be consistent with section 15B RMA.</p> <p>The rule does not do what it aims to do because it is not specific enough to avoid adverse effects on the environment. It does not have conditions on chemical and microbiological contamination. It is very difficult to know whether such an uncontrolled discharge will have "any significant effects on aquatic life" until the effects have been seen – if they have been monitored – which makes it an impossible condition. The discharge rate is rarely controlled, it is the discharge diffuser structure that has the greatest effect on potential erosion, and they rate varies according to the catchment and weather. Stormwater definition needs to be aligned with that in the Freshwater Plan.</p> <p>The rule does not work because significant adverse effects are now being seen. The criteria and thresholds in the rule are not certain enough. They are not required to be monitored or reported so compliance will be impossible, except in acute accidents. It is especially difficult with variable flows, variable inputs and high capital costs involved in improving the infrastructure.</p>

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
			numbers in the conditions (the stuff from the RMA that is?)		
54	Permitted Activities Operational needs of ships	4.2.1, 10.2.4	Inconsistency. Why do the public have to meet such a high standard, whilst ships can get away with significant polluting discharges. Freshwater is a bizarre anomaly for coastal water, but presumably links back to the RMA. Final paragraph quite confusing. Rewrite  Also covered in Rule 54. Odour, gas, vapour and aerosols does not include particulates and dust, which are also highly problematic. Also, range of materials conflicts with materials presented in Rule 64. Duplication of gas, vapour etc in first paragraph and condition 1 - makes very confusing reading. Link to Rule 54.  Remove animals drinking stuff, consistency with section 15B	This rule has been superceded by the Marine Pollution Regulations.  According to the last paragraph of the rule, the rule no longer has effect as section 15B is now part of the RMA. Section 15B was substituted by RM Amendment Act 1997. <b>This rule no longer has effect because of the Marine Pollution regulations.</b>  Where do gas, vapour and aerosols appear in the rule?	This rule has been superceded by the Marine Pollution Regulations.
55	Permitted Activities Other discharges from ships	4.2.1, 10.2.14	Do we really want to allow such activities, especially in the harbour? Unenforceable. Why bother with a rule that allows so much? Delete rule?  Remove animals drinking stuff, consistency with section 15B.	According to the last paragraph of the rule, the rule no longer has effect as section 15B is now part of the RMA. Section 15B was substituted by RM Amendment Act 1997. <b>This rule no longer has effect because of the Marine Pollution regulations.</b>	This rule has been superceded by the Marine Pollution Regulations.
56	Permitted Activities Other discharges of water	4.2.1, 10.2.1, 10.2.2, 10.2.3, 10.2.14	There is no definition of “fresh water”. Does the rule allow for the discharge of some contaminants to the extent allowed by the conditions? Or is this not fresh water? This should be clarified.  Is this about fish farming, power stations etc, and if so, say so. Specify some activities. Improve on the second bullet point. Remove animals drinking stuff, consistency with section 15B.  A proposal to rehabilitate the WCC stormwater pipeline by Insituform Cured In Place Pipe (CIPP) technique. This involves placing an impregnated Insituform liner with epoxy resin into the existing pipe and curing with hot water. At the end of the process, the water temperature is approx 25°C. The question is does the release of water at 25°C into the coastal marine area comply with rule 56? This highlights the difficulties of using an undefined “reasonable mixing zone” together with “any discernible change in temperature” – which is as good as your best thermometer.	Freshwater is all water except for coastal and geothermal water (s2 RMA). The rule is effects based, not activity based.	The rule implements the policies but does not allow for small quantities or amounts of discharges with small amounts of contamination (such as treated tap water discharges) that would not have any effect on the water quality in the coastal marine area. The farm animal drinking water condition should be deleted to be consistent with section 15B RMA. The rule does not do what it aims to do because it is not specific enough to avoid adverse effects on the environment. It does not have conditions on chemical and microbiological contamination, and the thresholds are too high. The rule needs to be consistent with the corresponding rule in the Freshwater Plan. It does not work in regard to release of hot water – it does not specify a mixing zone, and compliance depends on the sensitivity of the thermometer, not any specified temperature rise or relationship to effects on the coastal marine area. It does not work because it is too difficult to work out what the conditions mean in practice and to fulfil them.
57	Discretionary and Restricted Coastal Activities Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19& 20, 4.2.35- 39, 10.2.3, 10.2.4, 10.2.5, 10.2.8, 10.2.9, 10.2.11		The thresholds and requirement for a RCA come from the NZCPS.	The rules implement the policies except that AICVs should be included wherever ASCVs are stated, in order to give effect to policy 4.2.10. The rules appear to do what they aim to do. The rules appear to work.



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
58	Discretionary and Restricted Coastal Activities Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19& 20, 4.2.35- 39, 10.2.3, 10.2.4, 10.2.5, 10.2.8, 10.2.9, 10.2.11 10.2.14		The thresholds and requirement for a RCA come from the NZCPS.	
59	Non-complying and Restricted Coastal Activities Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19& 20, 4.2.35- 39, 10.2.3, 10.2.4, 10.2.5, 10.2.8, 10.2.9, 10.2.11		The thresholds and requirement for a RCA come from the NZCPS.	
60	Non-complying and Restricted Coastal Activities Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19& 20, 4.2.35- 39, 10.2.3, 10.2.4, 10.2.5, 10.2.8, 10.2.9, 10.2.11 10.2.14		The thresholds and requirement for a RCA come from the NZCPS.	
61	Discretionary Activities Other activities involving discharges to land and water outside Areas of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19& 20, 4.2.35- 39, 10.2.3, 10.2.4, 10.2.5, 10.2.8, 10.2.9, 10.2.11			
62	Non-complying Activities Other activities involving	4.2.1, 4.2.10,			



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	discharges to land and water in Areas of Significant Conservation Value	4.2.19&20, 4.2.35-39, 10.2.4-6, 10.2.8&9, 10.2.11, 10.2.14			

### 23.7 Discharges to Air

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	General		Now there is an air plan, should we be consistent with this? Can we take it out – and just have the air plan for everywhere?	We ought to be consistent with the air plan. I prefer to have the rules for the coastal marine area in this plan.	
63	Permitted Activities Operational needs of ships	4.2.1, 4.2.3, 4.2.7, 4.2.8, 4.2.19&20, 4.2.21, 4.2.44, 11.2.1, 11.2.3	Also covered in Rule 54. Odour, gas, vapour and aerosols does not include particulates and dust, which are also highly problematic. Also, range of materials conflicts with materials presented in Rule 64. Duplication of gas, vapour etc in first paragraph and condition 1 - makes very confusing reading. Link to Rule 54.  Discharge to air permitted, but the discharge to water (usually associated is discretionary. Could change the discharge to air be changed to controlled or discretionary, and then restrictions could be put on to contain... then a discharge to water consent may not actually be required.	This rule has been <b>superceded</b> by the Marine Pollution Regulations.  The discharge to water from operational use of ships was not discretionary but permitted.	This rule now does not have effect since the Marine Pollution regulations and will not be considered further.
64	Permitted Activities Operational needs of the port	4.2.3, 4.2.7, 4.2.19&20, 4.2.44, 11.2.1, 11.2.3	Difficulty proving adverse effect or objectionable etc. No obligation to mitigate release in the first place. Recommend rewrite.	Isn't this included in "likely to have an adverse effect..." If an <u>actual</u> adverse effect has occurred, can this be dealt with by other means?	The rules implement the policies, <u>except</u> for policy 11.2.1 to a limited degree, as the rule conditions are <b>less strict</b> than the policy conditions.  They do not do what they aim to do. Having a condition "shall not result...to such an extent that it has or likely to have an adverse effect on the environment" is a very difficult test. There is no clarity or test when an activity would kick into invoking rule 71. It only works for activities that clearly have minor effects, but there's no clarity over how big do you have to get before the rule is no longer applicable.  No information available to tell if it works. No permitted activity monitoring for this rule has been done. There is no reporting condition and there is no information whether it has been invoked. It is likely to be invoked for unloading cargo, including material to the port side Holcim cement depot.
65	Permitted Activities Construction and maintenance of structures	4.2.1, 4.2.3, 4.2.7, 4.2.8, 4.2.19&20, 11.2.1, 11.2.3	Why not link to the construction rule? Integrate with relevant rules elsewhere in this plan.  Discharge to air permitted, but the discharge to water (usually associated is discretionary. Could change the discharge to air be changed to controlled or discretionary, and then restrictions could be put on to contain... then a discharge to water consent may not actually be required.	Discharge to water might be covered by rule 53 stormwater (permitted provided conditions adhered to) or rule 57 (discretionary).  The suggestion would apply to preparation for painting of a boatshed – do we really want a consent for that?	
66	Permitted Activities Venting of drainage systems	4.2.3, 4.2.8,	What is this referring to? Rewrite	Stormwater? But they would not be vented? The rule clearly says it relates to venting of trade waste or	The rule implements the policies, except it does not go as far as policy 11.2.2, which requires reference to species, or

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		4.2.19&20, 11.2.3	What other drainage systems does this cover? What other ones would be vented?	sewage conveyance systems.	health and welfare of people. No permitted activity monitoring for this rule has been done, and there is no information whether it has been invoked. I assume it must work for the sewage operators.'[
67	Permitted Activities Flaring of hydrocarbons	4.2.1, 4.2.3, 6.2.10		Flaring from hydrocarbon exploration is NOT covered by the air NES.	The rule implements the policies. Policy 6.2.10 is specifically about structures and interfering with flight paths. The intent to protect the flight paths is built into this rule. No permitted activity monitoring for this rule has been done, and there is no information whether it has been invoked.
68	Discretionary and Restricted Coastal Activities Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19&20, 4.2.35-39, 11.2.2			The rules generally implement the policies, except for policy 4.2.10 which requires reference to AICVs as well as ASCVs. It is not clear what the rules would entail in terms of discharge to air, other than venting of sewage pipes, which is covered by rule 66. 1 consent has been granted, for discharge from the Pencarrow Head sewage outfall in 1998.
69	Non-complying and Restricted Coastal Activities Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value	4.2.1, 4.2.10, 4.2.19&20, 4.2.35-39, 11.2.2, 11.2.3			
70	Prohibited Activities Open burning of cables, cars etc.	4.2.1, 4.2.3, 4.2.19&20, 11.2.2	Fireworks are included in this as they contain metals and combustibles. An example is the annual November 5 fireworks display off a barge in Wellington Harbour (that is aside from the noise issues).  A further extension of the idea of prohibiting incendiary devices – what about letting off emergency flares? Apparently improper use of distress signals (the main one of 9 possible is a flare) is prohibited under the Navigation Bylaws 12.1. It's also prohibited under various other maritime laws. The Director of Maritime NZ may grant permission for discharge of flares for training purposes. Then, about 10 are set off at once on parachutes, so that the boating public can guess it's not an ordinary boat in distress.	This is consistent with the air NES but goes further than burning just coated cables.	The discharge to air National Environmental Standard supercedes the application of this rule to burning of insulated cables, and the tyres part of burning vehicles. This rule goes further. The rule partially implements the policies, in that it does not recognise short term adverse effects (policy 4.2.3), and does not have regard to the frequency, intensity and duration as in policy 11.2.2. The rule quite possibly did not intend to prohibit firework displays and emergency flares, so it is broader and further reaching than what it intended to do. There is no possibility of applying for consent for temporary or limited environmental effects activities under this prohibited regime. The rule probably does not work in banning fireworks.
71	Discretionary Activities Discharges from industrial or trade premises outside Areas of Significant Conservation Value	4.2.1, 4.2.3, 4.2.4, 4.2.10, 4.2.19&20, 4.2.35-39, 11.2.2, 11.2.3			The rules implement the policies except there is no mention of AICVs together with ASCVs as required by policy 4.2.10. The rules do what they aim to do. The rules appear to work. One consent has been granted for sandblasting the Paramata rail bridge, and 1 consent for discharging hydrocarbons between Castlepoint and Cape Turnagain. 4 consents have been granted for sand blasting SH1 Paramata bridge, which is adjacent to the Pauatahanui ASCV.
72	Non-complying Activities Discharges to Air in Areas of Significant Conservation Value	4.2.1, 4.2.3, 4.2.4, 4.2.10, 4.2.19&20, 4.2.35-39, 11.2.2,			

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
		11.2.3			

### 23.8 Taking, Use, Damming or Diversion of Water

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
73	Permitted Activities Takes or uses of water	4.2.1, 12.2.1, 12.2.4, 12.2.5, 12.2.6	There is no rule that provides for the diversion of water (however minor) by authorised structures.  No adverse environmental effects requirement? Inconsistent with freshwater plan. Make consistent with freshwater plan.		The rule partially implements the policies. It does not give effect to policy 12.2.1 because it does not provide for damming or diversion of water (eg sandcastle with moat on beach). There is no requirement for no adverse effects consistent with policy 4.2.1. It only partly does what it aims to do, by omitting damming and diversion – which otherwise is a discretionary activity for the most minor diversion. There is no data on the rule’s implementation as there is no reporting requirement and no monitoring is done.
74	Permitted Activities Operational needs of vessels	4.2.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5, 12.2.6	Clarify the need for this rule in comparison against 'ships' in the coastal marine area. Rewrite or delete or integrate into another.		The rule does give effect to the policies, except that the term <i>vessel</i> (in the rule) should be aligned with the term <i>ship</i> (in policy 12.2.2). The rule does do what it aims to do (except for clarifying <i>ships</i> and <i>vessels</i> ).
75	Controlled Activities Minor takes or uses from significant rivers or lakes in the coastal marine area	4.2.1, 4.2.3, 12.2.1, 12.2.3, 12.2.4, 12.2.5, 12.2.6			The rule gives effect to some of the policies. It does not include damming and diversion (policy 12.2.1), it does not address fish spawning and migration (policy 12.2.4), and there is no information required or control over any effects on mauri of the coast (policy 12.2.6). The rule provides for minor takes and uses but does not ensure the adverse effects are limited (policy 12.2.1). There is no indication why damming and diversion have not been included.
76	Discretionary Activities Other taking, use, damming, or diversions of water outside any Areas of Significant Conservation Value	4.2.1, 4.2.3, 4.2.35-39, 12.2.3, 12.2.4, 12.2.5			The rules generally implement the policies except that AICVs should be included wherever ASCVs are mentioned (policy 4.2.10), and fish spawning & passage and mauri of the coast are not specifically addressed (policies 12.2.4 & 12.2.6). They do serve their aim, which is to act as “catch all rules”, except that certain specific matters are not addressed.
77	Non-complying Activities Other taking, use, damming, or diversion of water in Areas of Significant Conservation Value	4.2.1, 4.2.3, 4.2.10, 4.2.35-39, 12.2.3, 12.2.4, 12.2.5			

23.9 Surface Water and Foreshore Activities

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
	General		Need other rules for conflicting uses e.g. hole in one golf course and only got them on Health and Safety. Maybe we need a defined area for safety reasons (as in a defined area where a occupation consent is required).		
	Seaview Road, Moorhouse Point, Pauatahanui Inlet		People wanting to get to their property. Could either allow this with conditions, or use education as a method. Do we want this to be just on special occasions, or everyday, maybe what we need is policies defining what we think is appropriate. Also, why have these areas been selected – they’re not necessarily in ASCV or anything...	Either they get a consent or design a very tight specific rule – but just for a few houses????	
78	Permitted Activities General surface water and foreshore activities	4.2.1, 4.2.4, 4.2.8, 4.2.10, 4.2.19&20, 13.2.1, 13.2.4	<p>Need to monitor to measure compliance - we have limited resources. Reasonable catch-all. Integrate boat launching etc into this one.</p> <p>Motorists (via cellphones) complaining about traffic-jams on SH2 caused by a small tug and barge near the motorway with a large Kiwibank advertising sign displayed on it. Nobody has sought any "approval" to do this - although this aspect would seem to fall outside normal navigational safety issues anyway, and no approval from the Harbourmaster would be required. But Land Transport have had very strong views against this practice in the past because of the traffic problems that it can cause.</p> <p>This highlights the lack of strength of health and safety provisions, and the potential for those effects to be outside of the coastal marine area. Don't know whether signage in particular should be in a rule. The rule is subject to 14.1 but the public safety section there is broad and vague. H&amp;S should be developed in 14.1 and maybe made explicit in this rule too.</p>		<p>The rule does not implement the policies as there are too few restrictions as it is presently written. ASCVs and AICVs are not excluded (policies 4.2.10 &amp; 13.2.4), disturbance to species is not addressed (policy 13.2.1), and effects on flora and fauna (policy 13.2.4).</p> <p>The rule is permissive, which is probably its aim. The only mechanism to restrict the extent of adverse effects is the uncertain requirement that direct disturbance is removed by two high tides. This is a crude mechanism as it does not address other potential adverse effects, and what happens if the disturbance is <u>not</u> removed by two high tides? Is the plan inviting retrospective consent applications? How sure can anyone be that two high tides will remove a disturbance? This “catch all” rule could easily be confused with the two other “catch all” rules 85 and 86 (discretionary and non-complying respectively). The <u>only</u> distinction is the uncertain requirement for removal of disturbance by two high tides. To create such a confusion does not do what is aimed, that is a permissive certain rule for general small scale or temporary activities. The rule does not consider potential adverse effects of signage and public health and safety.</p> <p>There is no reporting requirement and no monitoring, so no information on whether it works.</p>
79	Permitted Activities Special events - horse races	4.2.1, 4.2.4, 4.2.8, 4.2.19&20, 13.2.2	Potential nuisance from litter/manure on beach for 48 hours? Need to cater for public health as well as public safety.	<p>Need to allow reasonable time to comply with conditions. Most people will have left after the race.</p> <p>Ian Balfour (06 372 6806) President of Castlepoint Racing Club (incorporated society) rang 21/5/08. He said the races had been run once a year in the second or third week of March, and were not run only when there was no sand on the beach. The races were <u>not</u> run in the years: 1967, 1993 – 1996, 2003 – 2006, and 2008.</p> <p>Brian Edwards, Compliance Team leader KCDC rang 23/5/08. The last time horse races were run on Paraparaumu beach was 2001. Prior to that they were run annually. To do so now, the organisers would have to comply with the KCDC beach bylaw and get a resource consent under the KCDC district plan.</p>	<p>The rule gives effect to the policies.</p> <p>The rule does what it aims to do.</p> <p>The rule works where there are no other restrictions necessary, such as district council bylaw and consent requirements. Otherwise it works because the policies are specific to the activity, and the rule has extensive conditions. See section 4.7 for implementation of the rule.</p>



Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
80	Permitted Activities Temporary military training activities		None experienced		There is no policy that this rule is directly relevant to. There is no record of this rule having been invoked so we do not know if it works.
81	Permitted Activities Motor vehicles, motorcycles, trailers and land yachts on beaches	4.2.4, 4.2.8, 4.2.10, 4.2.19&20, 13.2.1, 13.2.3	No speed restrictions - causes safety hazard, but difficult to monitor. Damage to dunes & dune grass occurring - not significant at present. Lots of illegal driving at beaches controlled under Rules 82 & 83. List exclusions to the rule in this rule, rather than having to go to 82 and 83. Need to make this more of a Police or TA issue - very difficult for us to regulate things from an environmental perspective - put into District Plan instead?  Unattended stationary vehicles – how long can they sit in the coastal marine area for?  Seaview Road – people wanting to get to their property. Could either allow this with conditions, or use education as a method. Do we want this to be just on special occasions, or everyday, maybe what we need is policies defining what we think <u>is</u> appropriate. Also, why have these areas been selected – they’re not necessarily in ASCV or anything...	Land Transport Act also applies in terms of safe driving etc.  District Plan and/or TA Bylaws that match the Plan rule would help, especially if only one agency (by way of delegated authority from the other) did compliance and enforcement.  When does an unattended vehicle become “abandoned” in terms of the TA?	The rule does not implement the policies. It does not exclude ASCVs and AICVs (policies 4.2.10 & 13.2.4), does not implement the disturbance to species aspects (policies 13.2.1 & 13.2.4), is insensitive to cumulative effects (policy 4.2.4), does not protect existing recreational users from new activities (policy 4.2.8), and has the potential to destroy amenity values (policy 4.2.19).  The rule aims to generally allow vehicle use on beaches, and it does do that with few restrictions. However, the conditions imply that such use should have regard to public health and safety and it does not do that effectively as vehicle speed is not addressed, and the safety hazard aspect is too general to be of much assistance. These conditions make it nearly impossible to monitor or enforce compliance.  The rule does not work because there is no protection of sensitive ecological areas, and no protection of other users of the beach. The rule is difficult to monitor, and near impossible to enforce. Some people say a speed limit would help (eg at Riversdale). The fact that several TAs have beach bylaws (eg KCDC) or have instigated beach management plans (eg PCC in Titahi Bay) suggest other measures are required also. There needs to be coordination with the police (the only authority with the powers of stopping a vehicle), TAs, district plans and bylaws.
82	Prohibited Activities Motor vehicles, motorcycles, trailers and land yachts on Titahi Bay beach	4.2.4, 4.2.17, 4.2.19&20, 13.2.3, 13.2.4	Note that as the sand depth on beaches changes throughout the year, dependent upon storms (around 1 metre variation at Titahi Bay), we are not able to rely upon a one-off survey of the entire beach for future regulatory action, and are therefore likely to need surveys on a case by case basis for any regulatory action. This highlights the impracticality of <b>rule 82</b> .  This rule is virtually impossible to enforce for the following reasons:  -Much of the beach is actually outside the coastal marine area, and therefore driving restrictions do not apply as it is outside GW jurisdiction.  -Defining the location of the coastal marine area is a nightmare, and effectively requires a survey to be conducted at the time, which is out of date after the next storm  - the RMA does not enable you to hold a registered owner liable for non-compliance for a vehicle contravening this rule, and so you are stuffed if the driver refuses to give you their details  - the northern and southern boundaries specified in the plan cannot be easily defined on the beach itself – not least because Toms Road and the beach at its southern end run in a roughly east-west	PCC has now produced a draft Titahi Bay beach reserves management plan which includes measures to address access to and driving on the beach. It includes the possibility of instigating a bylaw to reflect this Plan rule, and a MoU with GW and possibly delegated authority to one of the agencies to enforce.  Is this a lack of enforcement issue, or is it that it is impossible to enforce?  Titahi Bay Pleistocene fossil forest is an <b>AICV</b> .	The rule implements the policies. The exclusion conditions are fine.  The aim of the rule, to exclude general driving on the middle part of the beach will not work on its own. Cooperation with the police and PCC is needed.  The rule does not work on its own. Council Committee report 02.618 details Titahi Bay beach compliance issues. In essence, the rule is still not complied with, and there is a need for proper enforcement.

Rule #	Rule description	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
			orientation, thus creating an obtuse intercept, and a huge margin of error. Furthermore, do you use the road centreline or something else to define the location of the road for survey purposes?  - does this restriction actually protect the fossil forest? I suspect not. It would be much easier to allow wheeled vehicles onto the beach, and impose a 10kph speed limit, which could be easily measured using a speed radar.		
83	Discretionary (Restricted) Activities Motor vehicles, motorcycles, trailers and land yachts on beaches	4.2.1, 4.2.4, 4.2.6, 4.2.8, 4.2.19&20, 13.2.3, 13.2.4	This rule needs to be looked at again in light of the damage caused at Ivey Bay from heavy vehicles on the foreshore. It is a restricted discretionary activity. The rule should specify the extent of heavy vehicle movement i.e. one truck access or continued access for building a house. The ability to control weight and frequency of vehicle movements should be included in the matters that we can retain discretion over. We also need to make sure the applicant keeps a log of vehicle movements. Monitoring compaction effects is needed. In this case a five storey house was being built and the only viable access was by the beach.	Discretion should be retained for weight of vehicle and frequency of travel.	The rule generally implements the policies, except for considerations of protecting flora and fauna (policy 13.2.4).  The rule largely does what it intends to do. It would help if discretion was retained to consider effects on flora and fauna, the weight of the vehicle and the frequency of trips.  The rule sort-of works and some consents have been granted. A relevant Council Committee report is number 02.618 about Titahi Bay beach compliance.
84	Discretionary and Restricted Coastal Activities Exclusive occupation of the coastal marine area	4.2.3, 4.2.8, 4.2.18, 4.2.19&20		This requirement comes from the New Zealand Coastal Policy Statement 1994.	The rule does implement the policies, and it does do what it aims to do.
85	Discretionary Activities Other activities on foreshore or seabed outside any Area of Significant Conservation Value	4.2.1, 4.2.3, 4.2.8, 4.2.10, 4.2.19&20, 4.2.35-39, 13.2.4			The rules implement the policies except that AICVs should be referred to wherever ACSVs are mentioned (policy 4.2.10 and 13.2.4). It largely does what it aims to do, except that the word <i>seabed</i> in the title should be regularised with the words <i>surface of the water</i> in the rule itself. There is also potential confusion with permitted rule 78 because these are all “catch all” rules addressing the same activities, with only the “removal by two high tides” condition distinguishing them.
86	Non-complying Activities Other activities on foreshore or seabed in Areas of Significant Conservation Value	4.2.1, 4.2.3, 4.2.8, 4.2.10, 4.2.19&20, 4.2.35-39, 13.2.4			

### 23.10 Appendices and General Standards

#	Appendix	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
4	Features and buildings of historic merit	4.2.12, 4.2.45?	This appendix is never directly referred to in the text of the Plan. There are various objectives and policies that talk about recognising significant historic values or protecting important heritage sites but the wording is always slightly different so you never know whether the list is the thing that we should looking at. We should also make it clearer which of the sites listed in appendix 4 are actually fully in the coastal marine area and which are partly	There is a policy which says we will do plan changes to “stitch together” the plans either side of MHWS 4.2.45?	Appendix 4 only partially implements policy 4.2.12 as the appendix does not state the values that are to be protected. Why are the edges of wharfs listed in map 4D, but not the entire structure?  In more general terms, the appendix does not do what it aims to do because the appendix was never a



#	Appendix	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
			<p>above and partly below. An example of this is the Evans Bay Slip and Jetty, the land part of which is going to be recognised as a “Heritage Area” in the WDP. When a Plan change goes through we should check what our TA counterparts are doing in terms of heritage recognition and try to make the plans “stitch” together better.</p> <p>Appendix 4 has no location or grid reference for the items. It is difficult to identify which wharf or slipway is referred to when there are several in the area eg Evans Bay. There is no indication of the values of each structure that we are trying to protect. Not very helpful.</p> <p>The items in appendix 4 appear to be based on what was identified in the Wellington Harbour maritime planning scheme, operative 1988. The items are shown on the planning maps, which are in the Library 333.917 Z WEL. There is also “Historical and cultural resources study of the Wellington harbour maritime planning area,” prepared by Boffa Miskell in 1988. The report contains brief information about historic places and places of significance to iwi along the coast, and maps showing where the places are located. It can be found in the Library 993.1 BOF.</p> <p>There is a report that went to the council in 2000 recommending inclusion of the breakwater and eastern and western seawalls of the Clyde Quay boat harbour in appendix 4. A consultant’s evaluation is in file X/25/1/1 v5.</p>		<p>comprehensive and systematic survey of historic heritage in the coastal marine area, the location and extent of each item is not indicated, and there no other obvious source to go to about historic heritage in the coastal marine area that would assist in implementing the policy.</p> <p>The vagueness and lack of detail in the appendix does not “make it work”. Furthermore, the appendix is not referred to in all the rules that are relevant. Nothing is said about how to treat items that cross MHWS – does the items “extent” include the part that lies within the adjacent district, or is “half the item” to be considered?</p>
14.1.1	Public safety	6.2.4, 6.2.7,	<p>Traffic-jams on SH2 caused by a small tug and barge near the motorway with a large Kiwibank advertising sign displayed on it.</p> <p>This provision is so vague it is largely ineffectual. It highlights the lack of strength of health and safety provisions in the Plan, and in this case the potential for those effects to be outside of the coastal marine area. The public safety element in this section could be greatly strengthened.</p>		
14.1.2	Lighting and glare	6.2.6			
14.1.3	General standard – [Noise from activities located outside the Commercial Port Areas and the part of Lambton Harbour Development Area shown on Planning Map 4E]	4.2.7, 4.2.19, 4.2.44, 4.2.47, 4.2.48	<p>Organisers of boat races and jet ski races are required to get permits from Harbours under a harbours bylaw. This requirement is to cover issues of safety on the harbour.</p> <p>This morning a resident of Papakowhai rang Grant Nalder of Harbours to find out what noise controls there will be on the speed boat race to be held in Porirua harbour for two days over Easter. The bylaw doesn’t cover noise; this is covered in the Regional Coastal Plan. My reading of the plan is that all activities in the coastal marine area must comply with the general standards for noise specified in section 14.1.3. Grant thinks that it’s possible that the boat race could breach condition 2 which is</p> <p>(2) between the hours of 7.00 am and 11.00 pm, the noise level (L10) measured at any point on the nearest Residential Area</p>	<p>Need to point out changes to the plan from Plan Change 1 – port noise provisions.</p> <p>“to occupy” for the coastal marine area has a specific meaning in s2 RMA, which implies as a default (in the absence of a Plan rule) would need a lease or license to occupy ie long term, and not temporary events. Maybe the Plan should have a rule which addresses temporary occupation for control of events?</p> <p>Organisers of the boat race in Wellington Harbour have applied for resource consent for the noise aspect.</p> <p><b>These standards were changed by Plan Change 1 to include reference to noise sensitive activities in the</b></p>	<p>Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159</p>

#	Appendix	Relevant policies	Problem identification	Comment	Effectiveness of rule a) does it implement the policy? b) does it do what it aims to do? c) does it work?
			<p>boundary shall not exceed 55dB(A);</p> <p>Even if the boat race can comply with the noise restrictions, it appears that they will be breaching Rule 84 – exclusive occupation of the coastal marine area because they have been allowed to use over 10 hectares of the harbour. This is a discretionary activity and a restricted coastal activity. [Piotr Swierczynski adds 20/2/07: “to occupy” for the coastal marine area has a specific meaning in s2 RMA, which implies as a default (in the absence of a Plan rule) would need a lease or license to occupy ie long term, and not temporary events. Maybe the Plan should have a rule which addresses temporary occupation for control of events?]</p> <p>It seems that these events happen about six times a year in Porirua harbour, and perhaps more frequently in Wellington harbour.</p> <p>We need to investigate whether these events are in compliance with the Regional Coastal Plan, and if not, whether there needs to be a change to the plan, or a change to the bylaw, or both, or neither (in which case organisers are required to obtain a consent).</p>	<b>commercial port area.</b>	
14.1.4	<p>[Noise from activities located within the Commercial Port Areas and the part of Lambton Harbour Development Area shown on Planning Map 4E</p> <p>(A) Commercial Port Areas shown in Planning Maps 4A and 4B and part of Lambton Harbour Development Area shown in Planning Map 4E</p>	4.2.43, 4.2.44, 4.2.47, 4.2.48, 6.2.17, 6.2.18		Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	
14.1.4A	[14.1.4A External sound insulation level within Commercial Port Areas or Lambton Harbour Development Area	4.2.43, 4.2.44, 4.2.47, 4.2.48, 6.2.17, 6.2.18		Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	
14.1.4B	14.1.4B Port Noise Management Plan	4.2.43, 4.2.47, 4.2.48, 6.2.17, 6.2.18		Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	
14.1.5	Storage of hazardous materials	4.2.21, 6.2.12	This addresses storage over water, but not in water. This would apply for example where an outfall structure is used as a storage structure (as indeed we have with the short outfall at Moa Point).	The Moa Point consents are in the process of being applied for. Measures are being taken so that the short outfall will not be used. Are there any other examples of this?	

## 24. Appendix C – Implementation and effectiveness of policies

### 24.1 General – Environmental

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
4.2.1	To recognise that the intrinsic values of the coastal marine area and its components are the heritage of future generations and are worthy of protection in their own right, while allowing for appropriate use and development.	4.1.1	15.5.3, 50 – 79, 83, 85, 87	Committee reports Marine reserve 99.111, 00.827, 02.344 Pauatahanui inlet catchment project & Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126 Coastal & marine biodiversity programme and broad scale mapping of the intertidal area. Committee reports 00.438, 01.567, 01.806, 02.353, 02.445, 02.638, 02.743, 03.91, 03.215, 03.314, 03.397, 03.499, 03.593, 04.38, 04.134, 04.236, 04.320, 04.432, 05.139, 05.403, 06.21, 06.83, 06.622, 06.395, 06.590, 06.622, 07.40, 07.370, 07.374 coastal strategies 02.638, 06.590	<ol style="list-style-type: none"> <li>1. The policy repeats the objective and does not “add value”.</li> <li>2. It weakens the objective by the qualifications of only “recognising” values which are “worthy of protection”. The objective has no such qualifications, in fact the objective seeks to “preserve and protect”, hence the policy only partially gives effect to the objective.</li> <li>3. The policy does not add clarity to the objective as to what the component values to protected are, or what “appropriate use” means.</li> <li>4. The explanation to the policy does not add any clarification or demonstrate any examples.</li> <li>5. The word “while” is not elucidated. It is trying to balance protection and opportunity for development within a single policy. This is usually difficult. There are no criteria or thresholds to assist. The end result is that the policy can be used to both advocate for protection, and advocate for development.</li> </ol>
4.2.2	To recognise and distinguish between those parts of the coastal marine area which retain natural character, and those areas where natural character has already been compromised, and to encourage appropriate new developments only in the	4.1.5		There are no rules and no methods that are clearly related, and no obvious way in which this policy is invoked or implemented.	<ol style="list-style-type: none"> <li>1. It weakens the objective by the qualifications of only “recognising &amp; distinguishing”, not “preserve and protect” areas which retain natural character.</li> <li>2. The objective is much stronger as it relates to the whole coastal marine area, hence the</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	latter areas.				<p>policy only partially gives effect to the objective.</p> <ol style="list-style-type: none"> <li>3. The policy carves off the compromised areas and “sacrifices” its natural character by actively encouraging development there.</li> <li>4. It does not protect the remaining areas per se.</li> <li>5. No criteria or thresholds are applied to distinguish what is unacceptable loss of natural character.</li> <li>6. The explanation is too general and implies anything can happen in the harbour and nothing can happen on the Wairarapa coast.</li> </ol>
4.2.3	<p>When considering the significance of adverse effects of activities on the coastal marine area, to recognise and distinguish between:</p> <ul style="list-style-type: none"> <li>• those activities which require occupancy on a "permanent" basis, and those which can effectively relinquish coastal space at a future date;</li> <li>• those activities which have irreversible adverse effects and those for which adverse effects are reversible; and</li> <li>• those activities which have short term adverse effects and those which have on-going or long term adverse effects.</li> </ul>	4.1.2 (points 4 & 5 only)	15.1.1, 8, 17, 18, 21, 22, 26?, 29, 30, 31, 34, 63-5, 67, 70-2, 75-7, 84-6		<ol style="list-style-type: none"> <li>1. Policy only addresses points 4 &amp; 5 of the objective.</li> <li>2. Occupation (permanent or otherwise) is not directly addressed by any objective. It is related to requiring a marine location.</li> <li>3. The explanation <u>does</u> help in interpreting the policy and gives examples.</li> <li>4. The policy does not address avoidance of adverse effects.</li> <li>5. The policy does not say only minor adverse activities (singly or cumulatively) will be allowed. It is more of an assessment criteria.</li> <li>6. It is not very helpful in the assessment of events – how long is temporary and acceptable?</li> <li>7. Overall, not very effective for the objective.</li> </ol>
4.2.4	To recognise and give appropriate weight to the potential for cumulative adverse effects resulting from two or more activities in the coastal marine area.	4.1.2 point 5 only	26, 50, 51, 67, 70-2, 78-9,		<ol style="list-style-type: none"> <li>1. The explanation adds new material ie implying the policy means ecosystem effects.</li> <li>2. The explanation does explain cumulative effects properly.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
			81-3		3.The policy does give effect to part 5 of the objective.
4.2.5	To adopt a precautionary approach to resource management decisions in the coastal marine area, particularly in those situations where it is difficult to predict adverse effects with any certainty.	4.1.4	26, 37		1.The policy does not address the main thrust of the objective “life supporting capacity”. 2.The policy is an indirect component towards the objective.
4.2.6	To recognise the importance of the coastal marine area as a place for the safe and convenient navigation of ships and aircraft, and to protect these activities from inappropriate use and development.	4.1.8	15.5.2, 8, 9, 15, 31, 33? 81? 83, 14.1.1	Committee reports Marine reserve 99.111, 00.827, 02.344	1.The policy appears to equate the protection of navigation with the maintenance <i>and enhancement</i> of public access.
4.2.7	To recognise that port and harbour activities are an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.	4.1.2, 4.1.26	12, 15, 33, 38, 42, 63-5, 14.1.4, 14.1.4A 14.1.4B		1.The policy is helpful in providing a specific example of an activity that fits objective 4.1.2. 2.Other than that it does not elaborate on how to give effect to that objective. 3. Objective 4.1.26 has a different focus in stressing the importance of the port.
4.2.8	To recognise existing lawful commercial and recreational users of the coastal marine area, and to protect them from the adverse effects of new activities as far as is practicable.	4.1.3	15.5.2, 11? 26, 31, 63-5, 78-9, 81-6		1.The policy restricts all activities in the objective down to commercial and recreational only. 2.The explanation goes beyond the policy in introducing “inter-user conflicts” rather than protecting existing activities. 3.Generally gives effect to the objective.
4.2.9	To ensure that when activities in the coastal marine area are no longer appropriate and when the opportunity arises with the expiry of the coastal permit or abandonment, that the coastal marine area is restored to its natural state	4.1.2 point 6	7		1. It is stretching the interpretation of objective 4.1.2(6). 2. The policy appears confused. The activity should not have been allowed if it was not appropriate. What changes could there be to make it no longer appropriate? Incorrect use

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	whenever practicable.				<p>of “appropriate”?</p> <p>3. The explanation does not assist in this.</p> <p>4. If the activity is abandoned, who does the restoration? Should this be a condition of consent at least?</p> <p>5. It does not clearly give effect to an objective, and it is not clear how the policy’s intent is to be achieved.</p>
4.2.10	<p>To protect sensitive, rare, or unusual:</p> <ul style="list-style-type: none"> <li>• habitats;</li> <li>• natural and physical resources; and</li> <li>• ecosystems</li> </ul> <p>from the adverse effects of use and development. In particular, the values of the areas identified by this Plan either as an Area of Significant Conservation Value or an Area of Important Conservation Value shall be protected.</p>	4.1.1, 4.1.4, 4.1.6, 7.1.3	15.5.3, 21, 22, 23, 24, 26, 34, 39, 43, 47, 49, 59, 62, 69, 72, 77, 86	<p>People taking nice looking rocks from the rocky shore at Mataikona – and destroys the distinctive natural landscape. It’s an AICV so policy 4.2.10 refers to it, but there’s no specific rule. This policy would only kick in if a discretionary consent under rule 40 was applied for. How likely is that for these gardeners? Should be a specific rule for AICVs?</p> <p>Divisional Manager’s Report: KCDC draft coastal strategy. Committee report 06.590</p> <p>Committee reports Marine reserve 99.111, 00.827, 02.344</p> <p>Pauatahanui inlet catchment project &amp; Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126</p> <p>Coastal &amp; marine biodiversity programme and broad scale mapping of the intertidal area. Committee reports 00.438, 01.567, 01.806, 02.353, 02.445,</p>	<p>1. The policy gives specificity to the objectives.</p> <p>2. The policy is clear in protecting special habitats.</p> <p>3. It does not say what criteria distinguish ASCVs from AICVs – the explanation just says they have been identified.</p> <p>4. The explanation brings in new material about rules for ASCVs. It does not explain why AICVs will not be covered.</p> <p>5. The values listed are specifically listed and do not extend to geological, scientific and historic heritage values.</p>



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				02.638, 02.743, 03.91, 03.215, 03.314, 03.397, 03.499, 03.593, 04.38, 04.134, 04.236, 04.320, 04.432, 05.139, 05.403, 06.21, 06.83, 06.622, 06.395, 06.590, 06.622, 07.40, 07.370, 07.374	
4.2.11	To protect, where practicable, habitats which are important for traditional or cultural purposes from the adverse effects of use and development.	4.1.1, 4.1.13, 4.1.14	26, 50, 51	<p>Divisional Manager’s Report: coastal issues – KCDC. Committee report 02.638</p> <p>Divisional Manager’s Report: KCDC draft coastal strategy. Committee report 06.590</p> <p>Coastal Water Quality Monitoring Programmes Review. Committee report 01.782</p> <p>Progress report on the investigation of chemical contaminants in shellfish. Committee report 03.208</p> <p>Chemical contaminants in shellfish. Committee report 06.624</p> <p>Pauatahanui inlet catchment project &amp; Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126</p> <p>Coastal &amp; marine biodiversity programme and broad scale mapping of the intertidal area. Committee reports 00.438, 01.567, 01.806, 02.353, 02.445, 02.638, 02.743, 03.91, 03.215, 03.314, 03.397, 03.499, 03.593, 04.38, 04.134, 04.236, 04.320, 04.432, 05.139, 05.403, 06.21, 06.83, 06.622, 06.395, 06.590,</p>	<ol style="list-style-type: none"> <li>1.The term “ecosystem” is better to include mahinga kai and materials for traditional uses. It is another specific example in the use of 4.1.1.</li> <li>2.The policy only partially addresses objectives 4.1.13 &amp; 4.1.14 as habitats are a subset of characteristics to be protected.</li> <li>3.The policy does not “recognise” or “identify” those places (as in policy 4.2.10) nor say how the places will be dealt with in the absence of identification. Hence the policy may not be very effective.</li> <li>4.The qualifier “where practicable” appears to water down the policy, as it does not aid in the localising of those places, and it suggests the presumption is to allow activities and then try to protect the habitat.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				06.622, 07.40, 07.370, 07.374	
4.2.12	To protect significant cultural and historic features in the coastal marine area from the adverse effects of use and development. In particular, the values of the features and buildings identified in appendix 4 will be protected.	4.1.6?, 4.1.13 weak	6, 26 (but <u>not</u> 13)	<p>Historic heritage. Committee reports 00.54, 00.214, 00.317, 00.561, 00.659</p> <p>There are various objectives and policies that talk about recognising significant historic values or protecting important heritage sites but the wording is always slightly different so you never know whether the list is the thing that we should looking at. We should also make it clearer which of the sites listed in appendix 4 are actually fully in the coastal marine area and which are partly above and partly below. An example of this is the Evans Bay Slip and Jetty, the land part of which is going to be recognised as a “Heritage Area” in the WCC district plan.</p> <p>It is not clear if the policy only applies to appendix 4 items or generally affords protection to any historic heritage. The confusion lies with using “in particular” for appendix 4 items, but the explanation says the policy seeks to protect shipwrecks (for example), but there are none listed in appendix 4 – implying it’s not just appendix 4 that’s protected!</p>	<ol style="list-style-type: none"> <li>1.Are cultural and historic features “intrinsic values” to be included in objective 4.1.1? This is not clear.</li> <li>2.Similarly, the connection of this policy to objective 4.1.6 is not that strong, as it does not state that cultural and historic features are “natural and physical resurces”.</li> <li>3.The strongest connection is to objective 4.1.13. However, “cultural features” are a sub set of characteristics of special significance to tangata whenua, so the policy is not very effective for that objective.</li> <li>4.The policy does not “recognise” or “identify” the cultural places in particular (as in policy 4.2.10) nor say how the places will be dealt with in the absence of identification. Hence the policy may not be very effective.</li> <li>5.There are no criteria as to what was used to get a listing in appendix 4. The appendix is not a systematic and comprehensive list of historic heritage items in the coastal marine area and does not accurately reflect similar items in the RPS.</li> </ol>
4.2.13	<p>To recognise the importance, and protect the values of:</p> <ul style="list-style-type: none"> <li>• Kapiti Island;</li> <li>• Motungarara (Fishermans) Island;</li> <li>• Tahoramaurea (Brown's) Island;</li> <li>• Mana Island;</li> <li>• Ward Island;</li> </ul>	4.1.1, 4.1.6, 4.1.20	26	<p>This policy can only be invoked by rules that control development of the foreshore of those islands. The biggest threat is from boats landing and assisting predators such as rats to get access to these islands. This plan does not control navigation as such. Even building a jetty</p>	<ol style="list-style-type: none"> <li>1.The policy gives specific effect to objective 4.1.1’s “intrinsic values”.</li> <li>2.The islands are not in the coastal marine area and are not in the jurisdiction of the Plan. It should be made clear that it is the foreshore of these islands that are in the Plan jurisdiction.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<ul style="list-style-type: none"> <li>• Somes Island; and</li> <li>• Mokopuna Island;</li> </ul> as predator-free refuges for indigenous flora and fauna; and to have particular regard to the effects of any activities proposed for the foreshore or seabed surrounding the islands which may result in the importation of predators to the islands.			(invoking rule 26 probably) on the foreshore only indirectly addresses this. There are no methods that are clearly related.	3. The explanation assists the policy without adding new policy material. 4. The policy gives effect to objective 4.1.6, but that objective cannot protect land adjacent to the coastal marine area (desirable as that might be). 5. The policy does give effect to objective 4.1.20 which seeks to integrate management across MHWS.
4.2.14	To have regard to the land and areas under the Conservation Act 1987, and other land and areas administered by the Department of Conservation, as identified in any approved Conservation Management Strategy for the Wellington Region, so that their status is taken into account in deciding resource consents.	4.1.6, 4.1.20	34		1. The explanation assists the policy without adding new policy material. 2. The policy gives effect to objective 4.1.6, but that objective cannot protect land adjacent to the coastal marine area (desirable as that might be). 3. The policy does give effect to objective 4.1.20 which seeks to integrate management across MHWS. 4. Areas under the Marine Reserves Act and the Marine Mammals Protection Act should be similarly treated.
4.2.15	Subject to Policy 4.2.17, to ensure that the adverse effects of new use and development on existing lawful access along and within the coastal marine area are avoided where practicable; where avoidance is not practicable, to ensure that the adverse effects are mitigated or remedied so that there is no net reduction of the quality of public access in the area.	4.1.8	8, 26, 28, 34	Government policy and proposed legislation. Foreshore & seabed. Committee reports 03.524, 04.385  There are 3 qualifiers in this policy: Subject to Policy 4.2.17; where practicable; no net reduction of the quality of public access. How can such a policy be effective in practice?	1. The policy does not align with the objective because of the qualifier “where practicable”. It appears the presumption is the development will go ahead. The objective has no such qualifiers. 2. Furthermore, policy 4.2.17 is a further qualifier. 3. What does “no net reduction” mean in the context of “quality of public access”? The explanation does not help. 4. These 3 policies do not mention navigation or safety, which is surprising.

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
4.2.16	Subject to Policy 4.2.17, to support any initiatives which might arise to improve public access along and within the coastal marine area, and to take appropriate opportunities arising from new use and development to improve public access, particularly in those places where it has been identified as desirable to enhance public access.	4.1.8	15.5.5? 9? 15?	Regional Policy Statement Implementation 2000/20001. Other coastal activities. Committee report 01.567 Government policy and proposed legislation. Foreshore & seabed. Committee reports 03.524, 04.385	<ol style="list-style-type: none"> <li>1. The policy gives effect to the “enhance” part of the objective.</li> <li>2. The policy is non-regulatory.</li> <li>3. The policy would better reflect the objective if “take appropriate opportunities” were in addition to a regulatory requirement to enhance public access in resource consent conditions.</li> <li>4. The explanation does not clearly say how the support is to be provided. Does it include financial support, or just the granting of consents? Does it mean financial and administrative support for community groups?</li> </ol>
4.2.17	To recognise that there are circumstances when public access along the coastal marine area is not appropriate; and other circumstances where it is not practicable because of the nature of the coastline.	4.1.7, 4.1.8	6, 7, 8, 17? 21? 26, 82	Government policy and proposed legislation. Foreshore & seabed. Committee reports 03.524, 04.385  Navigation bylaw and amendments. Committee reports 00.558, 00.662, 00.775, 00.854, 00.865, 03.533, 03.699, 03.714, 05.501, 06.206, 06.315, 06.376, 06.425, 06.426, 06.439, 06.571, 08.128	<ol style="list-style-type: none"> <li>1. The policy recognises limitations to the objective. It would be better if the objective contained limitations itself.</li> <li>2. The policy itself should list the circumstances where public access will not be allowed (rather than “not appropriate”). The terminology is too uncertain when it does not need to be.</li> <li>3. What are the implications of the repeated “technical and financial constraints”(in the explanation)? This should be made clear.</li> <li>4. The list of reasons that access is “not appropriate” requires some rethinking. Why restrict access to ASCVs, for animal health reasons(?), and coastal cliffs are not in the coastal marine area.</li> </ol>
4.2.18	To recognise that the coastal marine area is an extensive area of public open space, and to ensure that the interests of the public, both now and in the future, are	4.1.21	15.1.1, 11, 16? 17, 18, 19, 21,		<ol style="list-style-type: none"> <li>1. The policy gives effect to the objective.</li> <li>2. The explanation reads as if it should be part of the policy as it introduces new restrictions.</li> <li>3. The policy does not address the allocation of</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	given a high priority when making decisions on the allocation of any land of the Crown or any related part of the coastal marine area.		22, 23, 26, 84		space or competition for the same space.
4.2.19	To recognise the importance of amenity values in the coastal marine area, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.	4.1.9, 4.1.10, 4.1.23	15.1.1, 26, 44? 45? 57, 58, 59, 60-5, 68-72, 78-9, 81-6, 14.1.3, 14.1.4, 14.1.4A 14.1.4B, 14.1.3	Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339, 08.117	1.The policy partially gives effect to the objective 4.1.9 and to objective 4.1.23. It does not seek enhancement of amenity values. 2.The perennial “where practicable” takes away from giving effect to objective 4.1.9 but gives effect to 4.1.23. It is unclear what it is, apart from appearing to “give the benefit of the doubt” to a development. The explanation adds nothing.
4.2.20	To recognise the importance of the coastal environment to recreation activities, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.	4.1.2, 4.1.8, 4.1.23 recreation part	15.5.1, 10? 15, 26, 57, 58, 59, 60-5, 68-72, 78-9, 81-6	Navigation bylaw and amendments. Committee reports 00.558, 00.662, 00.775, 00.854, 00.865, 03.533, 03.699, 03.714, 05.501, 06.206, 06.315, 06.376, 06.425, 06.426, 06.439, 06.571, 08.128 Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339, 08.117	1.The policy gives effect to objective 4.1.2, to the recreational access part of objective 4.1.8 and to objective 4.1.23. 2.The policy appears to say that recreation activities are a matter for consideration in resource consents. That does not provide for them in a proactive way – no objective seeks that goal. 3.The perennial construction of avoid, remedy, mitigate and the “where practicable” makes the policy weaker in itself but gives effect to objective 4.1.23. The explanation adds nothing.
4.2.21	Use and development of the coastal marine area must take appropriate account of natural hazards, and any adverse effects	4.1.4, 4.1.7, 4.1.11,	20, 24, 26, 30, 34, 35,	Anti-fouling co-biocides in coastal waters 06.186 Storm surge & tsunami modelling and	1. The hazardous substances part of the policy gives effect to objectives 4.1.4 & 4.1.7. The natural hazards part gives some effect to

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	arising from the storage, use, disposal, or transportation of hazardous substances.	4.1.12	44? 45? 46, 47, 48, 49, 63-5, 67, 14.1.5	Wellington harbour survey. Committee reports 01.374, 02.428, 07.644	<p>objectives 4.1.11 &amp; 4.1.12, if the explanation is taken to be part of the policy.</p> <p>2. The word “appropriate” creates lack of clarity. The explanation attempts to clarify, but introduces a new concept of risk, which should be part of the policy. It does not address what is an “acceptable risk” in the objective.</p> <p>3. The policy does not help in saying <u>how</u> adverse effects are to taken into account.</p>
4.2.22	To recognise the importance of the Hutt River hydraulic line in maximising efficient flow of the Hutt River and thereby minimising the risk from flooding in the Hutt Valley; and to protect this line from inappropriate use and development.	4.1.11	6, 7, 8, 26, 32, 35, 38, 41, 46, 47, 48, 49		<p>1. The policy partially gives effect to objective 4.1.11.</p> <p>2. The policy reads like a matter for consent consideration, whereas the objective is about the positive notion of reducing adverse effects from natural hazards.</p> <p>3. The explanation is not clear as to what is intended. It does not explain what the line does, and describes an intended course of action – changing the river mouth.</p>
4.2.23	To recognise that aquaculture is an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.	4.1.2	26	Aquaculture, the reform bill and the discussion document. Committee reports 02.520, 03.91, 03.413, 03.432, 04.38, 04.192, 04.236, 04.286, 04.531	<p>1. The policy states an activity that implements the objective.</p> <p>2. The policy does not promote the activity or indicate possible locations. It provides no guidance for the assessment of consents.</p> <p>3. The provision has been overtaken by legislation which says aquaculture may only be allowed in Aquaculture Management Areas.</p>



## 24.2 General - Tangata whenua

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
4.2.24	To record the location of areas of special spiritual, historical or cultural value to tangata whenua in a manner to be negotiated between the iwi of the Region and the Wellington Regional Council. Tangata whenua have the right to choose not to identify all or any areas of special significance to them.	4.1.13	<b>Method ?</b>	Government policy and proposed legislation. Foreshore & seabed. Committee reports 03.524, 04.385  Biodiversity six-monthly committee report: iwi consultation on biodiversity 08.126  There are no rules and no methods that are clearly related, and no obvious way in which this policy is invoked or implemented.	1. The policy partially gives effect to objective 4.1.13 in identifying the values, but does not protect them. 2. There is a discrepancy between the use of “significance” in the objective and “value” in the policy. It is not clear if there is a difference. 3. “Characteristics” are to be protected in the objective. “Areas” are to be recorded in the policy. Some characteristics, eg mauri, may not be easily identifiable to a location. Hence the policy further falls short of the objective. 4. The explanation goes into the detail of “how” the policy should be implemented – this should be in the policy itself.
4.2.25	Where a resource consent application is for an activity in or immediately adjacent to a site of significance to tangata whenua, to require the applicant to notify and consult directly with the tangata whenua group in order to ascertain: • whether the granting of the resource consent would have any adverse effects on the values that cause the site to be significant to the tangata whenua; and • how any actual or potential adverse effects which might result from the activity could, from the tangata whenua viewpoint, be avoided, remedied or mitigated.	4.1.13, 4.1.14, 4.1.16, 4.1.23	26	Tangata whenua are notified of such consent applications. It is not known <u>how</u> any comments that are provided by tangata whenua are taken into account.	1. The policy gives effect to objective 4.1.16. It gives specificity to the objective and invokes objective 4.1.23. It refers to “significance” of objective 4.1.13. It recognises the values as in objective 4.1.14. 2. The policy puts the onus of consultation on the applicant rather than the Council. RMA amendments have now made clear (since the Plan becoming operative) that the onus of consultation for resource consent lies with Council. 3. It does not go as far as enforcing the views of tangata whenua or stating that the views will be taken into account when deciding the application, hence falls short of the “protection” aspect of 4.1.13. It does not

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>necessarily “provide for” the values as in objective 4.1.14.</p> <p>4. The policy is partially effective for objectives 4.1.13 &amp; 4.1.14.</p>
4.2.26	<p>In those situations where tangata whenua with mana whenua or mana moana consider that unrestricted public access is having adverse effects on characteristics of special spiritual, historical or cultural significance, to investigate jointly with the tangata whenua whether it is possible and appropriate to restrict public access to the characteristic, and the degree of restriction required.</p>	4.1.13, 4.1.14, 4.1.15		<p>There are no rules and no methods that are clearly related, and no obvious way in which this policy is invoked or implemented.</p>	<p>1. The policy appears to give effect to objectives 4.1.13, 4.1.14 and 4.1.15. The explanation clarifies terms but does not introduce new material that should be in the policy.</p> <p>2. The policy falls short of saying how and by what means access may be restricted. It could be that there is no legal mechanism to easily give effect to the restriction.</p>
4.2.27	<p>To not allow use and development which would restrict the access of tangata whenua to sites of cultural significance on land of the Crown, unless that access can specifically be provided for, or the loss can be adequately remedied.</p>	4.1.13, 4.1.14, 4.1.23	26?	<p>There is no obvious way in which this policy is invoked or implemented.</p>	<p>1. The policy gives effect to objectives 4.1.13, 4.1.14 and 4.1.23.</p> <p>2. The mention of consents not being granted in the explanation should be in the policy itself.</p>
4.2.28	<p>To liaise with agencies which have management responsibilities in the coastal marine area, including the Minister of Conservation and the Minister of Fisheries, in order to promote a consistent approach to matters of concern to iwi in the coastal marine area.</p>	4.1.14, 4.1.22		<p>Government policy and proposed legislation. Foreshore &amp; seabed. Committee reports 03.524, 04.385</p> <p>“To liaise” implies an proactive engagement with DOC and MFish on iwi matters.</p>	<p>1. The policy’s “promote a consistent approach” does not necessarily mean recognise and provide for as in objective 4.1.14.</p> <p>2. This policy’s “to liaise” falls short of objective 4.1.22’s “good communication”. In contrast, policy 4.2.30 says “to co-operate with, and where possible initiate or participate in...” which is much more positive and proactive.</p> <p>3. Good explanation.</p> <p>4. This policy is not very effective.</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
4.2.29	Subject to the provisions of the Act and this Plan, to not restrict iwi development initiatives in the coastal marine area.	4.1.17	26?	<p>The context of at least some iwi not having significant resources for their development should be recognised when reading the objective.</p> <p>There are no methods that are clearly related, and no obvious way in which this policy is invoked or implemented.</p>	<p>1. The objective implies 2 aspects: not hindering development, and support or assistance for development. This policy does not positively assist iwi.</p> <p>2. This policy gives no more to iwi than anyone else – all people are subject to the RMA and the Plan. Hence it does not do much.</p>

### 24.3 General - Management

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
4.2.30	To co-operate with, and where possible initiate or participate in, research that will assist the Wellington Regional Council to better fulfil its coastal management responsibilities; and to ensure that appropriate information is provided by applicants for resource consents.	4.1.18	15.3.5, 15.3.6,	<p>Anti-fouling co-biocides in coastal waters 06.186</p> <p>Titahi Bay management plan 06.104</p> <p>Wairarapa coastal forum. Committee report 01.188</p> <p>Divisional Manager’s Report: KCDC draft coastal strategy. Committee report 06.590</p> <p>Divisional Manager’s Report: KCDC draft coastal strategy. Committee report 06.590</p> <p>Storm surge &amp; tsunami modelling and Wellington harbour survey. Committee reports 01.374, 02.428, 07.644</p> <p>State of the environment reporting. Committee reports 01.567, 02.444, 03.591, 05.650</p> <p>Port noise plan change 1 to Plan.</p>	<p>1. This policy partly gives effect to objective 4.1.18. The objective refers to information, which should include information that others have produced. It also says the information is “available” which implies information management systems to make sense of the information, organise it in a useful way and make it available easily. This policy does not address this aspect.</p> <p>2. The policy implies that council will default to others to be the lead in research. If this is due to the anticipated small budget for research then this constraint should be stated as the reason, rather than a possible lack of intent.</p> <p>3. The word “appropriate” is not very useful. It does not equate to “sufficient to be able to make informed decisions”. If that is the</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				<p>Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159</p> <p>Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339, 08.117</p> <p>Pauatahanui inlet catchment project &amp; Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126</p> <p>Coastal &amp; marine biodiversity programme and broad scale mapping of the intertidal area. Committee reports 00.438, 01.567, 01.806, 02.353, 02.445, 02.638, 02.743, 03.91, 03.215, 03.314, 03.397, 03.499, 03.593, 04.38, 04.134, 04.236, 04.320, 04.432, 05.139, 05.403, 06.21, 06.83, 06.622, 06.395, 06.590, 06.622, 07.40, 07.370, 07.374</p>	<p>intent, why isn't this stated?</p>
4.2.31	To encourage agencies with coastal management responsibilities to work together to ensure that the views of these agencies are considered when decisions are made by the Council on coastal marine area resource management.	4.1.20, 4.1.22 coastal <b>environment</b>	15.3.4, 15.5.3	<p>Titahi Bay management plan 06.104</p> <p>Launch of Biosecurity New Zealand. Committee report 04.682</p> <p>Wairarapa coastal forum. Committee report 01.188</p> <p>Divisional Manager's Report: KCDC draft coastal strategy. Committee report 06.590</p>	<p>1.The policy implies involvement of agencies (not the community) in coastal marine area resource management. It is not clear whether "coastal management" means the coastal environment ie the dry land part also. The latter implies TAs as well as DOC, MFish, MNZ.</p> <p>2."To encourage" implies taking a proactive</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				<p>Divisional Manager’s Report: KCDC draft coastal strategy. Committee report 06.590</p> <p>Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159</p> <p>Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339, 08.117</p> <p>Pauatahanui inlet catchment project &amp; Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126</p>	<p>initiative, inviting those agencies’ views on management.</p> <p>3.If the coastal environment is indeed included, then the policy gives effect to objective 4.1.20.</p> <p>4.The intent of “encouraging agencies to work together” gives effect to objective 4.1.22.</p> <p>5.No explanation is given.</p>
4.2.32	To increase public awareness about coastal resource management and encourage users of coastal resources to recognise intrinsic values and to adopt an ethic of guardianship for future generations.	4.1.1, 4.1.19	15.3.7, 15.4.4, 15.5.4	<p>Titahi Bay management plan 06.104</p> <p>1999-00 Regional plan implementation programme: Clean Up NZ Week. Committee report 00.425</p> <p>Regional coordination of Clean Up NZ Week 2000. Committee report 01.375</p> <p>Committee report 05.139</p> <p>Wairarapa coastal forum. Committee report 01.188</p> <p>Divisional Manager’s Report: KCDC draft coastal strategy. Committee report 06.590</p> <p>Subdivision effects on natural character</p>	<p>1. The policy’s “to increase public awareness” falls short of objective 4.1.19’s “involvement in decision making and management”.</p> <p>2. The only reference to users in the objectives are objective 4.1.21 which is about coastal occupation and is not relevant; and the port is probably a user but objective 4.1.26 is not relevant to this policy. Otherwise, objective 4.1.2 refers to people able to undertake “uses” which satisfy the environmental protection policies. The only policy that refers to</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				<p>of the coast. Committee reports 99.489, 99.550, 99.576, 99.621, 00.438, 01.567 State of the environment reporting. Committee reports 01.567, 02.444, 03.591, 05.650 Aquaculture, the reform bill and the discussion document. Committee reports 02.520, 03.91, 03.413, 03.432, 04.38, 04.192, 04.236, 04.286, 04.531 Recreational water quality monitoring. Committee reports 99.458, 00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339 Pauatahanui inlet catchment project &amp; Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126 Coastal &amp; marine biodiversity programme and broad scale mapping of the intertidal area. Committee reports 00.438, 01.567, 01.806, 02.353, 02.445, 02.638, 02.743, 03.91, 03.215, 03.314, 03.397, 03.499, 03.593, 04.38, 04.134, 04.236, 04.320, 04.432, 05.139, 05.403, 06.21, 06.83, 06.622, 06.395, 06.590, 06.622, 07.40, 07.370, 07.374</p>	<p>intrinsic values is 4.1.1 where those values are to be preserved and protected. This policy calls for intrinsic values to be “recognised” and an “ethic of guardianship” to be adopted, so it falls short of giving effect to objective 4.1.1. In any event it is a very indirect connection. No objective refers to or implies an ethic of guardianship.</p> <ol style="list-style-type: none"> <li>3. No explanation is given.</li> <li>4. How users are to be encouraged to recognise intrinsic values is not stated or explained. How users are to be encouraged to adopt an ethic of guardianship is not stated or explained.</li> <li>5. These last matters are probably very difficult to achieve and not easily implemented.</li> <li>6. Although it is relatively easy to increase public awareness, hence the policy itself can be implemented, this policy does not satisfy the objectives.</li> </ol>
4.2.33	To identify explicitly the occupancy component on any resource consent which is granted for an activity in the coastal	4.1.21	11, 16, 26	Government policy and proposed legislation. Foreshore & seabed.	1. This policy partially gives effect to objective 4.1.21. It identifies the area of occupancy and it does not grant exclusive occupation,



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	marine area which requires occupation of land of the Crown and any related part of the coastal marine area.			Committee reports 03.524, 04.385  The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.	but also does not make explicit that the public still expect to have free use and enjoyment of the coastal marine area. 2.The explanation could be clearer in saying that occupancy can only be granted to carry out a use permitted by another consent.
4.2.34	To ensure that, as far as practicable, all stakeholders are involved in the coastal management process and that the decision making process is transparent.	4.1.19, 4.1.20	15.3.4, 15.3.5, 15.3.7, 15.3.9, 15.3.10, 15.3.11	1999-00 Regional plan implementation programme: Clean Up NZ Week; Waitohu Care Group. Committee reports 00.425, 01.375, 05.139	1.The policy only partially gives effect to objective 4.1.19, because of the qualifier “as far as practicable”. 2.The long explanation attempts to address the transparent decision making process, but only actually states that the reasons for the decision will be given (which is required by the RMA anyway). This does not specifically address the process of the decision making but the result of it. 3.It also says feedback will be provided to the select users who use resources consistent with the RMA. This is not consistent with the policy itself (“all stakeholders”). It is not clear if this feedback amounts to anything more than a consent decision. 4.If coastal management also means management of the coastal environment, then this policy gives effect to objective 4.1.20.
4.2.35	To consider placing conditions on resource consents for the purpose of avoiding, remedying or mitigating any adverse effects which are associated with, or are a consequence of, an activity, particularly where adverse effects impact on the following matters:	4.1.1, 4.1.5, 4.1.6, 4.1.8, 4.1.9, 4.1.10, 4.1.13 +	25, 26, 37, 38, 39, 40, 41, 42, 43, 57, 58, 59, 60, 61,	The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.	1.The policy partly gives effect to the protection objectives 4.1.1, 4.1.5, 4.1.6, 4.1.9, 4.1.10, and 4.1.13. The recreational opportunities partially addresses the public access objective 4.1.8. The resource consent condition aspect satisfies objective 4.1.23. 2.Recreational opportunities is the only

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<ul style="list-style-type: none"> <li>• fauna, flora or habitat;</li> <li>• lawful public access;</li> <li>• natural character;</li> <li>• amenity values;</li> <li>• views to and from the coastal marine area;</li> <li>• characteristics of spiritual, historical or cultural significance to tangata whenua; or</li> <li>• recreational opportunities.</li> </ul>	recreation, 4.1.23	62, 68&9, 71&2, 76&7, 85&6		element that is not really covered by s6 or s7 RMA matters, so it doesn't really add very much.
4.2.36	<p>To have regard to the following matters when determining the nature and extent of any conditions to be placed on a resource consent:</p> <ul style="list-style-type: none"> <li>• the significance of the adverse effects arising as a consequence of, or in association with, the proposed activity;</li> <li>• the extent to which the proposed activity contributes to the adverse effects;</li> <li>• the extent to which the adverse effects of the proposed activity can and have been dealt with by other means;</li> <li>• any proposals by the applicant to avoid remedy or mitigate, adverse effects, and any agreements reached at pre hearing meetings;</li> <li>• the extent to which the community as a whole benefits from the proposed activity and from any proposed conditions on a consent;</li> <li>• the financial cost of complying with any conditions on a consent; and</li> <li>• the extent to which a condition placed on a consent will avoid, remedy or mitigate any adverse effects.</li> </ul>	4.1.2, 4.1.23	25, 26, 37, 38, 39, 40, 41, 42, 43, 57, 58, 59, 60, 61, 62, 68&9, 71&2, 76&7, 85&6	The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.	<ol style="list-style-type: none"> <li>1. The policy gives effect to part of objective 4.1.2 and all of objective 4.1.23.</li> <li>2. The “community benefit” part is a sub set of 4.1.2’s “net environmental benefit” and how it is determined is not clear. How the community benefit is to be weighed against the other environmental effects or benefits is not addressed at all.</li> <li>3. The consideration of financial cost of condition compliance is not based on any objective. Indirectly it might be part of the “net environmental benefit” in objective 4.1.2 but how this association works is not clear and appears to imply that the cost of compliance is secondary to avoiding, remedying and mitigating adverse effects.</li> <li>4. The last bullet point implies consent conditions may not be able to avoid, remedy and mitigate adverse effects. To that extent it may be inconsistent with objective 4.1.1 which seeks to preserve and protect intrinsic values “from inappropriate use”.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
4.2.37	<p>To avoid, remedy or mitigate adverse effects, conditions on a resource consent may relate to all or any of the following:</p> <ul style="list-style-type: none"> <li>• design and project implementation, choice of materials, site improvements;</li> <li>• habitat restoration, rehabilitation, creation and improvement;</li> <li>• restocking and replanting of fauna or flora (with respect to replanting, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock);</li> <li>• works and services relating to the improvement, provision, reinstatement, protection, restoration or enhancement of the matters listed in 4.2.35.</li> </ul>	4.1.1, 4.1.4, 4.1.5, 4.1.23	25, 26, 37, 38, 39, 40, 41, 42, 43, 57, 58, 59, 60, 61, 62, 68&9, 71&2, 76&7, 85&6	<p>Eco sourcing policy for native plants. Committee report 04.59</p> <p>The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.</p>	<ol style="list-style-type: none"> <li>1. This policy gives examples of types of consent conditions that may address avoiding, remedying and mitigating adverse effects.</li> <li>2. The policy appears to focus on what might be “inappropriate use” referred to in objective 4.1.1. If consents require all those mitigation conditions for reinstatement, perhaps the consent should not be granted – but this policy does not go anywhere that far.</li> <li>3. The policy is helpful in offering some concrete examples of tools to remedy adverse effects. But is this “preserving and protecting natural character (objective 4.1.5) or retaining life supporting capacity (objective 4.1.5)?</li> <li>4. It does give effect to objective 4.1.23 about the use of consent conditions.</li> <li>5. There is no explanation that offers any help.</li> </ol>
4.2.38	<p>To encourage applicants for resource consents to:</p> <ul style="list-style-type: none"> <li>• consult and discuss with parties who may be affected by the proposal prior to applying for a consent; and</li> <li>• identify in the consent application how adverse effects may be avoided, remedied or mitigated.</li> </ul>	4.1.19, 4.1.23	25, 26, 57, 58, 59, 60, 61, 62, 68&9, 71&2, 76&7, 85&6	<p>The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.</p>	<ol style="list-style-type: none"> <li>1. This policy partially gives effect to objective 4.1.19 in that it encourages affected party consultation. This is a weak way of being involved in decision making, it’s more provision of information. It does not involve people in management of the coastal marine area.</li> <li>2. The consultation at consent stage is no longer a RMA requirement though it is best planning practice.</li> <li>3. The 4<sup>th</sup> schedule RMA says mitigation of adverse effects should be included in an application anyway. As this should be done, the policy ought to be stronger than “encourage”.</li> </ol>

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					4.To “encourage” is not a very strong way of “providing opportunities” that objective 4.1.19 aims for. 5. Identifying ways to avoid, remedy or mitigate adverse effects is a first step towards placing relevant conditions on consents as sought by objective 4.1.23..
4.2.39	To recognise that there are circumstances where placing conditions on resource consents may not be sufficient to adequately avoid, remedy or mitigate the adverse effects of a proposal, and that in such circumstances consent applications will be declined.	4.1.1, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.1.12, 4.1.13.	25, 26, 38, 39, 40, 41, 42, 43, 57, 58, 59, 60, 61, 62, 68&9, 71&2, 76&7, 85&6	The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.	1. All the protection objectives are invoked by this policy if the values are not able to be protected. 2. The explanation takes away from the policy and introduces a new implication that adverse effects must be significant in order for a consent application to be declined. 3. The focus of the objectives is protecting and preserving the values. The term “significant” is not used there. They do not imply that only significant adverse effects will not be tolerated. 4. The policy repeats the RMA as only controlled activities cannot be declined and all other categories of consent can be declined.
4.2.40	To forward to the Maritime Safety Authority copies of all coastal permit applications for new structures or works in the coastal marine area.	4.1.22	7, 14, 26	The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly invoked in processing resource consents.	1. This policy gives effect to objective 4.1.22. The MSA (now Maritime NZ) is responsible for navigational safety. 2. There is no objective that addresses public safety as opposed to public health (objective 4.1.7) or maintaining public access (objective 4.1.8).
4.2.41	To notify the Hydrographic Office of the New Zealand Navy when consent is granted for any new structures or works in the	4.1.22, 4.1.23?	1, 2, 3, 4, 5, 6, 7, 9, 13,	The policy is about the resource consent process and is relevant to many rules. It is assumed that these are regularly	1. This policy gives effect to objective 4.1.22. The functions of the Hydrographic Office have been taken over by Land Information

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	coastal marine area which are of significance to navigation and to include conditions on such consents which require the holder to advise the Hydrographic Office when: <ul style="list-style-type: none"> <li>• work on the structure commences; and</li> <li>• work on the structure is complete.</li> </ul>		14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 33, 36, 37, 38, 39, 40, 43, 46, 47, 48, 49,	invoked in processing resource consents.	NZ. 2. There is no objective that addresses public or navigational safety as opposed to public health (objective 4.1.7) or maintaining public access (objective 4.1.8). 3. The explanation is useful.
4.2.42	To have particular regard to the objectives and policies in relevant district plan(s) when assessing an application for an activity which spans the coastal marine area boundary; and where appropriate, to deal with such applications through joint hearings.	4.1.20, 4.1.25	26	Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	1.The policy gives effect to objectives 4.1.20 and 4.1.25. 2.The “where appropriate” does not add anything, as the joint hearings provision repeats the RMA. 3.The policy does <u>not</u> refer to activities which are near to, or adjacent to the coastal marine area boundary, <u>only</u> to activities which <u>span</u> the coastal marine area boundary. This means the district plan is not relevant where the activity is wholly within the coastal marine area (eg the Hilton Hotel or the OPT development) and it has no regard to the ownership of the inderlying land (ie WCC owns much of the Lambton Harbour Development Area). 4.The policy refers to objectives and policies of the district plan and not to the rules. This implies that relatively little regard is to be had to that plan.
4.2.43	To recognise that port and harbour activities are an appropriate use of the coastal marine area provided that the environmental	4.1.24? 4.1.26	12, 15, 26, 33, 42,	Anti-fouling co-biocides in coastal waters 06.186 Port noise plan change 1 to Plan.	1.This policy gives effect to objective 4.1.26. 2.It partially gives effect to objective 4.1.24 to the extant that the development provides for

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	protection policies of this Plan can be satisfied.		14.1.3, 14.1.4, 14.1.4A 14.1.4B	Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	harbour activities. The major developments so far have been for buildings and community amenity values, rather than port type activities.
4.2.44	To recognise commercial port operations by providing for appropriate activities within identified Commercial Port Areas.	4.1.26	2, 6, 12, 13, 42, 63-5, 14.1.4, 14.1.4A 14.1.4B		1.This policy gives effect to objective 4.1.26.
4.2.45	<p>In the Lambton Harbour Development Area to:</p> <ul style="list-style-type: none"> <li>• provide for a wide range of activities appropriate to the harbour/city interface;</li> <li>• provide for development compatible with the urban form of the city;</li> <li>• recognise the heritage character, development and associations of the area;</li> <li>• develop and have particular regard to any design guides for the area which are contained in any proposed or operative Wellington City District Plan;</li> <li>• provide for a range of public open spaces, access and through-routes, and to ensure that their nature, purpose and function is maintained;</li> <li>• ensure that the effects of development and activities do not detract from people’s enjoyment of the area; and</li> <li>• ensure that the area is an integral part of the working port of Wellington.</li> </ul>	4.1.6 heritage, 4.1.7, 4.1.8, 4.1.9, 4.1.20, 4.1.24, 4.1.25, 4.1.26	10, 38, 42	<p>Anti-fouling co-biocides in coastal waters 06.186</p> <p>Port noise plan change 1 to Plan.</p> <p>Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159</p>	<p>1.This policy primarily gives effect to objective 4.1.24.</p> <p>2. The policy gives partial effect to the other named objectives. The basis for recognising heritage character is weak, relying on the “physical resources” part of objective 4.1.6.</p> <p>3.Plan change 1 about port noise provided for public health (objective 4.1.7) by restricting noise sensitive activities within areas affected by noise from the commercial port, allowing the port to continue its activities (objective 4.1.26). Heavy reliance is made of maintaining and enhancing amenity values (objective 4.1.9) in providing fro design guidelines, open spaces and people’s enjoyment. Public access (objective 4.1.8) is to be maintained. Integration across MHWS is provided for by focusing on the harbour/city interface and development compatible with the city’s urban form (objectives 4.1.20 and 4.1.25).</p> <p>4.The implementation of the policy is enhanced by the detail in it, the fact it is a defined small area, and that considerable</p>



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					effort has gone into making it happen.
4.2.46	To vary or change the Plan, if necessary, as soon as practicable after the Wellington City District Plan becomes operative, to align rules in the Lambton Harbour Development Area (for activities and structures on wharves on the seaward side of the coastal marine area boundary) with the rules in Wellington City Council's District Plan for the Lambton Harbour Development Area (for activities and structures on the landward side of the coastal marine area boundary).	4.1.20, 4.1.24, 4.1.25	6, 10, 13		1.This policy gives effect to objectives 4.1.20, 4.1.24, and 4.1.25. 2.The plan has <u>not</u> been changed for this purpose.
4.2.47	To vary or change the Plan, if necessary, as soon as practicable after the Wellington City and Hutt City District Plans become operative, and to align noise standards in the Commercial Port Areas with noise standards in the adjacent Wellington City and Hutt City District Plan with respect to port and port related activities.	4.1.9, 4.1.20, 4.1.25, 4.1.26	6, 10, 13, 14.1.3, 14.1.4, 14.1.4A 14.1.4B	Plan Plan Change 1 (port noise provisions) was notified 19/12/06, and decisions were notified 6/10/07. This plan change was done concurrently with WCC's port noise plan change and in cooperation with WCC. No changes about port noise have been proposed for Hutt City district plan. Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	1.This policy gives effect to objectives 4.1.9, 4.1.20, 4.1.25, and 4.1.26. 2.Plan change 1 gave effect to this policy for Wellington City area. So far it has taken nearly 8 years since the Plan became operative to achieve this. 3.Hutt City chose not to embark on a similar exercise to align their district plan with the Plan for port noise purposes.
4.2.48	To ensure that the principles of NZS 6809:1999 <i>Port Noise Management and Land Use Planning</i> are applied to the management of noise from port related activities within the Lambton Harbour Development Area and Commercial Port	4.1.2, 4.1.7, 4.1.9, 4.1.26	6, 10, 13, 14.1.3, 14.1.4, 14.1.4A 14.1.4B	Inserted by Plan Change 1 to the Plan September 2007 Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760,	1.This policy was added by Plan change 1. It gives effect to objectives 4.1.2, 4.1.7, 4.1.9, and 4.1.26.

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	Areas shown on Planning Maps 4A and 4B.			08.117, 08.159	

#### 24.4 Reclamation and drainage of foreshore and seabed

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
5.2.1	To recognise that all reclamation and draining of the coastal marine area will, by removing foreshore, seabed, and water from the coastal marine area, have adverse effects. These effects, and the extent to which they can be mitigated or remedied, must be balanced against any possible positive effects from the reclamation.	5.1.1, 5.1.2	1- 5	This policy does not go as far as objective 5.1.2.  No information on which of these policies have been invoked in specific consent applications.	<ol style="list-style-type: none"> <li>1. This policy partially gives effect to the objectives. In itself, this policy does not go as far as the objectives, and does not require the reclamation details stated in objective 5.1.2.</li> <li>2. Objective 5.1.1 is to minimise reclaimed areas. Objective 5.1.2 is to fully justify any reclamation. This policy merely says “recognise” that adverse effects will occur. The <b>explanation</b> says that all foreshore &amp; seabed is important and refers to it being a finite resource. These elements should be in the policy itself.</li> <li>3. The policy is at odds with the definition of “reclamation” in the interpretation section. <b>The definition introduces a minimum dimension of 2m in width.</b> It is not clear what 2m in width above MHWS means and appears that the intent is to allow reclamations less than 2m. There is no mention of cumulative minor reclamations and how these can or should be dealt with.</li> <li>4. Taken with the definition, the policy is confusing and unclear. The policy says <u>all</u> reclamation has adverse effects, but the</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>definition says this means anything over 2m in width. Does the “all” refer to anything over 2m width?</p> <p>5. The policy does not say these adverse effects should be avoided but refers to mitigation or remedying and balancing against positive effects.</p>
5.2.2	To not allow reclamation or draining of foreshore or seabed if the primary purpose of the reclamation or draining is to dispose of material, including the disposal of septic tank sludge, toxic wastes, and any other domestic or industrial refuse.	5.1.2, 4.1.2, 4.1.5	1-5	No information on which of these policies have been invoked in specific consent applications.	<p>1.The policy partly gives effect to objective 5.1.2 in that it specifies some activities that are not consistent with sustainable management. It does not have the requirements of justification of that objective.</p> <p>2.The policy gives effect to objectives 4.1.2 and 4.1.5 in that the specified activities do not have to occur in the coastal marine area and they would not protect natural character.</p> <p>3.The policy is again confounded by the &gt;2m width definition of reclamation. Presumably small reclamations <b>are</b> allowed?</p> <p>4.“To not allow” implies a prohibited rule to implement this policy.</p> <p>5.The explanation introduces a new element of “surplus material” which is wider than the specific materials mentioned in the policy. It could include commercial hard-fill for example.</p>
5.2.3	To not allow reclamation or draining of any foreshore or seabed if there are practicable alternatives, either within or outside of the coastal marine area, which, on balance, have less significant adverse effects on the environment.	5.1.2	1-5	<p>This policy introduces a new idea of “balance” rather than having policies for separate elements.</p> <p>No information on which of these policies have been invoked in specific</p>	<p>1.The policy partly gives effect to objective 5.1.2 in that it refers to alternatives. It is not clear how the policy’s “practicable” alternatives align with the objective’s “available” alternatives.</p> <p>2.It introduces the element of “balance” between degrees of adverse effects between</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				consent applications.	<p>alternatives. This is not entirely consistent with constructions <u>only</u> for activities that are consistent with sustainable management of the objective.</p> <p>3.It would be better to balance separate policies than for one policy to contain the assessment of differing alternatives.</p> <p>4.“To not allow” implies a prohibited rule to implement this policy.</p> <p>5.It does not include the objective’s requirements of justification.</p> <p>6.Again, the policy is confounded by the definition of reclamation and its 2m minimum width meaning.</p>
5.2.4	<p>Subject to Policy 5.2.3, to allow reclamation of the foreshore or seabed only if the reclamation is required for one or more of the following purposes:</p> <ul style="list-style-type: none"> <li>• an activity which must be located immediately adjacent to the coastal marine area;</li> <li>• airport or seaport purposes;</li> <li>• river management;</li> <li>• enhancement of public access to or along the coastal marine area;</li> <li>• restoration or enhancement of amenity values;</li> <li>• the provision of a road or rail transport link; and an activity carried out on land in the coastal marine area where the title is not held by the Crown provided that the net beneficial effects to the environment can be demonstrated;</li> </ul> <p>unless the circumstances are exceptional.</p>	4.1.2, 4.1.8, 4.1.9, 4.1.11, [4.1.12?] 4.1.26 but not airport, 5.1.2	1-5	<p>This policy is inconsistent with objective 4.1.12.</p> <p>No information on which of these policies have been invoked in specific consent applications.</p>	<p>1.The policy partly gives effect to objective 5.1.2 in that the elements are part of sustainable management, and partly gives effect to the other objectives. Reference to airport services relies on the “essential public services” part of objective 4.1.2, which is a relatively weak connection.</p> <p>2.By having no reference to natural hazards, but otherwise allowing certain activities, the policy could be <u>inconsistent with</u> objective 4.1.12.</p> <p>3.The policy is the “balance” policy to policy 5.2.3 and states what will be allowed.</p> <p>4.The “net beneficial effects” part of the last bullet point is not helpful as it implies the assessment is within the policy (with no criteria stated) not the consent process.</p> <p>5.The final part “exceptional circumstances” weakens everything else in the policy and does not assist as no criteria are provided as</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					to what qualifies as exceptional. 6. Again, small reclamations under the definition's minimum threshold are in a grey area.
5.2.5	To not allow reclamations which will have significant adverse effects on the values of any Area of Significant Conservation Value, Area of Important Conservation Value, reef or significant habitats or ecosystems.	4.1.6, 5.1.3	3, 5	<p>"not allow" implies "prohibited", but these rules are non-complying.</p> <p>The terminology used in policy 5.2.5 is weaker than that in objective 5.1.3.</p> <p>No information on which of these policies have been invoked in specific consent applications.</p>	<p>1. The policy partly gives effect to objectives 4.1.6 and 5.1.3 in that the objective 5.1.3 says these areas will not be reclaimed. However, the policy refers to not allowing "significant adverse effects" on the values, which is weaker. The policy does not refer to the cultural, spiritual or historic values of objective 5.1.3. It relies on "significant habitats or ecosystems" being captured within "sensitive, rare or unusual habitats" of the objective.</p> <p>2. Again, it is not clear if small reclamations &lt;2m in width are allowed due to the definition of reclamation.</p>
5.2.6	To ensure that all reclamations are no larger than the minimum necessary to provide for the activity for which the reclamation is to be used.	5.1.1	1?		<p>1. The policy gives effect to objective 5.1.1.</p> <p>2. It would be clearer if the definition of reclamation did not have the 2m minimum width dimension. The explanation to the policy does not clarify this.</p>
5.2.7	To ensure that the external appearance of a proposed reclamation has regard to the existing character of an area, and is designed to minimise adverse effects on ecological and physical processes.	4.1.4, 4.1.5, 4.1.6, 4.1.12	1-5	<p>This policy only partly gives effect to objective 4.1.12.</p> <p>No information on which of these policies have been invoked in specific consent applications.</p>	1. The policy gives effect to the objectives, except for objective 4.1.12 as there is no mention of not increasing risks from natural hazards.
5.2.8	To ensure that adequate allowance is made for the following factors when designing any reclamation which is to be used for major public works:	4.1.12 (not a good match),	1-5	<p>Policies 5.2.8 and 5.2.9 address sub-sets of objective 5.1.2.</p> <p>No information on which of these</p>	1. The policy partly gives effect to objective 4.1.12. The policy focuses on the effects of sea level rise and climate change on the reclamation, whereas objective 4.1.12

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<ul style="list-style-type: none"> <li>rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC);</li> <li>waves and currents;</li> <li>storm surge; and</li> <li>major earthquake events.</li> </ul>	5.1.2 weak connecti on		policies have been invoked in specific consent applications.	<p>focuses on not increasing the risk from natural hazards. “Major public works” of the policy will cause an increase in risk due to the investment involved. The policy omits the objective’s qualifier of “beyond an acceptable level”.</p> <p>2.The policy partly gives effect to objective 5.1.2. It refers to major public works, which is a sub-set of “all reclamations” of the objective.</p>
5.2.9	To ensure that reclamations are designed to prevent the subsequent leaching of any contaminants into the coastal marine area.	4.1.4, 4.1.6, 4.1.7, 5.1.2 weak	1-5	<p>Policies 5.2.8 and 5.2.9 address sub-sets of objective 5.1.2.</p> <p>No information on which of these policies have been invoked in specific consent applications.</p>	<p>1.The policy partly gives effect to objective 5.1.2. It relies on “contaminant leaching” giving effect to being properly designed and using appropriate materials. The reference to sustainable management is in relation to the activity, not really to its method or material of construction.</p> <p>2.The policy gives effect to the general objectives which aim to protect life supporting capacity, natural resources and public health.</p> <p>3.If small reclamations are not captured by the definition, does it mean small reclamations are allowed to leach contaminants?</p>
5.2.10	Subject to Policy 4.2.17, to ensure that esplanade reserves are created on all new reclamations; and to provide for esplanade strips where these are necessary to enhance or maintain access to the coastal marine area.	4.1.8	1-5	No information on which of these policies have been invoked in specific consent applications.	1.The policy gives effect to the objective.
5.2.11	To ensure that public input is sought for all proposals for reclamation or draining of foreshore or seabed, other than for small	4.1.19, 5.1.4	1-5	No information on which of these policies have been invoked in specific consent applications.	1.The policy gives effect to the objective. Specific mention of small reclamations gets around the problem of the definition.



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	reclamations likely to cause only minor adverse effects.				2. Mention of minor adverse effects should get around the problem of small reclamations using toxic material, though this could be better phrased.

## 24.5 Structures

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
6.2.1	To consider the following as appropriate in the coastal marine area: <ul style="list-style-type: none"> <li>• the use and development of structures in the coastal marine area for;               <ol style="list-style-type: none"> <li>(1) activities which are functionally dependent upon a location in the coastal marine area; or</li> <li>(2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area;</li> </ol> </li> <li>• the use and development of structures in the Lambton Harbour Development Area;</li> <li>• the use and development of structures for defence purposes; or</li> <li>• the development of structures for network utility operations.</li> </ul>	4.1.2, 6.1.1	6, 8, 10, 12, 13, 15, 27		<ol style="list-style-type: none"> <li>1. The policy gives effect to the objectives.</li> <li>2. Objective 4.1.2 has a qualifier of having to satisfy the environmental policies in the plan. This is included in the explanation but not the policy.</li> </ol>
6.2.2	To not allow the use or development of structures in the coastal marine area where there will be:	4.1.1 navigati on?	8, 13, 14, 17, 18, 19,	This policy is a “catch-all” policy with many parts and a ‘hierarchy of tolerance’. It is weakened and made	1. This is a “catch-all” policy with many components, and several relevant objectives. It creates a hierarchy of tolerance: adverse

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<p>adverse effects on:</p> <ul style="list-style-type: none"> <li>• any Area of Significant Conservation Value, or Area of Important Conservation Value;</li> <li>• characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori;</li> <li>• significant places or areas of historic or cultural significance; or</li> <li>• significant ecosystems; or</li> </ul> <p>significant adverse effects on:</p> <ul style="list-style-type: none"> <li>• the risk from natural hazards;</li> <li>• navigation channels;</li> <li>• coastal processes, including waves, tidal currents and sediment transport;</li> <li>• amenity values;</li> <li>• existing lawful public access;</li> <li>• natural character;</li> <li>• views to and from the coastal marine area;</li> <li>• recreational uses; or</li> <li>• structures of architectural or historic merit;</li> </ul> <p>unless such adverse effects can be satisfactorily mitigated, or remedied.</p>	<p>4.1.2?rec recreation/ archaeology/ historic buildings? 4.1.5, 4.1.6, 4.1.8, 4.1.9, 4.1.10, 4.1.11, 4.1.12, 4.1.13, 6.1.2</p>	<p>21, 22, 23, 24, 26</p>	<p>less clear and certain by a qualifying clause at the end. Historic or cultural significance, navigation channels, recreational uses, and structures of architectural merit in the lists have little connection with the objectives. A large number of objectives are related to this policy, and a large number of rules implement this policy.</p> <p>The historic significance mention has no criteria what that might mean and does not restrict itself to appendix 4 items. Committee reports Marine reserve 99.111, 00.827, 02.344</p>	<p>effects will not be tolerated on the first list, but significant adverse effects will not be tolerated on the second list.</p> <ol style="list-style-type: none"> <li>2. The lists are long but the items brief, so there is little clarity as to what might qualify in either list. This has the effect of weakening the policy.</li> <li>3. It is further weakened by having an “out” clause at the end – “unless such adverse effects can be satisfactorily mitigated or remedied”.</li> <li>4. The policy gives partial effect to objective 6.1.2 in that it lists effects of activities that are inappropriate. However, the “mitigate or remedy” clause makes it less clear what might be allowed, because the mitigation conditions are dependant on the particular proposal.</li> <li>5. Some of the connections to the objectives are weak. There is little or no objective support for “historic or cultural significance”, navigation channels, recreational uses, and structures of architectural merit apart from the vagueness of objectives 4.1.1 and 4.1.2.</li> <li>6. Related to policy 4.2.43 navigation.</li> </ol>
6.2.3	<p>To discourage the development of ad hoc shore protection structures; and to not allow the development of seawalls, groynes, or other "hard" shore protection structures unless all feasible alternatives have been evaluated and found to be impracticable or to have greater adverse effects on the environment.</p>	<p>4.1.12, 6.1.2</p>	<p>18, 19, 22, 23, 26</p>		<ol style="list-style-type: none"> <li>1. The policy gives effect to vague objective 6.1.2. It also partly gives effect to objective 4.1.12 but it does not focus on the not increasing risk aspect of it.</li> <li>2. “To discourage” is a weak and vague policy. To mix the notion of discouragement with “not allowing” in the one policy is confusing and not strong.</li> <li>3. It does not address the <u>need</u> for any</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					protection structures nor any criteria that might be applied to determine need. 4. The explanation does fulfil its function.
6.2.4	To ensure that all new structures in the coastal marine area to which the public are admitted provide reasonable and adequate access and facilities for disabled persons in accordance with section 25 of the Disabled Persons Community Welfare Act 1975.	4.1.8	26, 14.1.1		1. The policy gives effect to a specific sub-set of objective 4.1.8. 2. "To ensure" is a redundant term. It would be better to say "should provide".
6.2.5	To ensure that adequate allowance is made for the following factors when designing any structure: rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC); • waves and currents; • storm surge; and • major earthquake events.	4.1.12 sea level rise not mentioned	26	This policy focuses on climate change effects whereas objective 4.1.12 focuses on risk from natural hazards.  Storm surge & tsunami modelling and Wellington harbour survey. Committee reports 01.374, 02.428, 07.644	1. The policy partly gives effect to objective 4.1.12. The policy focuses on the effects of sea level rise and climate change on the structure, whereas objective 4.1.12 focuses on not increasing the risk from natural hazards. It is very similar to policy 5.2.8. 2. "To ensure" is a redundant term. It would be better to say "should provide".
6.2.6	To ensure that all exterior lighting associated with activities on structures in the coastal marine area is directed away from adjacent activities, streets and navigational channels, so as to avoid the spill of light or glare which might be: • detrimental to the amenity of residential and other activities; • a hazard to traffic safety on streets outside the coastal marine area; • a hazard to navigation in the coastal marine area; and • detrimental to wildlife, including bird nesting, roosting, and navigation.	4.1.1 birds, 4.1.25? navigation?4.1.8, 6.1.2	26, 14.1.2	This policy does not have strong linkages to the objectives.	1. This policy has weak support from the objectives. It is an example of "inappropriate use" of structures in the coastal marine area (objective 6.1.2). 2. Objective 4.1.25 provides limited support for effects on residential activities and on-land traffic safety in terms of the relevance of the district plan, but that objective refers to activities spanning MHWS, not the effects of activities in the coastal marine area. 3. The connection to navigation aspects is through objective 4.1.8 which is generally about public access. 4. The reference to wildlife is connected to

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					objective 4.1.1 about protecting intrinsic values. Again, not a very helpful connection.
6.2.7	To ensure that all structures in the coastal marine area which are visible and/or accessible are adequately maintained so that: <ul style="list-style-type: none"> <li>• the structure remains safe; and</li> <li>• any adverse effects on the visual amenity of the area are minimised.</li> </ul>	4.1.7, 4.1.9	6, 13, 26, 14.1.1		<ol style="list-style-type: none"> <li>1. The policy helps implement objectives 4.1.7 and 4.1.9. They are very general. There are no more relevant objectives to do with structures specifically.</li> <li>2. “To ensure” is a redundant term. It would be better to say “should provide”.</li> </ol>
6.2.8	To encourage the removal of any structure not in active use and which is not likely to be used in the future, unless its removal is not practicable or will create more adverse effects on the environment than its non removal.	6.1.2	15.1.3, 7, 14	Coastal structures inventory. Committee report 00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	<ol style="list-style-type: none"> <li>1. The policy gives effect to objective 4.1.2 in that a structure not in active use does not provide essential public services or require a coastal marine area location any longer.</li> <li>2. “To encourage” is not a strong term which is further weakened by the “not practicable” qualifier.</li> <li>3. The focus is on the practical difficulties of removal. The policy does not suggest that there may be difficulties in getting consent holders to spend money for removal of something they no longer use.</li> <li>4. Nor does it allude to the difficulty of locating the owner of any abandoned structure.</li> </ol>
6.2.9	To have particular regard to any relevant provisions in appropriate district plan(s) relating to the protection of important views when assessing an application for an activity involving the development of a structure in the coastal marine area.	4.1.10, 4.1.20	26		<ol style="list-style-type: none"> <li>1. The policy gives effect to objectives 4.1.10 and 4.1.20.</li> <li>2. This means the Plan is subservient to the adjacent district plan because there is no objective or policy stating in its own right that structures shall not impede certain views from land.</li> <li>3. Related to policy 4.2.19.</li> </ol>
6.2.10	To protect the flight approach path for Wellington International Airport and	4.1.2, 6.1.2	26, 67		<ol style="list-style-type: none"> <li>1. The policy gives effect to the very general objectives 4.1.2 and 6.1.2.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<p>Paraparaumu Airport, and the float plane landing area and flight approach path at Porirua Harbour by ensuring that no new structure:</p> <ul style="list-style-type: none"> <li>• infringes the Wellington International Airport Height Restrictions as generally indicated on Planning Map 7 in appendix 7;</li> <li>• infringes the Paraparaumu Airport 1 in 40 gradient approach surface fan expansion along its 3000 metre length or the 1 in 7 gradient runway strip side clearances; and</li> <li>• compromises the ability of the float plane to land safely and conveniently on Porirua Harbour.</li> </ul>				<p>2. The 3<sup>rd</sup> bullet point about aircraft landing on Porirua Harbour does not recognise the reverse sensitivity effect of such landings disrupting navigation and human safety of other surface water users. The term “compromises the ability” is very uncertain and difficult to determine.</p>
6.2.11	<p>To prevent the use of boat sheds for residential habitation and for activities which are not associated with the coastal marine area.</p>	4.1.2, 6.1.2	27	<p>Boatsheds &amp; compliance. Committee report 99.485 Use of boatsheds by consent holders. Committee report 03.119 Historic heritage. Committee report 00.659</p>	<p>1. The policy gives particular effect to the very general objectives 4.1.2 and 6.1.2. 2. It is very clear and specific. The explanation is comprehensive.</p>
6.2.12	<p>To manage hazardous facilities and activities involving the use and/or storage of hazardous substances so that adverse effects and unacceptable risks to the environment, human health and property are avoided, remedied or mitigated, including:</p> <ul style="list-style-type: none"> <li>• contamination of soil, water or air;</li> <li>• short or long term damage to ecosystems; and</li> <li>• damage through fire and explosion events.</li> </ul>	6.1.3, 6.1.4	20, 24, 26, 14.1.5	<p>Anti-fouling co-biocides in coastal waters 06.186</p>	<p>1. The policy gives effect to the very specific objectives 6.1.3 and 6.1.4. 2. It is very clear and specific. 3. Related to policy 4.2.21.</p>
6.2.13	<p>To identify areas in the coastal marine area where the placement and use of moorings</p>	6.1.1, 6.1.5	15	<p>Policy 6.2.13 goes beyond the scope of objective 6.1.1.</p>	<p>1. The policy gives effect to objectives 6.1.1 and 6.1.5.</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	will be allowed, and to facilitate such use and development.			Committee reports Marine reserve 99.111, 00.827, 02.344 Navigation bylaw and amendments. Committee reports 00.558, 00.662, 00.775, 00.854, 00.865, 03.533, 03.699, 03.714, 05.501, 06.206, 06.315, 06.376, 06.425, 06.426, 06.439, 06.571	2. Objective 6.1.1 does not go as far as “facilitating use and development” merely to allow such structures.
6.2.14	To regularise the management of structures in the coastal marine area and to promote the removal of illegal structures.	6.1.1, 6.1.2	15.1.1, 7, 14, 16?	Coastal structures inventory. Committee report 00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	1. The explanation clarifies that this involves legalising of appropriate structures that had some other authority, as well as removing structures that are no longer appropriate. 2. The policy gives effect to a combination of objectives 6.1.1 and 6.1.2. 3. Related to policy 4.2.9.
6.2.15	To initiate a survey of all structures fixed in, on, under, or over foreshore and seabed in the Wellington Region; and to use the information gained to establish an inventory of structures in the coastal marine area.	6.1.6	15.1.4	Coastal structures inventory. Committee report 00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	1. The policy gives effect to objective 6.1.6. 2. The second part of the policy reads more like a method.
6.2.16	To provide for extensions or additions to any structures with minor effects in the coastal marine area as permitted or controlled activities, provided that they are in accordance with the objectives and other policies in this Plan.	6.1.5	<b>6, 13</b>		1. The policy gives effect to objective 6.1.5. 2. There is a problem with defining what minor effects are in the general terms of a policy, especially when it is qualified by other unspecified policies.
6.2.17	To ensure that noise sensitive activities that may be established in or on structures in the Commercial Port Areas and Lambton	4.1.2, 4.1.7, 4.1.9,	6,10, 13, 14.1.4, 14.1.4A,	Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360,	1. Inserted by Plan Change 1 September 2007. 2. The policy gives effect to the objectives. 3. The policy uses previous policy terminology



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	Harbour Development Area shown on Planning Maps 4A and 4B are adequately acoustically insulated from noise from port related activities.	4.1.26	14.1.4B	07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	of “to ensure”.
6.2.18	To apply the general standards and terms in Section 14.1 to resource consents for structures in the Commercial Port Areas and the Lambton Harbour Development Area shown on Planning Maps 4A and 4B that are to be used for noise sensitive activities, subject to consideration of the likely adverse effects of port noise on the future users and occupiers of buildings.	4.1.2, 4.1.7, 4.1.9, 4.1.26	6, 10,13, 14.1.4, 14.1.4A, 14.1.4B	Port noise plan change 1 to Plan. Committee reports 03.215, 03.225, 04.38, 06.687, 07.40, 07.138, 07.360, 07.366, 07.504, 07.567, 07.644, 07.760, 08.117, 08.159	1. Inserted by Plan Change 1 September 2007. 2. The policy gives particular effect to the objectives for specific situations.

## 24.6 Destruction, damage or disturbance of foreshore and seabed

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
7.2.1	To allow activities involving damage or disturbance to any foreshore or seabed, where the adverse effects are short term, reversible, or minor; and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated. As a guide, the following criteria will need to be met for the activity to be deemed to have minor adverse effects: <ul style="list-style-type: none"> <li>the activity will not require exclusive use of the foreshore or seabed, and will not preclude public access to and along the foreshore past the site of the disturbance or</li> </ul>	4.1.1, 4.1.2, 4.1.4, 4.1.5, 4.1.6, 4.1.8, 4.1.9, historic 4.1.11, 4.1.12, 4.1.13, 4.1.21, 7.1.2,	28, 30, 31, 32, 33, 34, 35, 36	This is a two part enabling policy. It has a complicated construction and a lot rests on the word “satisfactorily” avoiding adverse effects, implying an unspecified value judgement and lack of certainty. A part of the explanation introduces new material which should be in the policy itself.	1. This is a 2 part enabling policy. Part one is for activities with short term, reversible or minor effects. The second part is to allow activities where the adverse effects can be <u>satisfactorily</u> avoided, remedied or mitigated. A lot rests on the word “satisfactorily”. 2. The main policy would be stronger if it were split into its components: activities with minor effects; and activities with more than minor effects. 3. It is good that there are extensive criteria for what is deemed to be minor, each with its own explanation.

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<p>damage;</p> <ul style="list-style-type: none"> <li>• any adverse effects on plants and animals or their habitat will be short term, and the area will be naturally recolonised by a similar community type;</li> <li>• the activity will not result in any significant increase in water turbidity or elevated levels of contaminants;</li> <li>• the activity will not have any off-site adverse effects;</li> <li>• the activity will not adversely affect shoreline stability;</li> <li>• the activity will not have any permanent adverse effects on the amenity values of the foreshore or seabed;</li> <li>• the activity will not have any adverse effect on natural character;</li> <li>• the activity will not destroy or damage historic sites;</li> <li>• the activity will not have any adverse effects on the Hutt Valley aquifer; and</li> <li>• the activity will not have any adverse effects on mahinga maataitai, waahi tapu or any other sites of significance to iwi.</li> </ul>	7.1.4			<ol style="list-style-type: none"> <li>4. The bullet points give effect to the general objectives in part. There is no support in the objectives for the protection of historic heritage.</li> <li>5. Protection of the Hutt Valley aquifer minimises the threat of flooding and gives effect to Objective 4.1.11, and is supported by policy 4.2.22.</li> <li>6. The policy gives effect to objective 7.1.2, about avoiding, remedying or mitigating adverse effects; and objective 7.1.4 about allowing activities with minor adverse effects.</li> <li>7. In terms of effectiveness of construction, so many elements in one policy, with the bullet points not even numbered tends to dilute each individual concern.</li> <li>8. There is no guidance as to cumulative effects of more than one of these effects.</li> <li>9. Point 3's explanation introduces new material of particle size, which should be in a policy.</li> </ol>
7.2.2	<p>To allow the removal of any sand, shingle, shell, or other natural material from any foreshore or seabed only where that removal will not result in adverse effects on shoreline stability.</p>	4.1.12, 7.1.4	35, 36, 37, 38, 39, 40, 41, 42, 43	<p>The explanation includes what amounts to criteria, which ought to be in the policy itself.</p>	<ol style="list-style-type: none"> <li>1. The policy gives partial effect to the objectives.</li> <li>2. Objective 4.1.12 focuses on not increasing the risk from natural hazards. This policy is only concerned with shoreline stability.</li> <li>3. Objective 7.1.4 focuses on allowing activities with minor adverse effects. This policy does not refer to <u>minor</u> adverse effects.</li> <li>4. The explanation includes what amounts to</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>criteria, which ought to be in the policy itself. Nevertheless, it does add value to the policy. It appears to be orientated towards large scale removals and does not hint at the effects of small scale (bucket or trailer load quantities) removals.</p>
7.2.3	<p>To allow repeated disturbance or destruction of foreshore for the purpose of beach grooming only on specified high use beaches adjacent to urban areas.</p>	4.1.2, 4.1.9, 7.1.4	29		<ol style="list-style-type: none"> <li>1. The policy gives partial effect to the enabling objective 4.1.2 and the amenity objective 4.1.9.</li> <li>2. Objective 7.1.4 focuses on allowing activities with minor adverse effects. This policy does not refer to <u>minor</u> adverse effects.</li> <li>3. The explanation states which beaches are to be listed and the potential adverse effects of this activity on benthic fauna.</li> </ol>
7.2.4	<p>To not allow any activity which results in the destruction of any foreshore or seabed unless:</p> <ul style="list-style-type: none"> <li>• no practicable alternative is available; and</li> <li>• any adverse effects are mitigated or remedied to the extent practicable, including reinstatement of the foreshore or seabed.</li> </ul>	7.1.1, 7.1.2, 7.1.4.	30? 34? 37, 38, 39, <b>40</b> , <b>41</b> , 42, 43	<p>This is not consistent with several objectives (at the same time as implementing other objectives), and uses the undefined term “destruction” without distinguishing its threshold from “disturbance”. Finally the intent is weakened and made less certain by using a qualifier “no practical alternative”.</p>	<ol style="list-style-type: none"> <li>1. The policy gives partial effect to objective 7.1.2. However, it does not say that adverse effects should be avoided.</li> <li>2. The policy does not give effect to objective 7.1.1. It does not state the destruction should minimise the area of bedrock destroyed. It does not comply with the minor adverse effects objective 7.1.4.</li> <li>3. The explanation does not say what “destruction” encompasses, or the line that distinguishes it from “disturbance”. “Destruction” is not defined in the Plan Interpretation chapter. For example, where does drilling lie? At what diameter of hole?</li> <li>4. The inclusion of the “no practicable alternative” weakens the policy.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
7.2.5	To not allow activities involving the disturbance or damage of foreshore or seabed if they present a threat to the Hutt Valley artesian system.	4.1.12 Hutt Valley system	32, 35, 38, 40, <b>41</b>		<ol style="list-style-type: none"> <li>1. The policy gives partial effect to the objective.</li> <li>2. It is not clear whether the intent of the policy is to fulfil the objective's intent of not increasing risk from natural hazards, or something else, for example protecting the water supply. The related policy 4.2.22 is much clearer as to its intent.</li> <li>3. The explanation does not help in this regard – as there is none.</li> <li>4. It is also not clear what might present a threat to the artesian system.</li> </ol>
7.2.6	To not allow the removal or destruction of rocks which have traditional significance to tangata whenua.	4.1.13	37, 38, 40, <b>41</b> , 42	This would be more effective if rocks of significance to māori were identified, but there is no method to do this. The policy would also be stronger if it included damage and disturbance and included larger areas of foreshore and seabed than merely rocks.	<ol style="list-style-type: none"> <li>1. The policy gives partial effect to the objective, in that such rocks are a sub set of the values in the objective.</li> <li>2. The policy would be stronger if it also included damage and disturbance, and referred to larger areas of the foreshore and seabed than merely “rocks”.</li> <li>3. The effectiveness of the policy lies in the identification of such rocks, and whether anyone knows about them. This is not addressed here.</li> </ol>
7.2.7	To recognise dredging of the Hutt River mouth for river management purposes as an appropriate activity, provided that the dredging is limited to that required to maximise the efficient flow of the river and that the Hutt Valley aquifer is protected.	4.1.11, 4.1.12, 7.1.4	35, 38, 40, <b>41</b>	This serves several objectives. In doing so, it is not clear whether the two purposes, that of flood management and aquifer protection, are achievable simultaneously.	<ol style="list-style-type: none"> <li>1. The policy partly gives effect to the objectives as it is a specific example of reducing risk and adverse effects of natural hazards for the well being of the community.</li> <li>2. It is not clear which objective is relevant to protecting the aquifer.</li> <li>3. It is not clear how and whether the two purposes, of flood management and aquifer protection, are achievable simultaneously. The explanation only addresses the first of</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
7.2.8	To recognise the need for and to allow periodic maintenance and additional capital dredging in the Commercial Port Area, the Lambton Harbour Development Area, and in navigation channels, provided that there will be no significant adverse effects on the environment. In situations where the adverse effects are significant, to allow dredging only if these effects can be satisfactorily mitigated, remedied or offset.	4.1.2, 4.1.26, 7.1.2, 7.1.4	33, 36, 37, 38, 42	This policy introduces a new concept of “offset” of adverse effects (in addition to mitigate and remedy) without explanation. This could be a further weakening of the policy as it offers another mechanism to “bargain” about adverse effects, especially as it is combined with the word “satisfactorily” which introduces further discretion and uncertainty.	<p>these purposes.</p> <ol style="list-style-type: none"> <li>1. The policy gives specific effect to objectives 4.1.2 and 4.1.26 in enabling communities to undertake appropriate activities in the coastal marine area and recognising the importance of the port.</li> <li>2. Objective 4.1.2 refers to such activities having minor adverse effects, whereas this policy refers to no <u>significant</u> adverse effects, which is a higher threshold.</li> <li>3. It is not clear what “offset” means in relation to significant adverse effects. The explanation does not help.</li> <li>4. There is no objective directly referring to maintaining and increasing navigation channels.</li> <li>5. Objective 7.1.4 allows only minor adverse effects, not more than minor but less than significant.</li> </ol>
7.2.9	To provide for activities with known and acceptable effects which contribute to the well-being of people and communities as permitted or controlled activities.	4.1.9? 7.1.4	28, 29, 30, 31, 33, 34, 35, 36, 39	This policy introduces “acceptable effects” without defining what they are or their extent. These acceptable effects may be inconsistent with the “minor adverse effects” of the objective. The explanation is useful in giving examples of what is envisaged, but what if a novel proposal goes beyond this?	<ol style="list-style-type: none"> <li>1. The policy gives effect to objective 7.1.4 in providing for the well-being of the community. It may contribute to amenity values of objective 4.1.9 but well-being is broader than that.</li> <li>2. However, “acceptable effects” may be greater than the “minor adverse effects” allowed by objective 7.1.4 and the policy is inconsistent to that extent.</li> <li>3. The explanation is useful in giving examples of what is envisaged by the policy.</li> </ol>
7.2.10	To investigate the possibility of establishing voluntary groups to undertake beach grooming and thereby minimise the	4.1.9, 7.1.4	Method?	Policy 7.2.10 is not implemented by any rule or method so it cannot be effective.	<ol style="list-style-type: none"> <li>1. This policy gives specific example of maintaining the amenity values of objective 4.1.9.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	need for large scale mechanical grooming.			1999-00 Regional plan implementation programme: Clean Up NZ Week. Committee report 00.425 Regional coordination of Clean Up NZ Week 2000. Committee report 01.375 Committee report 05.139	2. It gives some effect to objective 7.1.4 in attempting to minimise adverse effects. 3. The explanation introduces a new element to the policy by appearing to equate beach cleaning with beach grooming. The intent of the latter is far more than merely removing litter. This adds confusion to the policy.

## 24.7 Deposition of substances on foreshore and seabed

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
8.2.1	To allow the deposition of sand, shingle, shell or other natural material on areas of foreshore or seabed if the purpose of that deposition is to combat beach or shoreline erosion, or to improve the amenity value of the foreshore, provided that all of the following criteria can be met: <ul style="list-style-type: none"> <li>the composition of the material is suitable for the site, will remain on the foreshore or seabed for a reasonable period of time, and will not result in increased water turbidity or wind borne sediment transport;</li> <li>the deposition will not adversely affect the amenity value of the foreshore or seabed through significant changes in beach slope or texture; and</li> <li>the deposition will not cause any</li> </ul>	4.1.2, 4.1.4, 4.1.9, 8.1.1, 8.1.2, 8.1.3	44, 45	The explanation introduces the sediment budget concept, without including whether the beach is in long term erosion or accretion, or in short term fluctuation. This level of detail should either be in the policy or omitted.	1. This policy gives specific effect to objectives 4.1.2, 4.1.4, 4.1.9, 8.1.1 and 8.1.2. It gives partial effect to objective 8.1.3 in that it addresses only the first and third bullet points. 2. The explanation is long and goes beyond explaining the policy. Paragraph 1 introduces the sediment budget concept, without including whether the beach is in long term erosion or accretion, or in short term fluctuation. This level of detail should either be in the policy or omitted. 3. Paragraph 4 of the explanation refers to a court decision and NZCPS provision about what adverse effects are. This is applicable more generally than to this policy and should be placed elsewhere in the Plan. 4. It is notable that deposition of material for



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	significant adverse effects on marine fauna or flora, or human values or uses of the area.				the purpose of combating erosion is not put in the larger context of investigating alternatives and that this technique may not be the best or primary solution to the problem. The policy should be linked to policy 8.2.2 (as well confirming the link of 8.2.2 to 8.2.1).
8.2.2	Subject to Policy 8.2.1, to not allow the deposition of substances on any foreshore or seabed in those situations where there are practicable alternatives either within or outside the coastal marine area which would have less adverse effects on the environment.	8.1.3	46, 47, 48, 49	The explanation uses terminology inconsistent with the policy, which confuses matters.	<ol style="list-style-type: none"> <li>1. The policy gives partial effect to objective 8.1.3, except that it omits the elements of significant effects, and that adverse effects should be avoided, remedied or mitigated.</li> <li>2. The focus is on practicable alternatives but not <u>effective</u> alternatives (to combating erosion or improving amenity values).</li> <li>3. The long explanation confuses matters by using the term “disposed of” instead of “deposition” (in the policy itself), implying the coastal marine area is a place to get rid of material. This is reinforced by mention of “lack of a suitable land site”. The explanation <b>appears to be aimed at the deposition of dredge material</b>, and is out of line with the policy, being subject to policy 8.2.1 about combating erosion and enhancing amenity values.</li> <li>4. The policy does not align with policy 8.2.1 in that it does not restrict itself to “sand, shingle, shell or other natural material” but specifically states (in the explanation) that the deposition can be of any kind, form or description.</li> <li>5. The explanation further weighs the adverse effects of onshore disposal to that at sea, but it only cites the onshore potential adverse</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>effects and not the marine adverse effects, implying onshore effects must be greater. This is inconsistent with objective 8.1.3.</p> <p>6. Furthermore, the explanation says it does not refer to the improvement of amenity values, which is what policy 8.2.1 is about. This is contradictory with the first part of the policy “subject to policy 8.2.1”.</p>
8.2.3	<p>To not allow the deposition of substances from excavations outside of the coastal marine area on any foreshore or seabed unless the deposited material has similar physical characteristics to the naturally occurring sediments at the deposition site, unless such deposition is for any reclamation or beach nourishment for which consent has been granted.</p>	8.1.3	46, 47, 48, 49	<p>Policy 8.2.3 has a loose connection to the nearest objective and is inconsistent with policy 8.2.1. The explanation confuses matters with its terminology.</p>	<ol style="list-style-type: none"> <li>1. Isn't this policy supposed to give guidance to the granting of consents? Yet it treats consents as something independent of the policy.</li> <li>2. The policy is inconsistent with bullet point 2 of policy 8.2.1 which requires no significant change in beach texture.</li> <li>3. The explanation again confuses matters by using the term “disposal” rather than “deposition”.</li> </ol>
8.2.4	<p>To not allow the deposition of any hazardous substance or any material containing a hazardous substance on any foreshore or seabed unless:</p> <ul style="list-style-type: none"> <li>• the substance or material is treated to remove the contamination prior to deposition; and/or</li> <li>▪ once deposited, the substance or material is capped with a coarser material to prevent dispersal within the coastal marine area, and the hazardous substance is non-soluble or water transportable; and/or</li> <li>• the substance or material will be diluted prior to deposition; and</li> <li>• there will be no significant adverse effects on marine ecology or public health as a</li> </ul>	4.1.4, 4.1.7, 8.1.3? no reference to hazardous substances in health & ecosystems	46, 47, 48, 49		<ol style="list-style-type: none"> <li>1. This policy gives specific effect to objectives 4.1.4 about life supporting capacity and 4.1.7 about public health.</li> <li>2. Bullet point 1 should state what the material to be treated for. This should be “treated so that it is no longer hazardous”.</li> <li>3. Dilution being the solution to pollution does not seem to be the right thing for bullet point 3.</li> <li>4. How will significant adverse effects on marine ecology or public health be determined? Greater specificity would be more useful.</li> <li>5. The policy appears set the parameters for providing for the disposal (used in the explanation) of hazardous material, rather</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	result of the deposition.				<p>than to not allow it.</p> <p>6. The explanation to bullet point 2 begs the question of how this could be achieved.</p> <p>7. The explanation to bullet point 3 introduces a concept new to the policy of mitigation. Mitigation is consistent with objective 8.1.3 it is not in the policy.</p>
8.2.5	To not allow the deposition of any substance which contains any organisms which may spread through the coastal marine area and have adverse effects on marine ecology.	4.1.1, 4.1.4, 8.1.3	44, 46, 47, 48, 49		<p>1. The policy gives specific effect to the objectives.</p> <p>2. It is not helpful in that it gives no indication how the adverse effects are to be measured or what the thresholds might be. This is all the more difficult as it relies on predictions of effects whether organisms may spread that are likely not to be at all well known.</p> <p>3. There is no explanation to assist in this.</p>
8.2.6	To provide specifically for beach nourishment in recognition of the positive effects that this activity can have on the environment.	8.1.4	45		<p>1. This policy gives partial effect to objective 8.1.4 in that it provides for beach nourishment.</p> <p>2. It does not indicate anything about minimising administrative requirements.</p>

## 24.8 Exotic or introduced plants

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
9.2.1	To allow the deliberate introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed provided that the consent authority is satisfied that:	4.1.1, 4.1.2, 4.1.4 sedimentation?,	[15.2.1 for obj 9.1.2], [15.2.3 for obj		<p>1. The policy gives partial effect to objectives 9.1.1 and 9.1.2 in that it does not address the benefits. It relies on the bullet pointed controls to ensure that exotic species do not become established in the region. It relies on</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<ul style="list-style-type: none"> <li>• the plant is unlikely to become invasive or spread to other sites or areas not included in the proposal;</li> <li>• any adverse effects on taonga raranga or mahinga maataitai will be avoided, or satisfactorily mitigated or remedied;</li> <li>• the plant is unlikely to cause any significant changes in sedimentation rates in areas where it is introduced;</li> <li>• the plant is unlikely to have any significant adverse effects on species already present in areas where it is introduced;</li> <li>▪ and the plant is unlikely to produce biotoxins.</li> </ul>	4.1.6, 4.1.13, 9.1.1, 9.1.2, 9.1.3	4.1.18, 9.1.2], 50, 51		<p>the controls to give effect to objective 9.1.3 regarding no accidental introductions.</p> <ol style="list-style-type: none"> <li>2. The use of the term “the consent authority is satisfied” implies a value judgement and discretion. It implies absolute certainty is not the requirement.</li> <li>3. The explanation reinforces the bullet point by stating an applicant must demonstrate it is possible to control the effects. Clearly there is a risk of unintended introductions. There are no provisions to deal with the residual risk beyond assurances and likelihoods. The test for how strong the predictions and assurances are not stated.</li> <li>4. There is no attempt to remedy, or attempt to address, whether it is possible to remedy, any accidental introductions. It is this aspect that runs counter to the environmental protection objectives of chapter 4. Those objectives focus on protection, and introducing a risk is not consistent with them.</li> <li>5. There can not be any guarantee that there will be no accidental introductions, meaning a partial satisfaction of objective 9.1.3.</li> </ol>
9.2.2	Subject to Policy 9.2.1, to have regard to the economic and community benefits accruing from the introduction or planting of any exotic or introduced plants in the coastal marine area.	4.1.2, 9.1.1	50, 51	An application for introduction of Undaria for the purpose of a PhD research project into limiting its spread was made early 2008.	<ol style="list-style-type: none"> <li>1. This policy gives effect to objective 9.1.1.</li> <li>2. This policy and objective 9.1.1 do not include any other benefits, such as scientific benefits.</li> <li>3. If such introductions are considered appropriate (subject to the stated controls), then the policy gives effect to part of objective 4.1.2 that provides for people to undertake appropriate activities in the coastal</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					marine area.
9.2.3	To not allow the deliberate introduction or planting of invasive exotic or introduced plants.	4.1.1, 4.1.6, 9.1.1 unauthorised?	51, 52		<ol style="list-style-type: none"> <li>1. This policy gives effect to objective 9.1.2.</li> <li>2. This relies on “someone’s prediction whether a particular species will become invasive. The test stated in the explanation is whether the plants are “likely” to become established.</li> <li>3. This introduces a significant amount of uncertainty. Introducing this risk is not consistent with protection objectives 4.1.1 and 4.1.6.</li> <li>4. There is no indication how this might be enforced, or distinguished from unauthorised/accidental introductions.</li> </ol>
9.2.4	To encourage any person carrying out an activity in the coastal marine area which may result in the accidental introduction of exotic or introduced plants in, on, or under any foreshore or seabed to take all necessary actions to avoid such accidental introduction.	4.1.1, 9.1.3	15.2.2	1999-00 Regional plan implementation programme: coastal biosecurity. Committee report 00.425 Launch of Biosecurity New Zealand. Committee report 04.682	<ol style="list-style-type: none"> <li>1. The policy only partially gives effect to objectives 4.1.1 and 9.1.3. “To encourage” is a weak mechanism to achieve “<u>no</u> accidental introductions” or to protect intrinsic values of the coastal marine area.</li> <li>2. The policy would be more helpful if it made specific directions towards likely sources, such as disposal from boat maintenance areas. Ballast water is now controlled by the marine pollution regulations.</li> <li>3. The policy does not address what happens if there is an accidental incursion, nor any monitoring necessary to even detect if such incursions are happening and their extent.</li> <li>4. <b>This whole chapter ignores introduced fauna and the multi-organisation coordination that is necessary to control any incursions. Biosecurity New Zealand now has the primary role in this. It could also make reference to the Pest Plant</b></li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					Management Plan under the Biosecurity Act.

## 24.9 Discharges to land and water

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
10.2.1	To manage all water in the following areas for shellfish gathering purposes: • Those parts of the coastal marine area mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 519 829 and NZMS 260 Sheet R27 568 829; .....	4.1.1, 4.1.4, 4.1.6, 4.1.7, 4.1.9, 4.1.13, 10.1.1, 10.1.3, 10.1.5, 10.1.7	15.3.1, 15.3.2, all rules		<ol style="list-style-type: none"> <li>1. This policy is part of the implementation of the relevant chapter 10 objectives.</li> <li>2. This policy gives specific effect to the relevant general objectives.</li> <li>3. What management entails to achieve this quality is not described nor in the explanation.</li> </ol>
10.2.2	To manage all water in the following areas for contact recreation purposes: • Those parts of the coastal marine area within Wellington Harbour and the Wellington South Coast landward of a straight line extending between a point 1000 metres offshore of Baring Head (NZMS 260 Sheet R28 657 749) and 1000 metres offshore of Tongue Point (NZMS 260 Sheet Q27 484 828), except that described in Policy 10.2.1; .....	4.1.1, 4.1.4, 4.1.6, 4.1.7, 4.1.9, 10.1.1, 10.1.3, 10.1.5, 10.1.7	15.3.1, 15.3.2, all rules		<ol style="list-style-type: none"> <li>1. This policy is part of the implementation of the relevant chapter 10 objectives.</li> <li>2. This policy gives specific effect to the relevant general objectives.</li> <li>3. These two policies cover the whole of the coastal marine area.</li> <li>4. What management entails to achieve this quality is not described nor in the explanation.</li> </ol>
10.2.3	To have particular regard to the criteria in appendix 6 in order to determine, when considering applications for resource	4.1.1, 4.1.4, 4.1.6,	15.3.1, 15.3.2, 57, 58,		<ol style="list-style-type: none"> <li>1. This policy is the mechanism to achieve the management goals of the previous two policies. It sets up appendix 6 as the criteria</li> </ol>



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	consents, if a discharge is able to comply with Policies 10.2.1 and 10.2.2.	4.1.7, 4.1.9, 10.1.1, 10.1.5, 10.1.7, appendix 6	59, 60, 61		<p>stating acceptable water quality.</p> <ol style="list-style-type: none"> <li>2. There is no direct māori cultural component in appendix 6.</li> <li>3. There are no thresholds for toxic contaminants, such as heavy metals, hydrocarbons and pesticide residues, and for sewage discharges, viral loadings, in appendix 6. There is no reference to timing and methodology of monitoring eg water is likely to be more contaminated after a “first flush” rain after a dry spell.</li> <li>4. There is no reference (and there should be) to policy 10.2.4 about mixing zones, implying the standards have to be met within the mixing zone.</li> <li>5. It is difficult for an applicant to know whether their proposed discharge will meet the standard due to the effects being cumulative with other discharges.</li> <li>6. It does not make clear how the ambient water quality standard translates to an acceptable end-of-pipe concentration of contaminants.</li> </ol>
10.2.4	<p>To allow discharges of contaminants or water to land or water in the coastal marine area which do not meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3 only if, after reasonable mixing:</p> <ul style="list-style-type: none"> <li>• the discharge is not likely to cause a decrease in the existing quality of water at that site; or</li> <li>• the discharge would result in an overall improvement in water quality in the</li> </ul>	4.1.1, 4.1.4, 4.1.6, 4.1.7, 4.1.9, 10.1.1, 10.1.2 (how could this be?), 10.1.4,	53, 54, 57, 58, 59, 60, 61, 62		<ol style="list-style-type: none"> <li>1. This policy would better serve the protection objectives of chapter 4 if the bullet points were matters for consideration rather stating the presumption that the discharge will be allowed.</li> <li>2. The policy does not make clear what is reasonable mixing.</li> <li>3. The terms “is not likely to” and “would result” are terms of uncertainty and action could only happen after a problem has occurred.</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	coastal marine area; or <ul style="list-style-type: none"> <li>• the discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of policies 10.2.1, 10.2.2 and 10.2.3; or</li> <li>• the discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.</li> </ul>	10.1.6			<ol style="list-style-type: none"> <li>4. The policy does not mention māori values, hence presumably cannot implement objective 4.1.13.</li> <li>5. It is difficult to see how water quality could be improved by a discharge unless a baseline is set that includes dirtier discharges than the proposed one. There is no provision to do this.</li> <li>6. By the time of this report, all discharges present at the time of the plan being notified should either be complying with the provisions or have been upgraded.</li> <li>7. Temporary nature should be defined. There needs to be a distinction between foreseeable discharges (such as sewage overflows) and accidental or emergency breakdowns (which are dealt with by the the RMA emergency provisions anyway).</li> <li>8. Planned maintenance of discharges should not rely on this provision.</li> </ol>
10.2.5	To take into account, when setting conditions for improvement of existing discharges to land and water in the coastal marine area, the time that is required to progressively upgrade existing systems due to any geographic, technical or financial difficulties associated with immediately eliminating or treating existing contaminants.	10.1.6	15.3.4, 57, 58, 60, 61, 62		<ol style="list-style-type: none"> <li>1. This policy gives effect to objective 10.1.6.</li> <li>2. The policy does not appear to apply to new discharges.</li> <li>3. It is not clear whether the policy <u>requires</u> review conditions placed on consents.</li> <li>4. The policy should be clearer in stating that upon re consenting of an existing discharge time to implement upgrades will be taken into account. As all consents are of specified and limited term, this begs the question why such foreseeable planning and works are not started prior to expiry of a discharge consent.</li> <li>5. It is also not clear whether conditions should</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>be placed on consents for periodic review (ie “progressively upgrade”) to determine whether new improved technology could be applied to the discharge.</p> <p>6.The policy could be clearer by indicating what kind of time span would be acceptable for upgrading – for example, is a 2, 10 or 100 year time frame acceptable?</p>
10.2.6	To require all new marinas and/or boat servicing sites to contain facilities to accept sewage and other contaminants from vessels for disposal through municipal (or other approved) treatment processes.	10.1.1, 10.1.3, 10.1.5	15.3.7, 15.3.8, 62		1.This policy gives effect to the objectives in a specific way.
10.2.7	To encourage existing marinas and/or boat servicing sites to contain facilities to accept sewage and other contaminants from vessels for disposal through municipal (or other approved) treatment processes.	10.1.1, 10.1.2, 10.1.3	15.3.7		<p>1.This policy gives partial effect to the objectives in a specific way.</p> <p>2.“To encourage” is a weak mechanism. Boat servicing sites could be required to contain and properly dispose of contaminants as they require discharge consents anyway.</p> <p>3.This policy does not “enhance” currently degraded water as in objective 10.1.2 because the result of “to encourage” is too uncertain.</p> <p>4.Review conditions on consents for marinas could be another mechanism.</p>
10.2.8	To ensure that where appropriate coastal permits to discharge contaminants to land or water in the coastal marine area contains conditions for monitoring: <ul style="list-style-type: none"> <li>• the effects of the discharge; and</li> <li>• compliance with any conditions or standards imposed on the consent.</li> </ul>	10.1.7	15.3.6, 15.3.7, 57, 58, 59, 60, 61, 62		<p>1. This policy gives partial effect to objective 10.1.7. It would be more “robust” (in accordance with the objective) if “to ensure” was replaced with “to require” and “appropriate” was removed.</p> <p>2. All consents are supposed to be monitored in order to fulfil s35 RMA requirements.</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>Regular reporting should also be required.</p> <p>3. Compliance with conditions is a RMA requirement and is redundant here. Monitoring of the discharge will automatically reveal any non-compliance.</p>
10.2.9	<p>To have particular regard to the adverse effects of the discharge of water or contaminants to land or water in the coastal marine area on areas:</p> <ul style="list-style-type: none"> <li>• containing important ecosystems or species;</li> <li>• used for fisheries purposes;</li> <li>• used for fish spawning purposes;</li> <li>• used for the gathering or cultivating of shellfish for human consumption;</li> <li>• used for contact recreation purposes;</li> <li>• used for industrial abstraction;</li> <li>• which are significant because of their natural values;</li> <li>• which are significant because of their aesthetic values; and</li> <li>• with significant cultural value.</li> </ul>	4.1.1, 4.1.2, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.1.9, 4.1.10, 4.1.13, 4.1.14, 10.1.1, 10.1.3, 10.1.5	15.3.7, 15.3.8, 57, 58, 59, 60, 61, 62		<p>1. This policy gives specificity to the very broad objectives.</p> <p>2. The fisheries purposes and fish spawning purposes give effect to the very broad objectives 4.1.1 about intrinsic values and 4.1.4 about life supporting capacity. This is a weak directive for something so specific.</p> <p>3. The aesthetic values relies on objective 4.1.10 about retaining important views or on objective 4.1.5 about protecting natural character. Both connections are weak.</p> <p>4. The industrial abstraction implements objective 4.1.2 about communities being able to use the coastal marine area. However, that use is likely to require a coastal permit in itself. It would be better if the policy stated effects on existing legal uses rather than single out a consumptive use. It's inclusion seems anomalous.</p> <p>5. The explanation says the criteria are based on the 3<sup>rd</sup> schedule RMA. This confuses the purpose of the 3<sup>rd</sup> schedule, which is to state water quality parameters for various uses. It does not condone or prioritise those uses as the policy suggests. Furthermore, policies 10.2.1 and 10.2.2 have already stated the purposes for the management of the water.</p> <p>6. The explanation does not assist interpretation of the policy but introduces more uncertainty</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					<p>“extents” that are undefined.</p> <p>7.The adverse effects consideration is on the areas, not on the values themselves.</p>
10.2.10	To investigate, advocate for, and support opportunities to reduce the adverse effects of discharges to land or water in the coastal marine area.	10.1.2	15.3.1, 15.3.2, 15.3.4, 15.3.7, 15.3.8, 15.3.9, 15.3.11		<p>1.The policy is non-regulatory and gives partial effect to objective 10.1.2 in that it addresses voluntary efforts to improve water quality.</p> <p>2.It does not directly address the objective which focuses on areas where water is currently degraded, and whether it is practically possible to enhance that quality.</p> <p>3.The explanation introduces new elements about treating stormwater and references to the Regional Freshwater Plan. The Plan sets a regulatory requirement for stormwater discharges, so the non-regulatory approaches should be complementary to the regulatory requirement.</p> <p>4.If integration with another regional plan is required, it should be much stronger than a mention in an explanation to a policy to be effective.</p>
10.2.11	To have particular regard to the views, values, aspirations and customary knowledge of tangata whenua when assessing applications to discharge contaminants to land or water in the coastal marine area.	4.1.15, 4.1.16, 10.1.3	15.3.1, 15.3.2, 57, 58, 59, 60, 61, 62	The effectiveness of this policy relies on how it is implemented in practice, and there is no information on this.	<p>1.The policy gives effect to the objectives.</p> <p>2.The explanation is useful.</p>
10.2.12	To seek to reduce any adverse effects on water quality in the coastal marine area which are caused by "non-point source discharges" to land or water in the coastal marine area.	10.1.1, 10.1.2	15.3.6	1999-00 Regional plan implementation programme: Clean Up NZ Week; Waitohu Care Group. Committee report 00.425 Regional coordination of Clean Up NZ Week 2000. Committee report 01.375	<p>1.The policy gives partial effect to the objectives in that it seeks their goal, but offers no guidance as to how to do reduce the amount or toxicity of non-point source discharges.</p> <p>2.It raises non-point source discharges as an</p>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
				Committee report 05.139	issue but fails to deal with them.
10.2.13	To actively discourage the discharge of ballast water which may be potentially contaminated with exotic organisms within Wellington and Porirua harbours, by encouraging compliance with current national guidelines.	10.1.1	15.3.7		<ol style="list-style-type: none"> <li>1.The policy gives partial effect to the objective in that it addresses one contribution of contamination by a non-regulatory mechanism.</li> <li>2.The marine pollution regulations have superceded this provision. They specify where in the coastal marine area ballast water may be discharges. Biosecurity NZ have produced other guidance about where to take on ballast water and how to manage it to reduce the risks of introducing exotic incursions.</li> </ol>
10.2.14	To only allow a discharge of human sewage direct into water, without passing through land, where: <ul style="list-style-type: none"> <li>• it better meets the purpose of the Act than disposal onto land; and</li> <li>• there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7, and 8 of the Act; and</li> <li>• there has been consultation with the community generally.</li> </ul>	4.1.1, 4.1.4, 4.1.5, 4.1.7, 4.1.9, 4.1.13, 4.1.16, 10.1.1, 10.1.3, 10.1.5	55, 56, 58, 60, 62		<ol style="list-style-type: none"> <li>1.This policy gives effect to the objectives.</li> <li>2.The explanation is helpful.</li> </ol>
10.2.15	To review the environmental water quality monitoring programme for water in the coastal marine area on an annual basis to: <ul style="list-style-type: none"> <li>• ensure that the information provided is appropriate to meet the needs of the people and communities of the Region;</li> </ul>	10.1.7	15.3.5, 15.3.6, 15.3.10, 15.3.11		<ol style="list-style-type: none"> <li>1. The policy gives effect to objective 10.1.7.</li> <li>2. It is the programme that is to be reviewed every year, not the data. This seems like a very onerous requirement, and hardly necessary.</li> <li>3. The task of assessing this plan (a 6 yearly requirement) does not require the</li> </ol>



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	and <ul style="list-style-type: none"> <li>enable the effectiveness of this Plan to be assessed.</li> </ul> The review will consider any guidelines produced on water quality monitoring, and any new parameters being recommended for inclusion in coastal water quality monitoring programmes.				programme to be reassessed annually.
10.2.16	To inform the appropriate authorities when it becomes known that there are potential risks to human health and safety from discharges.	10.1.5	15.3.10, 15.3.11		1.The policy gives effect to objective 10.1.7. 2.The explanation should include natural occurrences that may cause risks for human health.
10.2.17	To manage the discharge of contaminants or water into waters in the coastal marine area using water classification if this is feasible and desirable.	10.1.7	15.3.1, 15.3.2, 15.3.3		1.The policy gives partial effect to objective 10.1.7. It is not clear if this regime would have been very flexible. 2.The explanation does not explain anything. There is no description of what might be entailed and how it would differ from the regime set out in the current Plan. 3.A water classification regime was never carried out, but no formal document was produced to justify this.

## 24.10 Discharges to air

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
11.2.1	To allow discharges to air from activities associated with the normal operation of ports, ships, and related facilities in the coastal marine area	4.1.1, 11.1.2, 11.1.3, 11.1.4	63, 64, 65?	The consents granted under the rules have been for activities such as sand blasting bridges over the coastal marine area, discharges from water and	1.The policy gives effect to objectives 11.1.2 and 11.1.3 but is contrary to objective 11.1.4. The policy allows wet or dry abrasive blasting, and this will not minimise

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<p>including:</p> <ul style="list-style-type: none"> <li>• the maintenance, repair, alteration or reconstruction of any structure or ship;</li> <li>• the loading or unloading of ships in port; and</li> <li>• wet or dry abrasive blasting; provided that either: <ul style="list-style-type: none"> <li>• the discharge is part of the normal operation of a ship; or</li> <li>• the discharge is temporary; and</li> <li>• there are no nuisance or health effects caused by any discharge of particulate; and</li> <li>• there are no nuisance odour effects.</li> </ul> </li> </ul>			<p>grit blasting a floating dock site, discharges from sewage pipe venting or release of hydrocarbons. No consents for ship maintenance activities have been applied for.</p> <p>The explanation to this policy introduces inconsistencies with the policy, and reference to other legislation which is of potentially limited application to the open space environment that this policy is likely to be applied to.</p>	<p>atmospheric particulate as sought by objective 11.1.4.</p> <ol style="list-style-type: none"> <li>2. There is no imperative to seek to minimise or otherwise use best practice to keep discharges contained. The policy does not address the inevitable consequent discharge to water that the discharge to air will create. This is not consistent with objective 4.1.1 protection of intrinsic values.</li> <li>3. The reference in the explanation to the Abrasive Blasting Regulations 1958 is unclear. The regulations are not guidance and they have no legal effect in these situations as they only apply in factories (ie contained areas), which presumably, are a contained space. The policy says nothing about voluntary compliance with the regulations. The explanation alludes (but nothing more) to using them as guidance.</li> <li>4. The explanation broadens and confuses the policy. The policy refers to “ports, ships and related facilities”. The explanation refers to “structures (for example, bridges) in the coastal marine area”, not particularly related to ports. It then includes “one off events” without explaining why they are not captured by the policy and why they are special.</li> <li>5. The explanation describes the adverse effects of unloading fine powders, yet relies on voluntary unspecified good management practice to minimise those effects. It is not consistent with the policy which says “no nuisance or health effects caused by any discharge of particulate”. Presumably, a</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					directive for physical works of containment would be more effective than only management practice, and that would attempt to be consistent with protecting the intrinsic values as in objective 4.1.1.
11.2.2	<p>To not allow the discharges of dust, fumes, smoke, spray, odour, or any other contaminants if such a discharge:</p> <ul style="list-style-type: none"> <li>• is likely to cause a significant decrease in the existing air quality at the site;</li> <li>• has an objectionable or offensive odour;</li> <li>• may result in unacceptable degradation of existing amenity;</li> <li>• may adversely affect the health or welfare of any persons; or</li> <li>• may adversely affect any rare, threatened or endangered species.</li> </ul>	4.1.6, 4.1.7, 4.1.9, 11.1.1, 11.1.3, 11.1.4	68-72		<ol style="list-style-type: none"> <li>1.The policy gives effect in part to the objectives, subject to clarification of the policy.</li> <li>2.The bullet points in the policy are all qualitative. The first one is explained somewhat in the explanation.</li> <li>3.For any real meaning the air quality needs to be monitored. Monitoring is not mentioned.</li> <li>4. The policy refers to “the site” without explaining what that is. In the coastal marine area there are very few cadastral boundaries or legal lots as on land which is the district plan usual interpretation of “site”.</li> <li>5.“Unacceptable degradation of existing amenity” can be difficult to deal with. For example, putting on a fireworks display can be seen as enhancing amenity. But the smoke and odour emanating from it can be seen as reducing amenity. So the criterium is not very useful.</li> <li>6.All of these bullet points are likely to be difficult to predict or anticipate – which is the purpose since they are supposed to be used in determining the granting of consent. They are much more useful for enforcement, after the event.</li> <li>7.It is not true that odour is a significant issue in the coastal marine area (as the</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					explanation claims) as opposed to the terrestrial part of the region.
11.2.3	To have particular regard to the potential for adverse effects outside the coastal marine area which may be caused by a discharge to air within the coastal marine area.	11.1.5	15.4.2, 63-6, 68-72		<ol style="list-style-type: none"> <li>1.The policy gives effect to the objective.</li> <li>2.Examples would be fireworks display on a barge in Wellington harbour, or bonfires on the beach.</li> </ol>
11.2.4	To undertake research and monitoring that will assist the Council to meet its air quality management responsibilities within the coastal marine area, but to give such research a priority appropriate to the importance of the problem.	4.1.18, 11.1.6	15.4.2		<ol style="list-style-type: none"> <li>1.The policy gives effect in part to objective 11.1.6.</li> <li>2.The second part of the policy immediate detracts from the first part. Determining whether something is “appropriate” or not must surely rely on at least some information.</li> <li>3.It is not clear if monitoring is definitely to be done but maybe not research.</li> <li>4.The explanation focuses on refining the provisions of the Plan, which does not happen unless there is a plan change or review. If that is the intent, then it should say so (eg policy 4.2.46 and 4.2.47).</li> <li>5.The explanation does not focus on monitoring to implement the current provisions. It does not address if there is sufficient information available to make informed decisions as objective 4.1.18 requires.</li> </ol>
11.2.5	To ensure that the provisions of this section are, as far as practicable, compatible with the "Regional Air Quality Management Plan for the Wellington Region".	4.1.20, 11.1.1?	15.4.2, 15.4.3	NES air provisions?	<ol style="list-style-type: none"> <li>1.The policy gives effect to objective 4.1.20 which seeks integrated management of land, water and air.</li> <li>2.The inclusion of “as far as is practicable” dilutes the intent of the policy.</li> </ol>

## 24.11 Taking, use, damming or diversion of water

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
12.2.1	To allow any activity involving the taking, use, damming, or diverting of water in the coastal marine area provided that the activity has no discernible adverse effects on the natural or physical values of the coastal marine area.	4.1.2, 12.1.1, 12.1.2	73, 75		<ol style="list-style-type: none"> <li>1.This policy gives partial effect to the objectives.</li> <li>2.It is more stringent than objective 12.1.2 in seeking “no discernible adverse effects” rather than “ no <u>significant</u> adverse environmental effects” of the objective.</li> <li>3.It does not implement the requirements of objective 12.1.1 for no significant effects on amenity and cultural values.</li> </ol>
12.2.2	To allow the taking of water for the operational needs of ships.	4.1.2, 12.1.2, 12.1.4	74		<ol style="list-style-type: none"> <li>1.This policy gives partial effect to the objectives.</li> <li>2.It does not include the qualifier of objective 12.1.2 of having no adverse environmental effects.</li> </ol>
12.2.3	To have regard to the positive benefits of dams or diversions of the lower reaches of rivers in the coastal marine area for the purpose of flood mitigation.	4.1.2, 4.1.11, 12.1.2	75, 77		<ol style="list-style-type: none"> <li>1.This policy gives effect to the objectives.</li> </ol>
12.2.4	To ensure that any adverse effects on native fish spawning or migration, which are caused by any activity involving the taking, use damming or diversion of water in the coastal marine area are avoided or remedied.	4.1.1, 4.1.4, 12.1.1	75-7		<ol style="list-style-type: none"> <li>1.This policy gives effect to the objectives.</li> <li>2.It is quite strong in not including “mitigating” together with avoiding or remedying.</li> </ol>
12.2.5	To have regard to the effects of any taking, use, damming, or diversion of water in the coastal marine area on the mauri of the coast.	4.1.13, 4.1.14, 12.1.3	75-7		<ol style="list-style-type: none"> <li>1.This policy gives effect to the objectives.</li> </ol>
12.2.6	In general, to provide for the taking and use of water from the coastal marine area as a permitted or controlled activity.	12.1.4	73-5		<ol style="list-style-type: none"> <li>1. This policy gives partial effect to the objective.</li> <li>2. It omits the qualifier of objective 12.1.4</li> </ol>

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
					“commensurate with the potential adverse effects”. Such a qualifier is required to fulfil objectives 4.1.1, 4.1.4 and 4.1.6.

## 24.12 Surface water and foreshore activities

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
13.2.1	To allow activities on the foreshore and the surface of the water in the coastal marine area which: <ul style="list-style-type: none"> <li>do not require exclusive occupation, except where the exclusive occupation is expressly allowed by a coastal permit or by a deemed coastal permit;</li> <li>do not cause significant disturbance to species resting, breeding or feeding;</li> <li>do not change or disturb the physical environment; and</li> <li>do not cause more than minor adverse effects;</li> </ul> and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated.	4.1.1, 4.1.2, 4.1.4, 4.1.6, 4.1.21, 13.1.1, 13.1.2	78, 81? 15.5.4		<ol style="list-style-type: none"> <li>This policy gives partial effect to the general objectives in that it contributes a specific application.</li> <li>This policy gives partial effect to objectives 13.1.1 and 13.1.2.</li> <li>It is not clear how not causing significant disturbance to species is internally consistent with not causing more than minor effects. Why should species in particular have a higher threshold of adverse effects than other aspects of the environment?</li> <li>It is not clear why there is an exception for exclusive occupation or what is envisaged that does not have an adverse effect on other users required by objective 13.1.2.</li> </ol>
13.2.2	To allow the coastal marine area to be used as a venue for special events, such as beach races and dragon boating, provided that: <ul style="list-style-type: none"> <li>the activity will not change or disturb the physical environment or any coastal or marine species;</li> </ul>	4.1.1, 4.1.2, 4.1.8, 4.1.20, 4.1.21, 4.1.22, 13.1.1,	79, 80?		<ol style="list-style-type: none"> <li>This policy gives effect to the objectives for particular circumstances.</li> </ol>



Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	<ul style="list-style-type: none"> <li>• no other person has exclusive rights to occupy the area, unless the consent of that person has been obtained;</li> <li>• the public have been notified;</li> <li>• the activity will occur for less than 6 days in any 12 month period; and</li> <li>• the activity is consistent with adjacent uses outside the coastal marine area.</li> </ul>	13.1.2, 13.1.4			
13.2.3	<p>In general, to:</p> <ul style="list-style-type: none"> <li>• regulate the driving of vehicles on high use beaches adjacent to the main urban areas and in sensitive environments;</li> <li>• not allow the driving of vehicles on any foreshore where such an activity will have significant adverse effects; and</li> <li>• to place controls on the use of vehicles in all other areas and circumstances.</li> </ul>	4.1.2, 4.1.6, 4.1.8, 4.1.9, 4.1.22, 13.1.1, 13.1.2, 13.1.3	81, 82&3, 15.5.4	Titahi Bay beach compliance. Committee report 02.618	<ol style="list-style-type: none"> <li>1.This policy gives effect to the objectives for a specific activity.</li> <li>2.There is no indication that other additional mechanisms are likely to be required for this policy to be effective, such as collaboration with the adjacent district council.</li> </ol>
13.2.4	<p>To ensure that any adverse effects from surface water and foreshore activities on fauna and flora:</p> <ul style="list-style-type: none"> <li>• are avoided in any Area of Significant Conservation Value or any Area of Important Conservation Value which is significant or important because of fauna or flora; and</li> <li>• are avoided, remedied or mitigated in other areas;</li> </ul> <p>and to avoid, remedy or mitigate adverse effects on people within or adjacent to the coastal marine area.</p>	4.1.4, 4.1.6, 13.1.2	82, 85, 86, 15.5.4	Titahi Bay beach compliance. Committee report 02.618	<ol style="list-style-type: none"> <li>1.This policy gives partial effect to the objectives.</li> <li>2.It relies on objective 13.1.2 being satisfied by adverse effects being remedied or mitigated. This is not included in the objective.</li> </ol>
13.2.5	Where appropriate, to use powers and	4.1.8,	82,	Navigation bylaw and amendments.	1.This policy gives effect to the objectives.

Policy	Policy Description	Relevant objective	Relevant rules & methods	Implementation of policy: comments and relevant committee reports	Effectiveness of policy: a) does it give effect to the objective; b) does it do what it aims to do?
	functions under the Harbours Act 1950 to: <ul style="list-style-type: none"> <li>• control spatial conflicts between surface water activities; and</li> <li>• deal with other navigation and safety issues arising from surface water activities.</li> </ul>	13.1.3	15.5.2	Committee reports 00.558, 00.662, 00.775, 00.854, 00.865, 03.533, 03.699, 03.714, 05.501, 06.206, 06.315, 06.376, 06.425, 06.426, 06.439, 06.571, 08.128	

## 25. Appendix D – Implementation and effectiveness of methods

This appendix relates to section 5.3 of the report.

### 25.1 Structures

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
15.1.1	Wellington Regional Council will investigate illegal structures fixed in, on, under, or over foreshore and seabed and, where possible, identify the person(s) responsible for the structures. Where the person has been identified, they will be required to apply for a coastal permit to retain the structure and to ensure it complies with the provisions of the Plan. Where the person responsible cannot be identified, the Council will consider having the structure removed.	Objectives 4.1.5, 4.1.9, 4.1.18 <b>policies</b> 4.2.18, 4.2.19, 6.2.14	This is done in response to complaints only. “Inherited” ownership of structures is treated as being owned by the city or district council if the structure is a rock groyne, rock wall wharf or outfall, otherwise probably owned by an individual if there is a private element to the structure such as a boatshed. The structures of unknown ownership in the Coastal Structures Database were not followed up to determine ownership and requirements for consent. Coastal structures inventory. Committee report 00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	1.The method gives partial effect to policy 6.2.14 in that people responsible for structures are to be identified. The method is silent on what happens if the identified person fails to apply for resource consent, and so falls short of “promoting removal of illegal structures”. Where the person cannot be identified, GW “will consider” having the structure removed. This is a weak response to “promoting removal” especially since it does not acknowledge the potential significant costs involved. A commitment to funding this activity would be more effective. 2.The method gives partial effect to policies 4.2.18 and 4.2.19 in that structures impinge upon open space and abandoned structures could be in disrepair and unsightly. 3.The practical implementation is partial. Complaints are acted upon, though structures have not been removed by GW where the owner could not be identified. The comprehensive structures database has not been kept up to date, and any unidentified owners have not been acted upon.
15.1.2	Wellington Regional Council will ensure that existing consents for	<b>Policy</b> 6.2.14	This was not done. Coastal structures inventory. Committee report	1. The method gives effect to the policy, to the part that seeks to legalise previous

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	structures in the coastal marine area are legal coastal permits.		00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	authorisations.
15.1.3	Where redundant structures have been identified or reported to the Wellington Regional Council the possibility of removing the structure will be investigated and, if feasible and without significant adverse effects, the Council will promote the removal of the structure.	<b>Policies</b> 4.2.9, 6.2.8	This was not done. Coastal structures inventory. Committee report 00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	1. The method gives effect to the policies. The “return to its natural state whenever practicable” of policy 4.2.9 probably goes further than the method’s “promote the removal”.
15.1.4	Wellington Regional Council will establish and maintain an inventory of all structures in the coastal marine area of the Wellington Region. Existing records will be compiled and checked against field surveys.	Objective 6.1.6 <b>policy</b> 6.2.15	A survey of coastal structures in the Wairarapa was completed in late 1997 (before this plan). An inventory of all existing structures including the western region was compiled in 2002. It has not been maintained or updated since then. Coastal structures inventory. Committee report 00.425 2000-01 Regional plan implementation programme: coastal structures inventory. Committee report 01.375 Coastal structures inventory for the Wellington region. Committee report 02.620	1. This method gives effect to the policy. It also makes explicit that such a database shall be maintained – the policy is silent on that but it is not an unreasonable expectation from a practical point of view.

## 25.2 Exotic or introduced plants

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
15.2.1	The Wellington Regional Council will assess the need and develop a	Objective 9.1.2	The Regional Pest Management Strategy was approved in September 2002. It did not mention	1. The method gives particular effect to the general policies. There is no more specific

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	Pest Management Strategy for the eradication of individual species if warranted under the provisions of the Biosecurity Act 1993 and the proposed Hazardous Substances and New Organisms legislation.	<b>policy</b> 4.2.1, 4.2.5	<i>Spartina</i> or marine biosecurity. The first stage of the five-yearly review (required by the Biosecurity Act 1993) commenced 21 September 2006 with the release of a consultation document. The Proposed Regional Pest Management Strategy 2002-2022 was released 19 March 2008 with submissions closing 28 April 2008. The Biosecurity Act 1993 enables a regional council to prepare such a strategy. <i>Spartina</i> is included in the regional surveillance pest plant category, and there is a short section on marine biosecurity.	exotic plants policy.
15.2.2	The Wellington Regional Council will distribute available promotional material outlining ways in which resource users can reduce the chance of the accidental introduction of exotic or introduced plants.	Objective 9.1.2 <b>policy</b> 9.2.4	Council did not do this. Biosecurity New Zealand have taken over the responsibility for this work. BNZ now have a marine biosecurity programme. 1999-00 Regional plan implementation programme: coastal biosecurity. Committee report 00.425	1.The method gives effect to the policy.
15.2.3	Noxious plant officers from the Wellington Regional Council will monitor the existing area of <i>Spartina</i> in Lake Onoke. Should the area of <i>Spartina</i> increase significantly then appropriate action will be taken.	Objectives 4.1.18, 9.1.2	An assessment of the extent of spread was undertaken in July 2002. In May 2003 an area was sprayed and upon later inspection appeared to be controlled. No further follow up since. Biosecurity staff will try to include <i>spartina</i> in the RPMP review under KNE sites. 1999-00 Regional plan implementation programme: coastal biosecurity. Committee report 00.425	1.The method is most directly related to objective 9.1.2 and partially gives effect to the general policies 4.2.1, 4.2.5 and 4.2.10, though none of them relate directly to monitoring and biosecurity. 2.Staff turnover has resulted in experience in recognition and control was lost, and these lost skills are currently being addressed. <i>Spartina</i> needs to be included in the RPMP in order for any work to be done on it – it is not in the 2002 document.

### 25.3 Discharges to land or water

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
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Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
15.3.1	Within five years of this Plan becoming operative, the Wellington Regional Council will complete a comprehensive investigation of the feasibility and desirability of managing discharges into water in the coastal marine area in accordance with a water classification system.	Objective 10.1.7 <b>policies</b> 10.2.1, 10.2.2, 10.2.3, 10.2.10, 10.2.11, 10.2.17	This was not done.	1. The method gives effect to policy 10.2.17, and is a more rigid requirement than that required by the other more general policies. 2. Water is managed for either contact recreation or shellfish gathering purposes through policies 10.2.1 and 10.2.2. A water classification system would require rules to implement it. The difficulty with the implementation of rules is that they have to be hard and fast about the resultant water quality after the discharge, irrespective of changing ambient instream conditions.
15.3.2	The Wellington Regional Council will implement classification standards if water classification is found to be a feasible and desirable method for managing discharges onto land or into water in the coastal marine area.	Objective 10.1.7 <b>policies</b> 10.2.1, 10.2.2, 10.2.3, 10.2.10, 10.2.11, 10.2.17	This was not done.	1. This method is consequent on an outcome from method 15.3.1. It does give effect to policy 10.2.17 directly, relying on the proviso "if this is feasible and desirable".
15.3.3	Within one year of the completion of the water classification project, the Wellington Regional Council will review, and if necessary change, the regional rules relating to stormwater discharges to the coastal marine area to ensure that discharges are consistent with any classification (or other) standards set in this Plan.	<b>Policy</b> 10.2.17	This was not done.	1. This method is consequent on an outcome from methods 15.3.1 and 15.3.2. It does give effect to policy 10.2.17 directly, relying on the proviso "if this is feasible and desirable".
15.3.4	Wellington Regional Council will liaise with territorial authorities to ensure that appropriate programmes are developed to improve the quality	Objectives 4.1.25, 10.1.2 <b>policies</b>	Progress for 2001: 1. WCC investigated the characteristics of consented stormwater discharges. WCC have the greatest number of stormwater discharges into the coastal	1. The method gives effect to specific policy 10.2.10. It indirectly gives effect to policy 10.2.5 in that this policy implies a requirement for consent and relates to setting



Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	of stormwater discharge to the coastal marine area. These programmes could include public education campaigns (for example, the Grate Awareness Campaign) and measures to minimise or eliminate the overflow of sewage into stormwater drains.	4.2.31, 4.2.34, 10.2.5, 10.2.10	<p>marine area.</p> <p>2. Resource Investigations studied road runoff resulting in the report “Investigations into the effects of transport”.</p> <p>3. NIWA completed a report “The effects of urban stormwater in the Wellington Region: a synthesis of existing information” (May 2001).</p> <p>4. The Action Crew implemented the Take Action for Water education programme which targets school syndicates of year 5-8 students. Activities and action programmes focus on water quality, pollution, restoration and conservation, and include stormwater pollution prevention.</p> <p>5. GW &amp; TAs set up a working group to exchange information about stormwater. They met once in 2002.</p> <p>6. A study to quantify stormwater quality discharges in urban catchments started in 2001-2. 2002 Study to assess effects of stormwater discharges on vulnerable areas. Surveillance exercises and water quality reports feed into an assessment of stormwater quality.</p> <p>7. February 2003 GW helped SKM organise and present a stormwater workshop for TA staff.</p> <p>8. 2003 Resource policy and Pollution Response prepared a “pollution solution” (Save the Drain for Rain GW-RINV-G-03/33) with input of all TAs except UHCC. GW has liaised with WCC, HCC and KCDC in the past.</p> <p>9. Since 2006 Greater Wellington has liaised with all territorial authorities in the region in the development and implementation of the Stormwater Action Plan.</p>	conditions for that consent. The liaison aspect gives effect to the general policies 4.2.31 and 4.2.34.
15.3.5	The Wellington Regional Council will undertake appropriate	Objectives 4.1.7,	Monitoring of bathing water quality (76 sites) and shellfish flesh suitable for consumption is carried	1. The method goes part way towards implementing policy 10.2.5 in that it is to

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	monitoring of ambient water quality and provide that information to the public through regular bulletins to the news media.	4.1.18, 10.1.1, 10.1.5 <b>policies</b> 4.2.30, 4.2.34, 10.2.15	out. A report card on water quality is produced each year ENV/05/05/01, and related press bulletins are released. Press releases concerning topical issues arising from or related to ambient and targeted water quality monitoring also occur throughout the year. Press releases are sent out annually at start of bathing season. Information is placed on the website. Relevant articles are included in "Elements". The "Recreational Water Quality Technical Report" August 2005 fed into the 2005 SoE report "Measuring Up". Anti-fouling co-biocides in coastal waters 06.186 Coastal Water Quality Monitoring Programmes Review. Committee report 01.782 Progress report on the investigation of chemical contaminants in shellfish. Committee report 03.208 Chemical contaminants in shellfish. Committee report 06.624 State of the environment reporting. Committee reports 01.567, 02.444, 03.591, 05.650 Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339, 08.117	monitor water quality. However, the policy is focused on the review of the programme, which the method does not address. The method goes beyond the policy in dissemination of the information. Overall, there is a mis-match between the two provisions. 2.The information dissemination part of the method goes part way to implementing policies 4.2.30 and 4.2.34, but there is still a mis-match: the first policy is focused on research and consent application information; the second is focused on stakeholder participation. 3.The method is much more aligned with the objectives: 4.1.7 is about public health; 4.1.18 is about having sufficient information for informed decision making; 10.1.1 is about protecting high water quality (got to know about it to protect it); and 10.1.5 is about minimising risks to human health.
15.3.6	The Wellington Regional Council will, through its monitoring programmes, analyse the effectiveness of current regional rules for the discharge of silt from subdivision developments, and make appropriate changes as necessary.	Objective 4.1.18, 10.1.1 policies 4.2.30, 10.2.8, 10.2.12, 10.2.15	2001 joint project with PCC "Erosion and sediment control project 2001" – recommendation was not to change any rule in the Plan. The Erosion and Sediment Control Guidelines for the Wellington Region published April 2003 (WRC-RP-G-02/36). Regional Freshwater Plan Change 1 (March 2007) added a bulk earthworks condition to the permitted stormwater rule. Discharges from an area greater than 0.3ha of earthworks or subdivision becomes a	1.It should be a policy, not a method that makes changes to rules. 2.The method is related to policy 4.2.30 which is about research, not monitoring. The method could be interpreted to include monitoring of consent conditions, and if so, would implement policy 10.2.8. The method is related to policy 10.2.12 about non-point source discharges, except that silt from subdivision development is frequently point

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
			<p>discretionary activity.</p> <p>State of the environment reporting. Committee reports 01.567, 02.444, 03.591, 05.650</p> <p>Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339, 08.117</p> <p>Pauatahanui inlet catchment project &amp; Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126</p>	<p>source, and silt is not mentioned in the list of sources. Policy 10.2.15 is primarily about review of monitoring programmes, which could encompass sediment loading.</p> <p>3.The method is more closely aligned with objective 10.1.1 about protecting high water quality, and objective 4.1.18 about having sufficient information for informed decision making.</p> <p>4.All in all, this method is not closely aligned with other plan provisions.</p>
15.3.7	The Wellington Regional Council's Harbourmaster will distribute available promotional material outlining ways in which ship operators can reduce the effects of any discharge of contaminants, including ballast water.	Objective 10.1.1 <b>policies</b> 4.2.32, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.10, 10.2.13	<p>This has been superseded by the Marine Pollution Regulations 1998. The method of education has been replaced by national regulation.</p> <p>When ships arrive in port, CentrePort gives each captain a set of promotional material requiring them not to discharge oil and other contaminants. MAF (acting for MFish) routinely boards ships to monitor compliance with ballast discharge regulations and distribute their own related material.</p>	<p>1.The method gives effect in part to policy 4.2.32 in that it contributes to public awareness of coastal resource management.</p> <p>2.The policy that directly relates to ballast water is 10.2.13 and then only to Porirua and Wellington harbours. It seeks to “actively discourage” the discharge of ballast water (not other contaminants as in the method). The method says GW will “distribute available promotional material” which does not go as far as “actively discourage”, hence the method only partly gives effect to the policy.</p> <p>3.The other policies mentioned are indirect in that they seek provision of facilities to accept contaminants at marinas and boat servicing sites, to have regard to adverse effects of discharges, and to seek to reduce the effects of discharges to the coastal marine area in general. They specifically mention sewage as a contaminant.</p>
15.3.8	Provision will be made through the Wellington Regional Council's	Objective 10.1.1	No report addressing discharges of contaminants from vessels at sea and from boat maintenance sites	1.The method partially implements the policies in that the report would provide justification

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	Annual Plan to prepare a report defining the adverse effects on water quality arising from the discharge of contaminants from vessels at sea and from boat maintenance sites. The report and educational material on waste disposal from vessels will be circulated to user and interest groups.	<b>policies</b> 10.2.6, 10.2.9, 10.2.10	was done by GW. Carol Stewart for Ministry for the Environment prepared the report “Antifouling co-biocides in NZ coastal waters: 2006 resurvey”. Educational material on waste disposal from vessels has been prepared by MfE and is distributed by GW Harbours Department.	for requiring acceptance facilities for marinas (policy 10.2.6); it would help define the adverse effects of discharges that are outlined in policy 10.2.9; and circulation of educational material on waste disposal would contribute to advocacy to reduce adverse effects.
15.3.9	The Wellington Regional Council will, where appropriate, encourage and support the efforts of any community or voluntary or school group which undertakes any work to remove litter or other contaminants from the coastal marine area.	Objective 10.1.2 <b>policies</b> 4.2.34, 10.2.10	This is done. There was participation in the annual “Clean up New Zealand” event for a number of years (its now stopped). Beach clean ups happen in the Take Action programme with schools. Care Groups coordinate regular clean ups. Public enquiries are passed on to city councils who organise collection bags and gloves etc. 1999-00 Regional plan implementation programme: Clean Up NZ Week. Committee report 00.425, 01.375, 05.139 Pauatahanui inlet catchment project & Porirua harbour sediment investigations. Committee reports 00.209, 00.425, 00.438, 00.656, 01.37, 01.301, 01.567, 01.798, 02.38, 04.236, 04.432, 04.426, 05.42, 05.212, 05.235, 06.276, 06.288, 06.313, 06.395, 07.40, 07.138, 07.249, 07.512, 08.126	1.The method gives partial effect to policy 10.2.10 in that it seeks to reduce adverse effects of discharges by way of remedying the discharged material by removing it. The policy focus is on reducing the adverse effects rather than remedying after the fact. 2.The method gives some effect to policy 4.2.34 which is about involving stakeholders in coastal management processes. The method is really about undertaking work rather than involvement in decision processes. 3.It does give effect in part to the broad objective of enhancing degraded water quality.
15.3.10	The Wellington Regional Council will notify appropriate territorial authorities, public health agencies, and iwi authorities if any adverse indicator of water contamination is found, and when samples from its ambient water quality monitoring programme are found to contain faecal coliform counts equal to or	Objectives 4.1.22, 10.1.5 <b>policies</b> 4.2.34, 10.2.15, 10.2.16	This is done. The indicator thresholds are now in accordance with Ministry of Health and Ministry for the Environment microbiological guidelines which use enterococci as an indicator in the marine environment and establish a three tier management framework. Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354,	1.The method gives direct effect to policy 10.2.16 about informing authorities about potential health risks. 2.The method gives effect in part to policy 4.2.34 in that stakeholders are involved in coastal management processes. It could be a useful contribution to a review of the water quality monitoring programme sought by policy 10.2.15.

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	exceeding 1000 faecal coliforms per 100 millilitres under conditions not influenced by rainfall. This level is indicative of a problem, such as a pump breakdown, and the notification will trigger further investigation.		04.520, 05.619, 06.176, 06.390, 07.339, 08.117	
15.3.11	Wellington Regional Council will hold annual meetings with representatives of iwi, territorial authorities, and the appropriate public health agencies to discuss the findings of the environmental water quality monitoring programme for the coastal marine area.	Objectives 4.1.22, 10.1.5 <b>policies</b> 4.2.34, 10.2.15, 10.2.16	Some annual meetings with representatives are held, but not every year. A meeting with TAs, Hutt Valley Health and Choice Health was held in October 2005 prior to the 2005/06 bathing season. An annual report "On the beaches" is sent to everyone. Recreational water quality monitoring. Committee reports 99.458,00.438, 00.612, 01.281, 01.567, 01.618, 01.782, 02.509, 02.691, 03.386, 03.354, 04.520, 05.619, 06.176, 06.390, 07.339	1.The method primarily gives effect to policy 4.2.34 by involving authorities in coastal management. 2.The method could contribute to the review of the monitoring programme as sought by policy 10.2.15. It could have an overview of human health risks, but is unlikely to assist in short term incident reaction which is the aim of policy 10.2.16.
15.3.12	The Wellington Regional Council will facilitate public complaints of unauthorised discharges through promotion of a "pollution hotline".	Objective 10.1.1 <b>policy</b> 10.2.10	Council operates a "pollution hotline".	1.The method contributes to policy 10.2.10 in that investigation is called for. However, "facilitate" does not necessarily mean remedy or mitigate the effects, and the method's focus is on reacting to reports of pollution. This is not the same as the policy which aims to reduce adverse effects of discharges. 2.It would be better to state what the pollution hotline is meant to achieve, and then to state how the public may easily access it.

## 25.4 Discharges to air

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
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Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
15.4.1	The Wellington Regional Council will prepare a Regional Air Quality Management Plan for the Wellington Region to deal with air quality outside of the coastal marine area.	objective 4.1.25 policy 11.2.5	The Regional Air Quality Management Plan became operative 13 April 2000 and deals with air quality outside of the coastal marine area.	<ol style="list-style-type: none"> <li>1.The objective is about facilitating integrated management across MHWS by regional plans.</li> <li>2.Policy 11.2.5 is about integrating the Plan discharges to air chapter with the Regional Air Plan.</li> <li>3.The method would be better if it stated how the two sets of provisions should mesh, but this is not done here.</li> <li>4.The air plan does not contribute to the management of air quality for the area of jurisdiction of the coastal plan. It might address air quality matters in greater depth and breadth than this small section of the Plan is able to.</li> </ol>
15.4.2	The Wellington Regional Council will co-ordinate the monitoring requirements of the Regional Air Quality Management Plan for the Wellington Region and this section of the Regional Coastal Plan so that they are fully integrated and complementary.	Objective 11.1.6 <b>policies</b> 11.2.3, 11.2.4, 11.2.5	This has been done. The emissions inventory, which estimates total emissions to air in the region, includes emissions from ships. No air quality monitoring sites are located in the coastal marine area.	<ol style="list-style-type: none"> <li>1.This method gives effect in part to objective 11.1.6 which seeks to improve information through monitoring and research.</li> <li>2.This method gives effect to policies 11.2.3.and 11.2.5.</li> <li>3.It partly gives effect to policy 11.2.4 which is about undertaking research and monitoring, in that the method is about requirements only and not carrying out the monitoring. The method (<b>unusually</b>) goes beyond the policy in not constraining itself to monitoring inside the coastal marine area only. The method however says nothing about research requirements.</li> </ol>
15.4.3	The Wellington Regional Council will review this section of the Regional Coastal Plan within one year of the Regional Air Quality Management Plan for the Wellington Region being operative so that the two plans are compatible and totally	<b>Policy</b> 11.2.5	This has not been done.	<ol style="list-style-type: none"> <li>1.This method gives effect to policy 11.2.5.</li> <li>2.Policy 11.2.5 states this plan will be compatible with the air plan but does not state that an air plan should be prepared. Method 15.4.1 says an Air Plan shall be prepared.</li> </ol>

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
	integrated.			
15.4.4	Assist other agencies, where appropriate, with the preparation and dissemination of guidelines, codes of practice, information programmes and similar initiatives where these will contribute to achieving the objectives of this Plan.	Objective 11.1.6 <b>policy</b> 4.2.32	This has not been done.	<ol style="list-style-type: none"> <li>1. Methods are supposed to implement policies not objectives.</li> <li>2. Objective 11.1.6 for improving information through monitoring and research. There is no specific policy about the preparation and dissemination of information.</li> <li>3. The method gives effect to the general policy 4.2.32 about increasing public awareness of resource management.</li> </ol>

## 25.5 Surface water and foreshore activities

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
15.5.1	Provision will be made in Wellington Regional Council's Annual Plan to prepare a Regional Coastal Users Guide to provide guidance about: <ul style="list-style-type: none"> <li>• navigation and safety requirements throughout the Region;</li> <li>• emergency procedures and facilities;</li> <li>• appropriate locations for recreation and other surface water activities for various weather conditions.</li> </ul>	Policies 4.2.6, 13.2.5	A "Safe Boating Pack" containing information from GW, MNZ, Coastguard and the Water Safety Council is given by Harbours to all boaties and fishing and foreign vessels unfamiliar with our waters. The Navigation and Safety Bylaws covering recreational activities and sites are also distributed. The web site lists navigation aids, information about Wellington and Porirua harbours, Wellington Harbour hazard risk assessment, appropriate locations for recreation and other surface water activities. The NowCasting weather information channel details are given on the web site.	<ol style="list-style-type: none"> <li>1. The objectives do not focus on safety issues.</li> <li>2. Policy 4.2.6 is about protecting safe and convenient navigation from other activities. This method is not about that, it is about individual user safety.</li> <li>3. Policy 4.2.20 is about adverse effects on recreational values, not really safety. The method does not give effect to it.</li> <li>4. This method partially gives effect to the part of policy 13.2.5 which refers to powers and functions under the Harbours Act 1950 that deal with control of conflicts and navigation and safety issues. The explanation refers to the ability to make bylaws to control surface water activities. The policy is focused on conflict between users, not individual user safety.</li> </ol>



Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
15.5.2	Wellington Regional Council will, where appropriate, facilitate conflict resolution between various activities in the coastal marine area through meetings of the parties involved.	Objective 13.1.3 policies 4.2.6, 4.2.8, 13.2.5	2001 GW held meetings of a liaison group involving MSA and Wairarapa TAs about the conflict between jet skiers and other users. This is a problem at Castlepoint and other coastal settlements. Harbours staff worked with MSA to develop national generic model bylaws to ensure standardisation wherever possible. Under the new GW bylaw, only GW enforcement officers will undertake an education and enforcement role to facilitate resolution of conflicts in the coastal marine area. Conflicts between vehicle use and other users at Titahi Bay is being addressed by the development of the Titahi Bay beach management plan led by Porirua City Council.	<ol style="list-style-type: none"> <li>1. Policy 4.2.6 is about protecting safe and convenient navigation from other activities.</li> <li>2. Policy 4.2.8 recognises lawful recreational users and protecting them from adverse effects of other activities.</li> <li>3. <b>Objective</b> 13.1.3 is most closely aligned with this method in that it focuses on minimising conflict between activities. This appears to be the only provision that “authorises” the method.</li> <li>4. Policy 13.2.5 focuses on using regulatory powers to deal with conflict between activities. This method does not give effect to it as the policy does not refer to non-statutory conflict resolution.</li> </ol>
15.5.3	Wellington Regional Council will work with the Department of Conservation to investigate the impact of surface water and foreshore activities on wildlife, and to determine the most appropriate method to deal with any adverse effects. In addition to rules under this Plan, methods might include use of the Wildlife Act 1953, the provision of signs and other such methods.	Objectives 4.1.1, 4.1.6, 4.1.22, 13.1.1 & 13.1.2 are very general. policies 4.2.1, 4.2.10, 4.2.31	This has not been done. The intertidal surveys recently completed did not involve the Department and did not investigate impacts on wildlife. DOC met with Harbours in 2007 about implementing the Kupe/Kevin Smith Marine Reserve on Wellington city’s south coast.	<ol style="list-style-type: none"> <li>1. Policy 13.2.1 is about allowing surface activities which do not cause <u>significant</u> disturbance to wildlife and do not cause more than minor adverse effects. This method deals with <u>any adverse</u> effects of surface &amp; foreshore activities, hence it does address the last part of the policy.</li> <li>2. The method does give effect to policy 13.2.4 which addresses adverse effects on flora and fauna in ASCVs, AICVs and other areas.</li> </ol>
15.5.4	Where appropriate, the Wellington Regional Council will undertake public awareness campaigns on the adverse effects of various foreshore and surface water activities.	Objectives 13.1.1, 13.1.2 Policies 4.2.32, 13.2.1, 13.2.3, 13.2.4	This has not been done. GW supports Care Groups that work on dune projects – these issues are raised but not resolved. Eg at Waitohu the group would like KCDC to exclude vehicles by placing reserve status on the site but that has not been done.	<ol style="list-style-type: none"> <li>1. The method does help to achieve the <b>objectives</b>.</li> <li>2. This method does not give effect to regulatory policies 13.2.1 and 13.2.3, as it is a non-regulatory method.</li> <li>3. The method implements policy 13.2.4 by helping “to ensure” adverse effects are avoided etc.</li> </ol>

Method	Method Description	Relevant provisions	Implementation of method including relevant committee reports	Effectiveness - does it give effect to the policy?
				4.The method implements general policy 4.2.32 by increasing public awareness about coastal resource management.
15.5.5	To encourage and promote designated vehicle routes, parking areas and pedestrian and cyclists' facilities to facilitate surface water and foreshore activities.	Objective 4.1.8 Policy 4.2.16? 13.2.3	This has not been done. This method focuses on access arrangements that are presumably not in the coastal marine area and outside of the jurisdiction of this plan.	1.This method gives effect to general policy 4.2.16 in that it supports initiatives to improve public access. 2.Policy 13.2.3 regulates vehicles but does not indicate non-regulatory promotion of activities. This method does not give effect to it.

## 26. Appendix E – Relevant Council committee reports

This appendix relates to section 5.4 of the report.

Report	Date	Title	Relevant policies/ methods	Relevant report section
99.111	9/3/1999	Marine Reserves	4.2.1, 4.2.6, 4.2.10, 6.2.2, 6.2.13, 10.2.9	6.4
99.193	20/4/1999	Charging for Occupation of the Coastal Marine Area: An Update		
99.485	9/9/1999	Update on Boatshed Use Permits and their Compliance Monitoring	6.2.11, rule 27	5.1, 6.3
99.489	25/8/1999	Managing the Effects of Subdivision on the Natural Character of the Coastal Environment	4.3.32?	6.1, 6.2
99.576	15/10/1999	Coastal Subdivision in the Kapiti District	4.3.32?	6.1, 6.2
99.550	28/9/1999	Managing the Effects of Subdivision on the Natural Character of the Coastal Environment - Update	4.3.32?	6.1, 6.2
99.621	15/12/1999	Managing the Effects of Subdivision on the Natural Character of the Coastal Environment	4.3.32?	6.1, 6.2
00.54	16/10/2000	Clyde Quay Boat Harbour – Request for Heritage Protection	4.2.12	6.2, 6.3
00.94	14/12/2000	Adoption of the Proposed Regional Coastal Plan for the Wellington Region		
00.209	11/10/2000	Draft Vision Statement and Action Plan for the Pauatahanui Inlet – Consultation	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
00.214	11/10/2000	Clyde Quay Boat Harbour – Request for Heritage Protection	4.2.12	6.2, 6.3
00.317	26/9/2000	Clyde Quay Boat Harbour – Request for Heritage Protection	4.2.12	6.2, 6.3
00.425	25/9/2000	1999-00 Regional Plan Implementation Programme: Establishment and facilitation of community advisory groups for the Pauatahanui Inlet and Waiwhetu Stream; Coastal Structures Inventory; Information and education about the regional plans; Assistance to the Riversdale Dune Management Group and Castlepoint Beachcare Group; Coastal biosecurity	4.2.30, 4.2.31, 4.2.32, 6.2.14, 6.2.15, 10.2.9, 10.2.10, 10.2.12, 15.1.4, 15.3.6	6.3, 6.4
00.438	22/6/2000	Regional Policy Statement	4.2.10, 4.2.11,	4.3,

Report	Date	Title	Relevant policies/ methods	Relevant report section
		Implementation 1999/2000. Coastal environment.	4.2.19, 4.2.20, 4.3.32, 10.2.9, 10.2.16, 15.3.5, 15.3.9, 15.3.10,15.3.11	6.1, 6.2
00.558	14/7/2000	Timetable for Revised Harbour Bylaws	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
00.561	17/7/2000	Port Company – Environmental/Heritage Issues	4.2.12	6.2, 6.3
00.656	22/8/2000	Vision Statement and Action Plan for the Pauatahanui Inlet	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
00.659	17/8/2000	The Use of Heritage Orders in the Coastal Marine Area	4.2.12, 6.2.11?	6.2, 6.3
00.612	7/9/2000	Annual Coastal Water Quality Report 1999/2000	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
00.662	19/10/2000	Wellington Regional Navigation and Safety Bylaws 2000	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
00.775	19/10/2000	Wellington Regional Navigation and Safety Bylaws - Special Order	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
00.827	15/11/2000	Regional Council submission on Taputeranga Marine Reserve	4.2.1, 4.2.6, 4.2.10, 6.2.2, 6.2.13, 10.2.9	6.4
00.854	7/12/2000	Wellington Regional Navigation and Safety Bylaws - Special Order	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
00.865	7/12/2000	Wellington Regional Navigation and Safety Bylaws - Appointment of Officers	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
01.37	22/2/2001	Pauatahanui Inlet Project Update	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 15.3.6, 15.3.9?	6.3, 6.4
01.188	16/3/2001	Wairarapa Coastal Forum – Representatives for next meetings	4.2.30-32	4.1, 6.2
01.281	27/4/2001	Coastal and Freshwater Bathing Water Quality in Wairarapa	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
01.301	2/5/2001	Pauatahanui Inlet	4.2.1, 4.2.10,	6.1,

Report	Date	Title	Relevant policies/ methods	Relevant report section
			4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.4
01.375	30/5/2001	2000-01 Regional Plan Implementation Programme. Environment Division Activities that Contribute to Regional Plan Implementation: Regional co-ordination of Seaweed 2001; Promotion of regional plans to relevant parties; Coastal Structures Inventory	4.2.30, 4.2.32, 6.2.14, 6.2.15, 10.2.9, 10.2.10, 15.1.4, 15.3.9?	6.2/ 6.3/ 6.4
01.374	30/5/2001	Wellington Regional Tsunami Hazard Scoping Project	4.2.21, 4.2.30, 6.2.5	6.5
01.560	25/7/2001	Regional Council submission to the Oceans Policy Group on Oceans Policy: Values and Vision		4.1, 6.2
01.567	30/7/2001	Regional Policy Statement Implementation 2000/2001	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	4.3, 6.3, 6.4
01.618	31/8/2001	Annual Coastal Water Quality Report 2000/2001	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
01.782	11/2001	Coastal Water Quality Monitoring Programmes Review	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
01.798	19/11/2001	Pauatahanui Inlet Project: Review of Progress and Proposed Community Trust	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.1, 6.4
01.806	23/11/2001	Marine Biodiversity - Proposed Case Study	4.2.1, 4.2.10, 4.2.11, 10.2.9, 10.2.10, 10.2.12	6.4
02.38	7/2/2002	Update on Implementation of the Waiwhetu and Pauatahanui Inlet Action Plans	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.1, 6.4
02.344	12/6/2002	Taputeranga Marine Reserve	4.2.1, 4.2.6, 4.2.10, 6.2.2, 10.2.9, 6.2.13	6.4
02.353	17/6/2002	Divisional Manager's Report (Regional	4.2.1, 4.2.10,	6.4

Report	Date	Title	Relevant policies/ methods	Relevant report section
		Plan Implementation, Marine protection)	4.2.11, 4.2.30, 4.2.32	
02.428	18/7/2002	Options for managing risks from Tsunami in the Wellington Region	4.2.21, 4.2.30, 6.2.5	6.2, 6.3, 6.4, 6.5
02.444	15/7/2002	Regional Policy Statement and Regional Plan Implementation 2001/2002: The Coastal Environment	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 15.3.5, 15.3.6	4.3, 6.3, 6.4
02.445	17/7/2002	Divisional Manager's Report. Regional Plan Implementation. Marine biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32	6.4
02.509	5/9/2002	Recreational Water Quality Report 2001/02	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
02.520	30/8/2002	Aquaculture Update	4.2.23, 4.2.32	6.1
02.618	23/9/2002	Titahi Bay Beach Compliance	13.2.3, 13.2.4, rules 82, 83	6.2?
02.620	2/10/2002	Coastal Structures Inventory for the Wellington Region	6.2.14, 6.2.15, 15.1.1? 15.1.4	5.1, 6.3
02.638	81/0/2002	Divisional Manager's Report: Coastal Issues – KCDC	4.2.1, 4.2.10, 4.2.11	6.4
02.691	12/11/2002	Recreational Water Quality Report 2001/02	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
02.743	13/11/2002	Divisional Manager's Report: Regional Plan Implementation: Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32	6.4
03.91	27/2/2003	Divisional Manager's Report: Regional Coastal Plan & Regional Plan Implementation: Marine Biodiversity & Aquaculture	4.2.1, 4.2.10, 4.2.11, 4.2.23, 4.2.32	6.1, 6.4
03.208	14/4/2003	Progress report on the investigation of chemical contaminants in shellfish	4.2.11, 10.2.9, 10.2.16, 15.3.5	6.3
03.215	27/2/2003	Divisional Manager's Report: Regional Coastal Plan and Regional Plan Implementation Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3-4B	6.2, 6.4

Report	Date	Title	Relevant policies/ methods	Relevant report section
03.225	29/4/2003	Draft Regional Coastal Plan Changes	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
03.244	6/5/2003	Direction from the Environment Court to Amend the Regional Coastal Plan		
03.119	6/5/2003	Use of boatsheds by consent holders	6.2.11, rule 27	6.3
03.314	6/6/2003	Divisional Manager's Report: Environment Co-ordination Department Report – June 2003: Pauatahanui Inlet Community Trust activities; Resource Policy Department Report – June 2003: Regional Coastal Plan & Regional Plan Implementation Marine biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3-4B	6.2, 6.4
03.413	14/7/2003	Aquaculture Update	4.2.23, 4.2.32	6.1
03.354	8/7/2003	Recreational Water Quality Report 2002/03	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
03.386	24/7/2003	Recreational Water Quality Report 2002/03	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
03.397	7/7/2003	Divisional Manager's Report: Environment Co-ordination Department Report – July 2003 Ecosystems and biodiversity & Pauatahanui Inlet Trust advice fund application; Resource Policy Department Report – July 2003 Regional Coastal Plan / coastal matters	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3-4B	6.2, 6.4
03.432	25/7/2003	Aquaculture discussion document	4.2.23, 4.2.32	6.1
03.499	20/8/2003	Divisional Manager's Report: Environment Co-ordination Department Report – August 2003 Ecosystems and biodiversity; Resource Policy Department Report – August 2003 Regional Coastal Plan / coastal matters	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3-4B	6.2, 6.4
03.524	3/9/2003	Foreshore and Seabed	4.2.15-17, 4.2.24,	



Report	Date	Title	Relevant policies/ methods	Relevant report section
			4.2.28, 4.2.33	
03.533	8/9/2003	Review of the Wellington Regional Navigation and Safety Bylaws 2000	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
03.591	6/10/2003	Implementation of the Regional Policy Statement and Regional Plans in 2002/2003. The Coastal Environment	4.2.30, 4.2.32, 15.3.5, 15.3.6	4.3, 6.3, 6.4
03.593	29/9/2003	Marine biodiversity programme – future direction	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12	6.4
03.352	5/10/2003	Divisional Manager's Report: Environment Co-ordination Department Report – October 2003 Ecosystems and biodiversity; Resource Policy Department Report – October 2003 Regional Coastal Plan / coastal matters	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
03.689	10/11/2003	Divisional Manager's Report: Environment Co-ordination Department Report – November 2003 Pauatahanui Inlet; Resource Policy Department Report – November 2003 Regional Coastal Plan / coastal matters	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
03.699	27/11/2003	Submissions on proposed Navigation and Safety Bylaws	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
03.714	11/12/2003	Proposed Bylaws	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
04.38	17/2/2004	Divisional Manager's Report: Environment Co-ordination Department Report – February 2004 Pauatahanui Inlet; Resource Policy Department Report – February 2004 Regional Coastal Plan / coastal matters & Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.23, 4.2.32, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3- 4B	6.1, 6.2, 6.4
04.59	11/2/2004	"Eco-sourcing" policy for native plants	4.2.37	6.4
04.134	10/3/2004	Divisional Manager's Report: Resource Policy Department Report – March 2004 coastal matters & Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.23, 4.2.32, 10.2.9, 10.2.10, 10.2.12	6.1, 6.4
04.192	15/3/2004	Aquaculture Update	4.2.23, 4.2.32	6.1
04.236	28/4/2004	Divisional Manager's Report:	4.2.1, 4.2.10,	6.1,

Report	Date	Title	Relevant policies/ methods	Relevant report section
		Environment Co-ordination Department Report – May 2004 Pauatahanui Inlet Sediment Cores; Resource Policy Department Report – April 2004 coastal matters & Marine Biodiversity	4.2.11, 4.2.23, 4.2.32, 10.2.9, 10.2.10, 10.2.12	6.4
04.286	24/6/2004	Divisional Manager's report. Coastal matters.	4.2.23	6.1
04.320	24/6/2004	Marine biodiversity programme – update	4.2.1, 4.2.10, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
04.385	13/7/2004	Foreshore and Seabed Bill - submission	4.2.15-17, 4.2.24, 4.2.28, 4.2.33	6.2
04.426	19/7/2004	Divisional Manager's Report: Environment Co-ordination Department Report – August 2004 Pauatahanui Inlet Sediment Study and the Western Corridor Study	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
04.432	27/7/2004	Regional Policy Statement and Regional Plan Implementation 2003/2004. Wellington Harbour Biodiversity Case Study; Pauatahanui Inlet Action Plan	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.4
04.520	27/8/2004	Recreational water quality report 2003/2004	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
04.531	1/9/2004	Aquaculture Reform Bill	4.2.23, 4.2.32	6.1
04.682	26/11/2004	Launch of Biosecurity New Zealand	4.2.31, 9.2.4	6.4
05.42	7/2/2005	Porirua marine sediment quality investigation	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
05.139	22/3/2005	Divisional Manager's report. Environment Education Department Report – April 2005. Seaweek. Resource Policy Department Report – March 2005. Regional Policy Statement and Plan Implementation. Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.9?	6.2/ 6.3/ 6.4
05.212	9/5/2005	Divisional Manager's report. Resource Policy Department Report – May 2005. Regional Policy Statement and Plan Implementation. Pauatahanui Project	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6,	6.4

Report	Date	Title	Relevant policies/ methods	Relevant report section
			15.3.9?	
05.235	17/5/2005	Pauatahanui Inlet sedimentation investigation	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
05.403	4/8/2005	Regional Policy Statement and Regional Plan Implementation 2004/2005. Wellington Harbour Biodiversity Case Study	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 15.3.9?	6.4
Environment Committee	29/9/2005	Presentation by Hana Christenson, (Wellington Girls' College student) on her award winning project about levels of toxic metals in Wellington Harbour	4.2.30-32	4.3, 6.3
05.501	29/9/2005	Wellington Regional Navigation and Safety Bylaws Revised Infringement Notices	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
05.619	18/11/2005	Recreational Water Quality Report 2004/2005	4.2.19, 4.2.20, 4.2.30, 4.2.32, 10.2.9, 10.2.16, 15.3.5, 15.3.6, 15.3.10, 15.3.11	4.3, 6.3, 6.4
05.650	16/11/2005	Findings from the Coastal Environment work for the State of the Environment report	4.2.30, 4.2.32, 15.3.5, 15.3.6	4.3, 6.3, 6.4
06.21	7/2/2006	Acting Divisional Manager's report. Resource Policy Department Report – February 2006. Regional Policy Statement and Plan Implementation. Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.9?	6.4
06.83	12/4/2006	Coastal and Marine Ecosystems Programme – report on the recent beaches and river estuaries survey	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.9?	6.4
06.104	5/4/2006	Divisional Manager's report. Resource Policy Department Report – April 2006. Titahi Bay Management Plan	4.2.30-32	4.1, 6.2
06.83	12/4/2006	Coastal and Marine Ecosystems Programme – report on the recent beaches and river estuaries survey	4.2.1, 4.2.10, 4.2.11	6.4
06.176	15/5/2006	Recreational Water Quality Report 2005/2006	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
06.186	15/5/2006	Antifouling co-biocides in Wellington's	4.2.21, 4.2.30,	4.3,

Report	Date	Title	Relevant policies/ methods	Relevant report section
		coastal waters	4.2.43, 4.2.45, 6.2.12, 10.2.7, 10.2.9, 10.2.10, 15.3.5	6.5
06.206	16/5/2006	Review of the Lyall Bay reserved area	4.2.17-20, 15.5.2	6.2?
06.276	9/6/2006	Catchment Management Framework – Pauatahanui and Waikanae	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
06.288	21/6/2006	Pauatahanui Inlet programme update	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
06.313	30/6/2006	Porirua Harbour sediment quality investigation	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
06.315	3/7/2006	Proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
06.376	1/8/2006	Divisional Manager's report: Navigation and Safety Bylaw Review	4.2.17-20, 15.5.2	6.2?
06.390	11/8/2006	Will I get sick if I swim? Suitability for recreation grades for bathing sites in the Wellington region	4.2.19, 4.2.20, 10.2.9, 10.2.16, 15.3.5, 15.3.10, 15.3.11	4.3, 6.3
06.395	9/8/2006	Regional Policy Statement and Regional Plan Implementation: Coastal and Marine Ecosystem Programme; Pauatahanui Inlet Action Plan	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.4
06.425	7/9/2006	Process for considering submissions on the proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
06.426	7/9/2006	Summary of submissions on proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
06.439	7/9/2006	Officer comments in response to the submissions received on the proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003	4.2.17, 4.2.19, 4.2.20, 6.2.13? 13.2.5	6.2?
06.571	9/10/2006	Proposed Amendment to the Wellington	4.2.17, 4.2.19,	6.2?

Report	Date	Title	Relevant policies/ methods	Relevant report section
		Regional Navigation and Safety Bylaws 2003	4.2.20, 6.2.13? 13.2.5	
06.590	1/11/2006	Divisional Manager's report: Environmental Policy Department Report – November 2006: Draft Coastal and Marine Biodiversity Action Plan; Kapiti Coast District Council draft Coastal Strategy	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 15.3.9	4.1, 6.2, 6.4
06.622	9/10/2006	Draft Coastal and Marine Biodiversity Action Plan	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.9?	6.4
06.624	6/11/2006	Contaminants in shellfish flesh	4.2.11, 10.2.9, 10.2.16, 15.3.5	6.3
06.687	23/11/2006	Proposed Plan Change 1 to the Regional Coastal Plan – port noise provisions	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
07.40	31/1/2007	Divisional Manager's report: Environmental Policy Department Report — February 2007: Plan Change 1 to the Regional Coastal Plan; Regional Policy Statement and regional plan implementation: Pauatahanui project; Coastal and Marine Biodiversity	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 15.3.6, 15.3.9? 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3-4B	6.2, 6.4
07.138	13/3/2007	Divisional Manager's report. Environmental Policy Department Report – April 2007: Plan Change 1 to the Regional Coastal Plan; Regional Policy Statement and regional plan implementation: Pauatahanui project	4.2.30-32, 15.3.6, 15.3.9? 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 10.2.9, 10.2.10, 10.2.12, 14.1.3- 4B	6.2, 6.3, 6.4
07.249	7/5/2007	Divisional Manager's report. Environmental Policy Department Report – May 2007: Regional Policy Statement and regional plan implementation: Pauatahanui project	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
07.339	21/6/2007	Recreational water quality report 2006-2007	4.2.19, 4.2.20, 10.2.9, 10.2.16,	4.3, 6.3

Report	Date	Title	Relevant policies/ methods	Relevant report section
			15.3.5, 15.3.10, 15.3.11	
07.366	6/6/2007	Port noise plan change hearing committee	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
07.360	5/6/2007	Divisional Manager's report. Environmental Policy Department Report – June 2007: Plan Change 1 to the Regional Coastal Plan	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
07.370	6/6/2007	Broad-scale survey of sandy beaches and river estuaries along the Wairarapa coast	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.9?	6.4
07.374	19/6/2007	Broad-scale survey of sandy beaches and river estuaries along the Wairarapa coast	4.2.1, 4.2.10, 4.2.11, 4.2.30, 4.2.32, 10.2.9, 10.2.10, 10.2.12, 15.3.9?	6.4
07.512	30/7/2007	Regional Policy Statement and Regional Plan implementation: Pauatahanui Inlet Catchment project; Coastal and Marine Ecosystem Programme	4.2.1, 4.2.10, 4.2.11, 4.2.30-32, 10.2.9, 10.2.10, 10.2.12, 15.3.6, 15.3.9?	6.3, 6.4
07.504	30/7/2007	Divisional Manager's report. Environmental Policy Department Report – August 2007: Plan Change 1 to the Regional Coastal Plan	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
07.567	20/9/2007	Decisions on Proposed Plan Change 1 to the Regional Coastal Plan (port noise provisions)	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2
07.644	10/9/2007	Divisional Manager's report. Environmental Policy Department Report – September 2007: Plan Change 1 to the Regional Coastal Plan; Wellington Harbour Survey; Storm- surge modelling project	4.2.21, 4.2.30, 6.2.5, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2, 6.3, 6.4, 6.5
07.760	14/11/2007	Divisional Manager's report. Environmental Policy Department	4.2.30, 4.2.31, 4.2.42, 4.2.43,	6.2

Report	Date	Title	Relevant policies/ methods	Relevant report section
		Report – November 2007: Plan Change 1 to the Regional Coastal Plan	4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	
08.117	26/2/2008	Divisional Manager's report. Environmental Policy Department Report – March 2008: Plan Change 1 to the Regional Coastal Plan; water quality monitoring; Moa Point sewage consents	4.2.19, 4.2.20, 4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B, 15.3.5, 15.3.6, 15.3.10	6.2, 6.3
08.126	29/2/2008	Biodiversity six-monthly report: iwi consultation on biodiversity; Pauatahanui Inlet catchment project	4.2.1, 4.2.10, 4.2.11, 4.2.24? 4.2.30-32, 15.3.6, 15.3.9?	6.2, 6.3
08.128	5/3/2008	Reappointment of Honorary Enforcement Officers (harbours bylaw)	4.2.17, 4.2.20, 13.2.5	6.2?
08.159	26/3/2008	Adoption of Plan Change 1 to the Regional Coastal Plan (port noise provisions)	4.2.30, 4.2.31, 4.2.42, 4.2.43, 4.2.45, 4.2.47, 4.2.48, 6.2.17, 6.2.18, 14.1.3-4B	6.2



## **27. Appendix F – Correspondence about invoking permitted rules**

This appendix relates to section 4.7, monitoring of rules 9, 12, 28, 29, 30, 33 and 79.

### **Carterton District Council**

From: Milan Hautler [mailto:milan@cdc.govt.nz]  
Sent: Tuesday, 5 February 2008 02:39 p.m.  
To: Christina Parnell-Harris  
Subject: FW: Regional Coastal Plan permitted activity monitoring

Hello Christina,

This is to advise that Carterton district has not had the need to apply the below mentioned rules

Regards  
Milan Hautler  
Manager Planning & Regulatory

### **Castlepoint Racing Club Inc**

Regarding rule 79, Ian Balfour (06 372 6806) President of Castlepoint Racing Club (incorporated society) rang 21/5/08. He said the races had been run once a year in the second or third week of March, and were not run only when there was no sand on the beach. The races were not run in the years: 1967, 1993 – 1996, 2003 – 2006, and 2008.

### **CentrePort**

Phone call from Neville Hyde, CentrePort 28 May 2008.

Rule 9: CentrePort has invoked the rule several times by putting lights on wharfs and erecting a wind sock. CentrePort says such a rule is essential.

Rule 12: CentrePort invokes this rule in providing gangways for the Toll ferry terminal, the oil booms at Seaview and other facilities. The container cranes are 87m high and have existing use rights. This rule is not about buildings and sheds. CentrePort does not see the need for the 27m height restriction. The rule works.

From: Neville Hyde [mailto:Neville.Hyde@centreport.co.nz]  
Sent: Tuesday, 1 April 2008 10:11 a.m.  
To: Christina Parnell-Harris  
Subject: RE: Plan permitted activity monitoring – rule 33

Christina

To date we have not used the rule due to the fact that Wellington Harbour, being a natural Harbour, suffers only minor sediment build-up. That is not to say that over time there won't be build-ups of seabed sediments and the recent situation at the Seaview Wharf Marine berth is such an example.

The current difficulty for CentrePort with Rule 33 is that we have not undertaken any dredging 'to levels previously approved by resource consent under the Resource Management Act" and therefore do not qualify. This could be amended to say previously established depths evidenced by charted soundings. Should we exercise our permit rights which are currently held then a base for future maintenance dredging will be established.

Unfortunately there are other Rules which will be applicable to any dredging work that is undertaken. There are the various discharge and dumping rules relative to the effecting of the works and disposal of the dredged material. The restrictions/conditions on existing permits would not provide for the disposal of dredged material unless CentrePort was to secure by permit a maintenance dredgings dump site.

Rule 33 therefore could only be of effective use if it provided exemption from the various discharge Rules (Water and Overspill) and allowed dumping of dredged sediments at an approved dump site or alternatively the sediment were removed from the Coastal Marine Area. Dispersal, as approved for the Seaview Wharf sediment removal, should be permitted where this is a practical option.

I would appreciate the opportunity to discuss this issue in more detail with you.

Regards  
Neville Hyde  
CentrePort Ltd  
P O Box 794  
Wellington  
Telephone 64 4 4953855  
Facsimile 64 4 4953873  
Mobile 0292003471

### **Hutt City Council**

**From:** John Keeler [mailto:John.Keeler@capacity.net.nz]  
**Sent:** Wednesday, 12 March 2008 12:54 p.m.  
**To:** Christina Parnell-Harris  
**Subject:** RE: Regional Coastal Plan permitted activity monitoring

Hi Christina, we currently have 101 stormwater pipe outlets discharging onto coastal waters.

- The outlets are located between Eastbourne (Burdens Gate) and Petone (Petone Rowing Club near State Highway 2).
- Our contractor (Bilfinger Berger Services) maintains the outlets. They are inspected three times per year and at other times as weather conditions deem necessary. The inspection reveals the extent of any maintenance (clearing work) required. This can range from removing sand/gravel from the pipe outlet by hand or machine. Most of the material is left on site by blending in with the area.
- We carry out audits of the contractors work
- The current rule (28) is adequate for the purpose of managing the storwater outlets.
- We do not carry out any river and stream mouth cutting as detailed in Rule 30.

Cheers

John Keeler

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**From:** Kelly Crandle [mailto:Kelly.Crandle@huttcity.govt.nz]  
**Sent:** Friday, 8 February 2008 11:54 a.m.  
**To:** Christina Parnell-Harris  
**Subject:** RE: Regional Coastal Plan permitted activity monitoring

Hello Christina,

We continue to groom the beaches using a contractor but intend to review our methods and machinery late this year, prior to issuing a new contract for grooming. We groom 9 times per year plus extra grooms after severe storms.

John Keeler at Capacity would be the contact for RULE 28.

The Parks and Gardens area of Council does not carry out any cutting under RULE 29 but it would be best to check this with John Keeler as he may make use of RULE 29.

Kelly

### **Kapiti Coast District Council**

**From:** Blair Murray [mailto:blair.murray@kapiticoast.govt.nz]  
**Sent:** Tuesday, 1 April 2008 01:47 p.m.  
**To:** Christina Parnell-Harris  
**Subject:** RE: Regional Coastal Plan permitted activity monitoring

Rule 28

All outlets between Waikanae river and the Wharemauku stream are done weekly and more often in adverse conditions approx 20 outlets

All other outlets monthly Unless adverse conditions about another 30

Condition meets our needs no change required

Rule 29

Currently we don't do any grooming but there is some community pressure. Please consult with Tamsin Evans as she is running our Coastal strategy.

Rule 30 - Yes we do stream mouth cutting

Hadfield No more than once a year unless adverse conditions.

Tikotu Up to 3 times a year

Wharemauku stream twice a year

Waikakariki 3 times a year

These are all dependant on weather and sand conditions All other mouths are cut by Greater Wellington.

Cheers Blair

## **Masterton District Council**

### **Rule 28: Clearance of piped stormwater outfalls:**

Several outfalls are located at Castlepoint and Mataikona and are typically less than 300mm diameter.

They are above beach level and any clearance work simply involves moving loose sand or debris away from the pipe outlet rather than having to create a free draining path through the beach.

Clearance is on an as required basis which usually links any work to a weather or swell event. This work is considered minor and has not been undertaken extensively along either of the foreshores.

Provided the existing conditions are applied within reason they are considered adequate and appropriate. No changes are seen as warranted at present.

### **Rule 29: Beach grooming and re-contouring:**

To my knowledge the Council does not involve itself with any grooming or re-contouring of beaches. It is possible the organizers of the Castlepoint horse races clear the immediate track of any debris before the event one day per year but this would be of a very minor nature.

The maintenance of the new Castlepoint sea wall may from time to time involve recovery of rock material dislodged from the wall and deposited onto the beach. Again the extent of work is anticipated to be minor and could only broadly be classed as grooming the beach.

The existing conditions are considered reasonable and no change would currently seem to be warranted.

### **Rule 30: River and stream mouth cutting:**

Stream mouth cutting is currently undertaken at the Riversdale and Castlepoint sites listed under the rule on an as required basis.

This has typically been arranged through our utilities division as a stormwater exercise but the intention in the future is to incorporate monitoring and cutting into an upcoming roading maintenance contract due to commence July 2008. The reason for this is to proactively identify the need for remediation work by routine inspection regime in conjunction with other roading inspections and to have the most appropriate resources available to undertake any follow up works required. In the interim the incumbent roading contractor will be called on when required.

The appropriate contact under these circumstances will be the Rural Roding Engineer, Alec Birch.

Hamish Pringle

ROADING SERVICES MANAGER

Masterton District Council  
Box 444, Masterton  
Phone (06) 378 9666 extn 790  
Fax (06) 378 8400  
E-mail [hamishp@mstn.govt.nz](mailto:hamishp@mstn.govt.nz)

Good Morning Kevin

The only questions I can answer are -

We have the jurisdiction for beaches from the Kaiwhata River north to the Mataikona River.

There has been no beach grooming or re-contouring sought or carried out.

Regards  
Sue Southey

### **Porirua City Council**

**From:** Bill Inge - PCC [mailto:HINGE@pcc.govt.nz]  
**Sent:** Tuesday, 1 April 2008 12:11 p.m.  
**To:** Christina Parnell-Harris  
**Cc:** William Middleton - PCC; Jonnah Tu'uga - PCC; Desmond Scrimgeour - PCC; John Callahan - PCC  
**Subject:** RE: Regional Coastal Plan permitted activity monitoring

Good morning Christina

**Rule 28 Clearance of piped stormwater outfalls:** permitted subject to conditions.

We need to know to what extent you have used this rule.

- Which pipes and where
- How often or when (if not very often)
- Is the frequency changing or is it related to sporadic weather events?
- Any comments on the conditions in the rule.
- Any changes to the rule suggested?

### **Reply**

Maps attached of all our stormwater outlets into the harbour.

All the culverts are checked every 2 -3 weeks depending on weather and tides. If deposits have built up preventing flow they will be cleared by hand where possible and machine for significant. Last year we used approximately 15 times we a used machine to clear and all the rest by hand.

We are doing more clearances than in previous years, as our Drainage Supervisor is working to reduce the number of flooding incidents caused by blocked outfalls, to meet the Council's LTCCP objective. It has made a significant difference to the number of blockages.

No changes to the rule at the moment.

If anything needs clarifying please contact Jonnah direct on 04 237 1081

**Rule 29 Beach grooming and re-contouring:** permitted subject to conditions.

We need to know to what extent you have used this rule.

- Which beaches are in which council's jurisdiction.
- Which beaches where this rule has been invoked and which beaches where it has not.
- Dates and/or frequency of carrying it out. What triggers the activity?
- Data for grooming and for re-contouring (or if this does not get done then please tell us).
- For those beaches where this has been invoked, does it only happen for just part of the beach. If so which parts?
- Any comments on the conditions in the rule?
- Any changes to the rule suggested?

#### **Reply**

This we use approximately 5 times per year at Brendan's Beach in Pukerua Bay, to remove the sand and other debris blocking the public footpath. This is usually triggered by residents contacting the Council that they cannot access their properties.

The only other time we use this rule is moving the sand back against the ramp at Titahi Bay (North end access) to make it safe for users. This is approximately once per year. We don't like doing it and it is usually triggered by residents complaints to the Council. This beach has a natural cycle of sand flowing in and out depending on the tides and weather.

No changes to the rule at the moment.

If anything needs clarifying please contact John Callahan direct on 04 237 1081 or myself

**Rule 30 River and stream mouth cutting:** permitted subject to conditions.

- Do you undertake any river or stream mouth cutting? If yes, please provide us with a contact name and number to follow this up.

#### **Reply**

This we undertake this at Plimmerton South Beach approximately 4 times a year when the stream diverts along the front of the timber wall sea defences of the reserve and private houses. We just modify the channel to allow the stream to go straight out to sea. If anything needs clarifying please contact John Callahan direct on 04 237 1081 or myself

Please come back to me if I have missed anything.  
Regards

**Bill Inge**

**Manager Parks & Reserves**

**[binge@pcc.govt.nz](mailto:binge@pcc.govt.nz)**

**04 237 1087**

**0275 303 336**

#### **South Wairarapa District Council**

From: Ian Richards - Contracts Manager [mailto:[ian@swdc.govt.nz](mailto:ian@swdc.govt.nz)]

Sent: Thursday, 13 March 2008 02:15 p.m.

To: Christina Parnell-Harris

Subject: RE: Regional Coastal Plan permitted activity monitoring

Hello Christina,

I discussed your request for information with Piotr Swierczynski who explained the purpose of Rules 28, 29 & 30.

Your own records which I discussed with Piotr, indicate that South Wairarapa District Council is unlikely to have made use of these rules.

Rule 28

I can confirm that SWDC has no residential areas near the coast that generate significant stormwater outfalls. The village at Ngawi near Cape Palliser may qualify but the streams through the village originate from farmland above Ngawi. SWDC has occasionally cleared driftwood and sand from these stream channels. The clearing of these channels would only occur after a major storm.

Rule 29

We have never undertaken beach grooming.

Rule 30

We have never undertaken any river or stream mouth cutting.

Regards

Ian Richards

**Wellington City Council**

**From:** Peter Hemsley [mailto:Peter.Hemsley@wcc.govt.nz]

**Sent:** Tuesday, 20 May 2008 04:32 p.m.

**To:** Christina Parnell-Harris

**Subject:** FW: Regional Coastal Plan permitted activity monitoring

Hi Christina, my comments on Rule 29. The other questions will be answered by various units. Happy to answer any further queries.

Peter H

**Rule 29 Beach grooming and re-contouring: permitted** subject to conditions.

We need to know to what extent you have used this rule.

- Which beaches are in which council's jurisdiction. *Lyall, Island, Princess, Worsler, Scorching, Oriental and Freyberg are WCC out of the list on page 87 of the Regional Coastal Plan.*
- Which beaches where this rule has been invoked and which beaches where it has not. *Grooming and re-contouring is undertaken on the Freyberg, main and eastern beach at Oriental Bay on a regular basis. This is part of resource consent conditions when the beach was formed in 2003. There are isolated instances where Council needs to remove or redistribute amounts of sand/seaweed/driftwood from other beaches to allow public use and enjoyment of the areas. For example we needed to remove large amounts of drift wood from the Seatoun foreshore following floods in 2006. We also have a*



*requirement to redistribute sand from the buildings at Lyall Bay and Island Bay to maintain access for surf lifesaving.*

- *Dates and/or frequency of carrying it out. What triggers the activity? Triggers have been established for the re-contouring of the sand at Oriental Bay as part of the consent. Sand is relocated twice yearly (pre-summer Nov/Dec. and again pre winter May). We also move sand off the seawalls and redistribute onto the beach at Lyall bay and Island bay on a regular basis when it reaches a certain height (trigger for this is usually resident requests or officer inspection). [Rule 44] We also need to have the ability to relocate sand from some of the smaller seawalls (Seatoun, Owhiro, Worser, Scorching) when required.*
- *Data for grooming and for re-contouring (or if this does not get done then please tell us). Grooming is undertaken on the 3 beaches at Oriental Bay on an as required basis. A specialised grooming machine is used for this operation that can access the beaches only at low tide. A report is provided to the Regional Council on an annual basis that outlines the sand redistribution. Records of the beach grooming machine are also kept.*
- *For those beaches where this has been invoked, does it only happen for just part of the beach. If so which parts? The full area of the Oriental Bay beaches are groomed. No other beaches are groomed to this extent. Other beaches are managed where and when problems arise.*
- *Any comments on the conditions in the rule? No comments.*
- *Any changes to the rule suggested? All beaches should come under this rule rather than just the named beaches. Council deals with requests/complaints associated with sand, seaweed or driftwood problems on beaches on a regular basis. We would also like to mention that the MHWS boundary is difficult to determine therefore there should be some elasticity in where these rules apply.*

**Greater Wellington Flood Protection Department**

River / Stream	Reason	Trigger	Has the River/Stream been cut? What trigger used.	Frequency (dates)	If not cut why? – has the trigger not been met?	Any comments on the conditions (refer attached) or trigger.	Any changes to the rule suggested?
Waitohu Stream	Erosion	When the channel outlet within the coastal marine area migrates either north or south of the area defined by the projected lines 250 metres north and 1000 metres north of Konini Street or the channel outlet creates a vertical scarp in the sand dunes which exceeds 2 metres in height	Yes, triggers met, but not cut until public complaints received.  Since July 06 - FP have run a two year trial as part of Waitohu Stream Study –looking at how we cut this stream mouth.	Jun 01 Jun 02 Mar 03 Jun 03 Nov 03 May 05 Jul 06 Dec 06 Jul 07		Over two year period we have kept records of mouth alignment prior to the cut, sea tide, stream flow and weather condition during the cut – dune and stream bank condition prior to and immediately after the cut with a view to submitting this information as part of the coastal plan review and re-looking at triggers to the north to reduce to 750 metres rather than 1000 metres at present.  We also inform/consult WS Care Group and adjoining land owners.	.See comments
	Flooding	When the water level increases 500 millimetres or more above normal river levels adjacent to Mahoe Street					
Otaki River	Erosion	When the channel outlet in the coastal marine area migrates either 300 metres south or 300 metres north of the centre line of the river measured 700 metres upstream	Yes, triggers met, but not cut until public complaints received.	Jul 02 Aug 02 Aug 05			No, works well.
	Flooding	When the river mouth closes or the Rangiuru flood gates are unable to effectively operate due to high water levels					
Mangaone Stream	Erosion	When the channel outlet within the coastal marine area migrates either 100 metres south or 300 metres north of the Te Horo Beach Road	Yes, triggers met, but not cut until public complaints received.	Aug 00 Jun 02 May 03 Nov 04 Jan 06			No, works well.
	Flooding	When the water level increases 300 millimetres or more above normal river levels at the Sims Road bridge					
Hadfield Drain	Erosion	When the channel outlet within the coastal marine area migrates either south or north to an extent where it undermines sand dunes and creates a vertical scarp in the sand dunes which exceeds 1.5 metres in height	KCDC				
	Flooding	When the stream mouth closes the stream is					

River / Stream	Reason	Trigger	Has the River/Stream been cut? What trigger used.	Frequency (dates)	If not cut why? – has the trigger not been met?	Any comments on the conditions (refer attached) or trigger.	Any changes to the rule suggested?
		unable to flow over the sand bar in normal flow					
<b>Waimeha Stream</b>	Erosion	When the channel outlet within the coastal marine area migrates either 250 metres south or 150 metres north of a centre line determined by the training wall adjacent to Field Way or the channel outlet creates a vertical scarp in the sand dunes which exceeds 2 metres in height	Yes, triggers met, but not cut until public complaints received.	Mar 00 Jan 02 Jun 02 Oct 03 Jul 04 Sept 04 Aug 05 Aug 06 Nov 06 Jul 07 Nov 07			No, works well.
	Flooding	When the water level increases 300 millimetres or more above normal river levels as measured at the Field Way road bridge					
<b>Waikanae River</b>	Erosion	When the channel outlet within the coastal marine area migrates either 500 metres south or 200 metres north of a projected line parallel to the centre line of the groyne on the south bank of the river	Yes, triggers met, but not cut until public complaints received.	Dec 01		Triggers fine. Because FP had a previous resource consent to cut this river mouth consultation prior to cutting is complex and protracted along with survey requirements which showed noadverse effects. The survey costs more that.  For future mouth cuts FP will review what (if any) consultation and surveying we need to undertake.	No
	Flooding	When the water level increases 300 millimetres or more above the normal river levels at the Otaihanga footbridge					
<b>Tikotu Stream</b>	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres north or south of the pole retaining walls by the Kapiti Boating Club	Kapiti Coast District Council responsibility				
	Flooding	When the stream mouth closes or the distance from the soffit to the water level at the downstream end of the armco at Marine Parade is less than 900 mm in normal flow at low tide.					
<b>Wharemauku Stream</b>	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres south or 70 metres north from the corner of the	Kapiti Coast District Council responsibility				

River / Stream	Reason	Trigger	Has the River/Stream been cut? What trigger used.	Frequency (dates)	If not cut why? – has the trigger not been met?	Any comments on the conditions (refer attached) or trigger.	Any changes to the rule suggested?
		southern bank protection wall.					
	Flooding	When the stream mouth closes or the distance from the soffit to the water level at the downstream end of the twin cell box culvert on Matatua Road is less than 1.7 metres in normal flow at low tide					
Whareroa Stream	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres south or 50 metres north of the end of the southern bank protection wall	Kapiti Coast District Council responsibility				
	Flooding	When the stream mouth closes or the distance between the timber bridge deck (approximately 100 metres upstream) and the water level is less than 1.6 metres in normal flow at low tide					
Wainui Stream	Erosion	When the channel outlet within the coastal marine area migrates either south of or 60 metres north of the end of the pole retaining structure	Kapiti Coast District Council responsibility				
	Flooding	When the stream mouth closes or the distance between the timber bridge deck (approximately 50 metres upstream (is less than 1.5 metres in normal flow at low tide					
Waikakariki Stream	Erosion	When the channel mouth within the coastal marine area migrates either south and undermines the protection wall, or north and creates a vertical scarp in the sand dunes which exceeds 1 metre in height	Kapiti Coast District Council responsibility				
	Flooding	When the stream mouth closes or becomes blocked with debris and logs or the distance from the top of the right hand railway iron post on the log grill to the water level is less than 900 mm					
Makara Stream	Flooding	When the stream mouth closes and the stream overtops its banks	No		Cut only done when triggers met and at the Makara community Boards request.		Works fine.
Lake Onoke	Flooding	A level of 10.6 metres or greater is recorded at the Lake Onoke recording station	Yes, Minimum 10.6 metres met in all cases	2000 - July, Aug., Nov *2. 2001 - Mar *2, Apr *2, Jun, Jul *2, Aug and Oct 2002 - Feb *2, Mar, Apr, May*3, June *2, Aug, Sept & Oct	* indicates work was carried out over several days	The contacting of the Tuhitangi Marae is done on an informal basis...and they seem to be happy – we have not heard otherwise.  The stipulation of the 1m below	The opening operation has been going on for the last 30 to 40 years (or more) and we are happy to continue without any change to the existing rules as the existing regime

River / Stream	Reason	Trigger	Has the River/Stream been cut? What trigger used.	Frequency (dates)	If not cut why? – has the trigger not been met?	Any comments on the conditions (refer attached) or trigger.	Any changes to the rule suggested?
				2003 – Feb, Mar *2, Apr *3, May, Jun, Aug, Nov, Dec *2 2004 – Apr, May, Jun, Jul, Dec 2005 – Mar, Apr, Jun, Jul*2, Sep *2, Oct *3, Nov, Dec. 2006 –Jan, Mar *2, Jun, Jul, Sept and Oct *2 2007 – Jan, March, Apr *2, May *2, Jun *3, Jul, Aug, Sept, Nov, Dec 2008 – Jan, Feb, March		water level and the width of the cut to be 5m do not have any meaning as the beach is shingle and immediately after the cut it develops into a very wide and deep opening.	works well and is a critical part of managing the LWVDS.
<b>Unnamed Stream approximately 190 metres south of the seaward end of Sunrise Way, Riversdale</b>	Erosion	When the channel outlet within the coastal marine area migrates north of a projected line parallel to and 175 metres south of the southern side of Sunrise Way	Masterton District Council responsibility – don't know if exercised				
	Flooding	When the stream mouth closes					
<b>Unnamed Stream approximately 145 metres north of the seaward end of Sunrise Way, Riversdale</b>	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres north or 20 metres south of a projected line parallel to and 145 metres north of the northern side of Sunrise Way	Masterton District Council responsibility – don't know if exercised				
	Flooding	When the stream mouth closes					
<b>Unnamed Stream at the seaward end of Karaka Drive, Riversdale</b>	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres north or 20 metres south of the projected line of the southern side of Karaka Avenue	Masterton District Council responsibility – don't know if exercised				
	Flooding	When the stream mouth closes					
<b>Motuwaireka Stream</b>	Flooding	When the stream mouth closes	Masterton District Council responsibility – don't know if exercised				
<b>Castlepoint Stream</b>	Flooding	When the stream mouth closes	Masterton District Council responsibility – don't know if exercised				

## 28. Appendix G – Implementation of objectives

Objective	Relevant policies
4.1.1	4.2.1, 4.2.10, 4.2.11, 4.2.13, 4.2.32, 4.2.35, 4.2.37, 4.2.39, 6.2.2 navigation? 6.2.6 birds, 7.2.1, 8.2.5, 9.2.1, 9.2.3, 9.2.4, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.9, 10.2.14, 11.2.1, 12.2.4, 13.2.1, 13.2.2
4.1.2	Points 4 & 5 only – 4.2.3; pt 5 only – 4.2.4; pt 6 4.2.9; 4.2.7, 4.2.20, 4.2.23, 4.2.36, 4.2.48, 5.2.2, 5.2.4, 6.2.1, 6.2.2? recreation/historic? 6.2.10, 6.2.11, 6.2.17, 6.2.18, 7.2.1, 7.2.3, 7.2.8, 8.2.1, 9.2.1, 9.2.2, 10.2.9, 12.2.1, 12.2.2, 12.2.3, 13.2.1, 13.2.2, 13.2.3
4.1.3	4.2.8
4.1.4	4.2.5, 4.2.10, 4.2.21, 4.2.37, 4.2.39, 5.2.7, 5.2.9, 7.2.1, 8.2.1, 8.2.4, 8.2.5, 9.2.1 sedimentation? 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.9, 10.2.14, 12.2.4, 13.2.1, 13.2.4
4.1.5	4.2.2, 4.2.35, 4.2.37, 4.2.39, 5.2.2, 5.2.7, 6.2.2, 7.2.1, 10.2.9, 10.2.14
4.1.6	4.2.10, 4.2.12? 4.2.13, 4.2.14, 4.2.35, 4.2.39, 4.2.45 heritage, 5.2.5, 5.2.7, 5.2.9, 6.2.2, 7.2.1, 9.2.1, 9.2.3, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.9, 11.2.2, 13.2.1, 13.2.3, 13.2.4
4.1.7	4.2.17, 4.2.21, 4.2.39, 4.2.45, 4.2.48, 5.2.9, 6.2.7, 6.2.17, 6.2.18, 8.2.4, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.9, 10.2.14, 11.2.2
4.1.8	4.2.6, 4.2.15, 4.2.16, 4.2.17, 4.2.20, 4.2.35, 4.2.39, 4.2.45, 5.2.4, 5.2.10, 6.2.2, 6.2.4, 6.2.6, 7.2.1, 13.2.2, 13.2.3, 13.2.5
4.1.9	4.2.19, 4.2.35, 4.2.39, 4.2.45, 4.2.47, 4.2.48, 5.2.4, 6.2.2, 6.2.7, 6.2.17, 6.2.18, 7.2.1, 7.2.3, 7.2.8? 7.2.10, 6.2.1, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.9, 10.2.14, 11.2.2, 13.2.3
4.1.10	4.2.19, 4.2.35, 4.2.39, 6.2.2, 6.2.9, 10.2.9
4.1.11	4.2.21, 4.2.22, 5.2.4, 6.2.2, 7.2.1 historic, 7.2.7, 12.2.3
4.1.12	4.2.21, 4.2.39, 5.2.4? 5.2.7, 5.2.8(not a good match), 6.2.2, 6.2.3, 6.2.5 not sea level rise, 7.2.1, 7.2.2, 7.2.4 Hutt Valley system, 7.2.7
4.1.13	4.2.11, weak 4.2.12, 4.2.24, 4.2.25, 4.2.26, 4.2.13, 4.2.35 recreation, 4.2.39, 6.2.2, 7.2.1, 7.2.6, 9.2.1, 10.2.1, 10.2.9, 10.2.14, 12.2.5
4.1.14	4.2.11, 4.2.25, 4.2.26, 4.2.27, 4.2.28, 10.2.9, 12.2.5
4.1.15	4.2.26, 10.2.11
4.1.16	4.2.25, 10.2.11, 10.2.14
4.1.17	4.2.29
4.1.18	4.2.30, 11.2.4
4.1.19	4.2.32, 4.2.34, 4.2.38, 5.2.11
4.1.20	4.2.13, 4.2.14, 4.2.31, 4.2.34, 4.2.42, 4.2.45, 4.2.46, 4.2.47, 6.2.9, 11.2.5, 13.2.2
4.1.21	4.2.18, 4.2.33, 7.2.1, 13.2.1, 13.2.2
4.1.22	4.2.28, 4.2.31, 4.2.40, 4.2.41, 13.2.2, 13.2.3
4.1.23	4.2.19, 4.2.20 recreation part, 4.2.25, 4.2.27, 4.2.35, 4.2.36, 4.2.37, 4.2.38, 4.2.41?
4.1.24	4.2.43? 4.2.45, 4.2.46
4.1.25	4.2.42, 4.2.45, 4.2.46, 4.2.47, 6.2.6? navigation?
4.1.26	4.2.7, 4.2.43, 4.2.44, 4.2.45, 4.2.47, 4.2.48, 5.2.4 but not airport, 6.2.17, 6.2.18, 7.2.8
5.1.1	5.2.1, 5.2.6
5.1.2	5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.8 weak connection, 5.2.98 weak
5.1.3	5.2.5
5.1.4	5.2.11
6.1.1	6.2.1, 6.2.13, 6.2.14
6.1.2	6.2.2, 6.2.3, 6.2.6, 6.2.8, 6.2.10, 6.2.11, 6.2.14
6.1.3	6.2.12

<b>Objective</b>	<b>Relevant policies</b>
6.1.4	6.2.12
6.1.5	6.2.13, 6.2.16
6.1.6	6.2.15
7.1.1	7.2.4
7.1.2	7.2.1, 7.2.4, 7.2.8
7.1.3	4.2.10
7.1.4	7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.7, 7.2.8, 7.2.9, 7.2.10
8.1.1	8.2.1
8.1.2	8.2.1
8.1.3	8.2.1, 8.2.2, 8.2.3, 8.2.4 no ref to hazardous subs in ecosystems, 8.2.5
8.1.4	8.2.6
9.1.1	9.2.1, 9.2.2, 9.2.3 unauthorised?
9.1.2	9.2.1
9.1.3	9.2.1, 9.2.4
10.1.1	10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.2.7, 10.2.9, 10.2.12, 10.2.13, 10.2.14
10.1.2	10.2.4 (how could this be?), 10.2.7, 10.2.10, 10.2.12
10.1.3	10.2.1, 10.2.2, 10.2.6, 10.2.7, 10.2.9, 10.2.11, 10.2.14
10.1.4	10.2.4
10.1.5	10.2.1, 10.2.2, 10.2.3, 10.2.6, 10.2.9, 10.2.14, 10.2.16
10.1.6	10.2.4, 10.2.5
10.1.7	10.2.1, 10.2.2, 10.2.3, 10.2.8, 10.2.15, 10.2.17
11.1.1	11.2.2, 11.2.5?
11.1.2	11.2.1
11.1.3	11.2.1, 11.2.2
11.1.4	11.2.1, 11.2.2
11.1.5	11.2.3
11.1.6	11.2.4
12.1.1	12.2.1, 12.2.4
12.1.2	12.2.1, 12.2.2, 12.2.3
12.1.3	12.2.5
12.1.4	12.2.2, 12.2.6
13.1.1	13.2.1, 13.2.2, 13.2.3
13.1.2	13.2.1, 13.2.2, 13.2.3, 13.2.4
13.1.3	13.2.3, 13.2.5
13.1.4	13.2.2