

# **Efficiency and effectiveness of the Regional Coastal Plan for Taranaki**

Interim review report on the  
Regional Coastal Plan for Taranaki

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## Executive summary

This report has prepared to assist the Taranaki Regional Council in its interim review of the *Regional Coastal Plan for Taranaki*. In particular, the Plan reviews trends, issues and experiences associated with the implementation of the Plan in order to determine whether the Plan, after five years, remains lawful, relevant and appropriate and is achieving its purpose. In summary, the following points are noted:

- The Taranaki coast is a rugged high energy wind and wave environment. There are therefore few development pressures in the coastal marine area.
- Taranaki's coastal water quality is excellent and compares well with other regions.
- Ecological monitoring shows healthy and stable communities of marine life in Taranaki's coastal waters.
- Taranaki's most popular bathing beaches comply with safe level national bathing standards on a seasonal basis.
- The main influence on coastal water quality is rivers discharging to the sea and carrying with them the cumulative effects of agriculture and stormwater run-off within their catchments.
- There are now only six community or industrial wastewater discharges to coastal waters in Taranaki – a reduction from some 25 major discharges in the mid 1970s.
- Resource users have made a significant contribution to the sustainable management of Taranaki's coastal marine area over the last five years through improvements to coastal access and enhancement, erosion protection and discharges.
- In 2001/02, 100% of coastal permit holders routinely achieved a 'high' or 'good' performance having regard to their overall environmental performance and compliance.
- A telephone survey of general environmental attitudes in Taranaki indicated that 73% of respondents considered Taranaki's coastal water quality to be good to excellent.
- Coastal permits make up only 4% of the resource consents processed by the Council (as of 30 June 2002, there were 167 coastal permits being exercised).
- Compared with other regional plans, the Coastal Plan has a generally tougher rules regime. It has the largest number of rules and the lowest proportion of permitted activities or activities that have been notified or processed as a controlled activity.
- Twenty-nine percent of the regional rules in the Plan 'permit' activities that have little or no effect on the coastal marine area.
- Since the Plan became operative, 94% of coastal permit applications were processed as discretionary, non-complying or restricted coastal activities.
- Since the Plan became operative, 73% of coastal permit applications were non-

notified resulting in reduced costs to the Council and applicants associated with the processing of those applications.

- For the five years prior to the implementation of the Plan, the Council processed 58% of all resource consent applications received within statutory timelines. In the five years following the adoption of the Plan, the Council has continued to significantly improve its performance with 100% of consent applications being processed within statutory timelines in both 2000/2001 and 2001/2002.
- In 2001/02, the Council held pre-hearing meetings for 57% of all notified resource consent applications for which submissions were received in opposition. The pre-hearing process resolved 52% of submitters' concerns to the extent that no formal hearing was necessary.
- There has never been a successful appeal to the Environment Court against Council decisions on coastal permits.
- On average, 5% of reported unauthorised incidents received by the Council each year are coastal incidents. The number of coastal incidents reported to Council has remained relatively constant over time.
- Since the Plan became operative, there have only been three prosecutions (relating to a single hydrocarbon exploration site). All three prosecutions were successful.
- The relatively low number of coastal permits issued and unauthorised incidents reported reflect generally low development pressures experienced on the Taranaki coast.
- As part of the interim review, feedback was sought from 53 key stakeholders to obtain their views and obtain their experiences in relation to whether the Plan remains lawful, relevant and appropriate and is achieving its purpose. Stakeholder feedback did not identify any deficiencies in the Plan considered significant enough to warrant a full review of the Plan.
- This interim review has only identified relatively minor areas of improvement to the Plan, where, with the benefit of experience, regional rules could be improved, sharpened or made more comprehensive. However, none of the recommended areas of 'improvement' warrant an urgent review of the Plan.
- A number of national policy initiatives currently being developed by central government have the potential to impact or impinge on the Plan in the future eg, the aquaculture reform. However, the outcome of this policy development is still not certain therefore changes (if any) to the Plan are not required at this time.
- In conclusion, this review has noted that the Council has made very good progress in maintaining and protecting Taranaki's coastal environment while also facilitating the efficient processing of resource consents and reducing unnecessary compliance costs. This review has not identified any deficiencies that can not wait till the Plan is up for statutory review in five years time (2007) and warrant urgent remedy.

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# 1. Introduction

## 1.1 Purpose of report

The purpose of this report is to:

- (a) Examine trends in relation to resource consenting, pollution incidents and enforcement action prior to and subsequent to the adoption of the *Regional Coastal Plan for Taranaki*;
- (b) Identify any issues pertaining to the clarity and effectiveness of the regional rules in the Plan and whether there are any disputes over the interpretation of those rules;
- (c) Identify the potential implications arising from changes in law and other central government policy initiatives affecting the coast; and
- (d) On the basis of the above, identify whether changes to the Plan are necessary.

## 1.2 Structure

The report is divided into eight sections, as follows:

Section 1 introduces the purpose, structure and background of the report.

Section 2 summarises the effectiveness of the *Regional Coastal Plan for Taranaki* in relation to the environmental results, having particular regard to state of the environment monitoring results and compliance monitoring results.

Section 3 summarises the effectiveness of the *Regional Coastal Plan for Taranaki* having regard to increased efficiencies in the resource consents process (or otherwise).

Section 4 summarises overall compliance with the regional rules of the *Regional Coastal Plan for Taranaki* having regard to trends in relation to pollution incidents and enforcement action.

Section 5 summarises stakeholder perceptions in relation to the effectiveness of the *Regional Coastal Plan for Taranaki* and whether or not they identified any deficiencies in the Plan that are of such significance that changes to the Plan should be made now with urgency rather than when the Plan is up for statutory review in five years time.

Section 6 identifies issues relating to the wording and interpretation of regional rules that have emerged since the *Regional Coastal Plan for Taranaki* became operative.

Section 7 identifies and summarises the implications of national policy initiatives that impact or could impact on the *Regional Coastal Plan for Taranaki*. These include the Aquaculture Reform, Marine Reserves Act, Oceans Policy and the New Zealand Coastal Policy Statement Review.

Section 8 presents a conclusion on the efficiency and effectiveness of the *Regional Coastal Plan for Taranaki* and whether changes to the Plan are necessary.



water springs out to the 12 nautical mile limits of the territorial sea. The Resource Management Act restricts certain activities under sections 12 [restrictions on use of coastal marine area], 14 [restrictions relating to water] and 15 [discharges of contaminants into environment]. The Minister of Conservation is responsible under the Act for the approval of regional coastal plans and for deciding on applications for 'restricted coastal activities' as defined in the *New Zealand Coastal Policy Statement*.

Shortly after the enactment of the Resource Management Act, the Council commenced the development of its regional plan. In October 1991, the Council adopted a *Transitional Regional Coastal Plan*. This Plan effectively 'saved' existing rules (such as district scheme provisions in the coastal marine area, Shingle Extraction Bylaws and general authorisations) controlling human activities in the coastal marine area while allowing regional councils time to prepare regional coastal plans proper.

In 1992 the Council released the discussion document *Taranaki Coastal Area: Resource Description and Management Issues*. The document outlined coastal management issues in the Taranaki region and sought input from key interested and affected parties into the future management of the coast. Further policy development occurred with the development of coastal objectives, policies and methods that were incorporated into a proposed *Regional Policy Statement for Taranaki* that was released for public input in 1993 and adopted in 1994.

The *Regional Policy Statement for Taranaki*, amongst other things, identified in its methods of implementation effects on the natural character of the coast, areas of significant conservation value, public access and Tangata Whenua interests. Policies identified in the *Regional Policy Statement* on the coast were to be addressed by the Council in its *Regional Coastal Plan*. These policies were consistent with the provisions of the *New Zealand Coastal Policy Statement*, prepared in 1994.

In June 1994, the Council released its *Proposed Regional Coastal Plan for Taranaki*. This Plan was made operative on 1 October 1997 following an extensive process of public consultation and submissions. It was the second of the suite of four regional plans to be adopted by Council and the first operative Coastal Plan in New Zealand to be approved by the Minister of Conservation. The Plan was prepared pursuant to section 64 and the First Schedule of the Resource Management Act.

### **1.3.3 The Regional Coastal Plan for Taranaki**

The over-riding purpose of the *Regional Coastal Plan for Taranaki* is to assist the Council to carry out its functions under the Act to promote the sustainable management of the coastal marine area of the Taranaki region.

Fourteen coastal issues are identified in the *Regional Coastal Plan for Taranaki*. These being:

- (a) Recognition of differing coastal processes, natural values and uses of the coastal marine area;
- (b) Protection of ecological values;
- (c) Protection of social and cultural values;

- (d) Effects on areas of outstanding coastal value;
- (e) The relationship of Tangata Whenua with the coastal marine area;
- (f) Adverse effects on the foreshore, seabed and coastal land;
- (g) Natural hazards;
- (h) Adverse effects on existing structures;
- (i) Adverse effects on water quality;
- (j) Use of water;
- (k) Adverse effects of unreasonable noise;
- (l) Degradation of air quality;
- (m) Effects on navigation and safety; and
- (n) Occupation and public access.

For each issue, objectives, policies and methods of implementation are identified and regional rules apply. The *Regional Coastal Plan for Taranaki* uses a combination of regulatory and non-regulatory methods (such as the preparation and development of guidelines and other advice and information) to protect and maintain the region's relatively unspoilt coastline and waters.

The regional rules of the *Regional Coastal Plan for Taranaki* have the force and effect of a regulation under the Act. The rules permit, control or prohibit activities in the coastal marine area depending upon scale and significance of the adverse effects associated with particular activities and the need to ensure measures are adopted to avoid or minimise those effects of concern. The rules class activities according to the following categories:

- (a) **Permitted activities:** activities that are allowed without a resource consent through a rule in the Plan, subject to their compliance with any conditions prescribed in the rule eg, discharge of stormwater from ships and offshore installations to the coastal marine area.
- (b) **Controlled activities:** activities that, through a rule in the Plan, are allowed with a resource consent that must be granted by the Council, subject to the activity complying with standards and terms set out in the rule.
- (c) **Discretionary activities:** activities that, through a rule in the Plan, are only allowed with a resource consent. The Council has the discretion to grant or decline the consent application and, depending upon the rule, impose conditions on the consent.
- (d) **Non-complying activities:** activities that are not prohibited but which otherwise contravene or fall outside the scope of rules in the Plan. The Council has the discretion to grant or decline the consent application.
- (e) **Restricted coastal activities:** activities that, through a rule in the Plan, are only allowed with a resource consent and for which the Minister of Conservation is the consent authority. The Minister has the discretion to grant or decline the consent application and, depending upon the rule, impose conditions on the consent.

- (f) **Prohibited activities:** activities that the Plan expressly prohibits eg, the discharge of human sewage in coastal management areas A and D.

The *Regional Coastal Plan for Taranaki* identifies four coastal management areas in the coastal marine area of Taranaki, these being:

- (a) areas of outstanding coastal value such as the Tongaporutu estuary and the Sugar Loaf Islands (Area A);
- (b) estuaries not otherwise identified as areas of outstanding coastal values such as the Waiongana and Kaupokonui river mouths (Area B);
- (c) the open coast (Area C); and
- (d) Port Taranaki in New Plymouth (Area D).

These areas recognise the different natural, ecological and community values in the coastal marine area. Accordingly different levels of control apply through the regional rules. Rules are less restrictive in the highly modified environment of Port Taranaki with increasing restrictions in the other areas that reflect the values associated with those more natural parts of the coastal marine area.

Since the *Regional Coastal Plan for Taranaki* became operative, all activities that are likely to have an adverse effect on the coastal marine area are subject to regional rules. Depending upon the scale and significance of the effects associated with the discharge source or activity, differing standards, terms and conditions are applied.

#### **1.3.4 Interim review of the Plan**

The Resource Management Act requires that the Council commence a formal review of the *Regional Coastal Plan for Taranaki* no later than ten years after the Plan became operative. Notwithstanding that, given the Plan has been operative for almost five years, the Council has resolved to undertake a non-statutory interim review of the Plan. The purpose of the review is to:

- (a) Ensure the Plan remains relevant, lawful and appropriate and is achieving its purpose; and
- (b) On the basis of the above, determine whether changes to the Plan are required now as a matter of urgency, rather than at the 10-year review of the Plan.

This report sets out the conclusions to the interim review of the *Regional Coastal Plan for Taranaki* having regard to:

- (a) The effectiveness of the Plan in relation to promoting sustainable management of natural and physical resources in the coastal marine area;
- (b) The public's, resource users' and other affected parties' perception as to the effectiveness of the Plan;
- (c) Improvements made by major coastal permit holders;
- (d) Improvements in the resource consent's process;

- (e) Enforcement issues and trends relating to coastal pollution incidents;
- (f) Issues relating to the interpretation and administration of regional rules; and
- (g) The implications of national policy initiatives impacting or impinging on the Plan.

In the event of any deficiencies in the *Regional Coastal Plan for Taranaki* the Council must consider whether the deficiencies are significant or minor. If the deficiencies in the Plan are significant, changes to the Plan may need to be made immediately as a matter of urgency, ie half way through the 'life' of the Plan. If the deficiencies in the Plan are relatively minor then suggested changes can wait until the Council undertakes a full review in 2007. Appendix I of this report sets out the criteria by which the Council will consider making changes to the Plan. The criteria include consideration of the issues, lawfulness, clarity, practicality and affordability, efficiency, equity and section 32 duties.

## **2. State of the environment monitoring results**

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The Taranaki region has a long 295-kilometre coast line comprising of rocky shores and sandy beaches, a marine protected area, subtidal reefs, river mouths and estuaries.

The exposed and stormy nature of the region's coastline, together with the relatively few development pressures in the coast, means that Taranaki enjoys excellent coastal water quality. State of the environment and compliance monitoring programmes confirm that the *Regional Coastal Plan for Taranaki* has been effective in maintaining that coastal water quality (refer section 2.1 below).

Monitoring also confirms that much of the coastal area has retained its distinct natural character to date. Public access to and along the coast is good in many places but may be constrained by topography or by developments and subdivision adjacent to the coast (refer section 2.2 below).

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### **2.1 Coastal water quality**

#### **2.1.1 Marine ecological diversity and health**

The Council undertakes a number of programmes that monitor marine ecological quality, beach bathing water quality and shellfish tissue monitoring. The monitoring confirms that Taranaki's excellent coastal water quality has remained relatively stable.

Marine ecological diversity or 'health' is monitored at six rocky shore sites. Four of these sites (Turangi Road, Manihi Road, Greenwood Road and Waihi Reef) are 'control sites' unaffected by point source discharges, while two sites (Mangati Reef and Orapa Reef) are potentially affected by the Waitara and New Plymouth municipal wastewater discharges. Ecological sampling at these sites confirms a relatively stable community structure at each reef and that the municipal wastewater discharges are not having any effect on diversity. While there may be some variation in ecological diversity over time, this variation is attributed to local environmental conditions (such as storms, sand inundation, high levels of suspended silt and freshwater influences from rivers after rain).

The Waihi Reef site in south Taranaki generally had a lower level of marine ecological diversity than the other 'control sites'. This may indicate that the south Taranaki coastline has relatively lower levels of ecological diversity than the north Taranaki coastline because of the differing environmental conditions that exist such as substrate, exposure and sediment load.

Marine ecological diversity is also monitored at the Tongaporutu and Waitotara estuaries. Initial monitoring by the Council has found healthy populations of juvenile pipis and cockles at both estuaries. A variety of other animals have also been recorded. Information gathered to date notes that both estuaries experience large fluctuations in the abundance of each species over time.

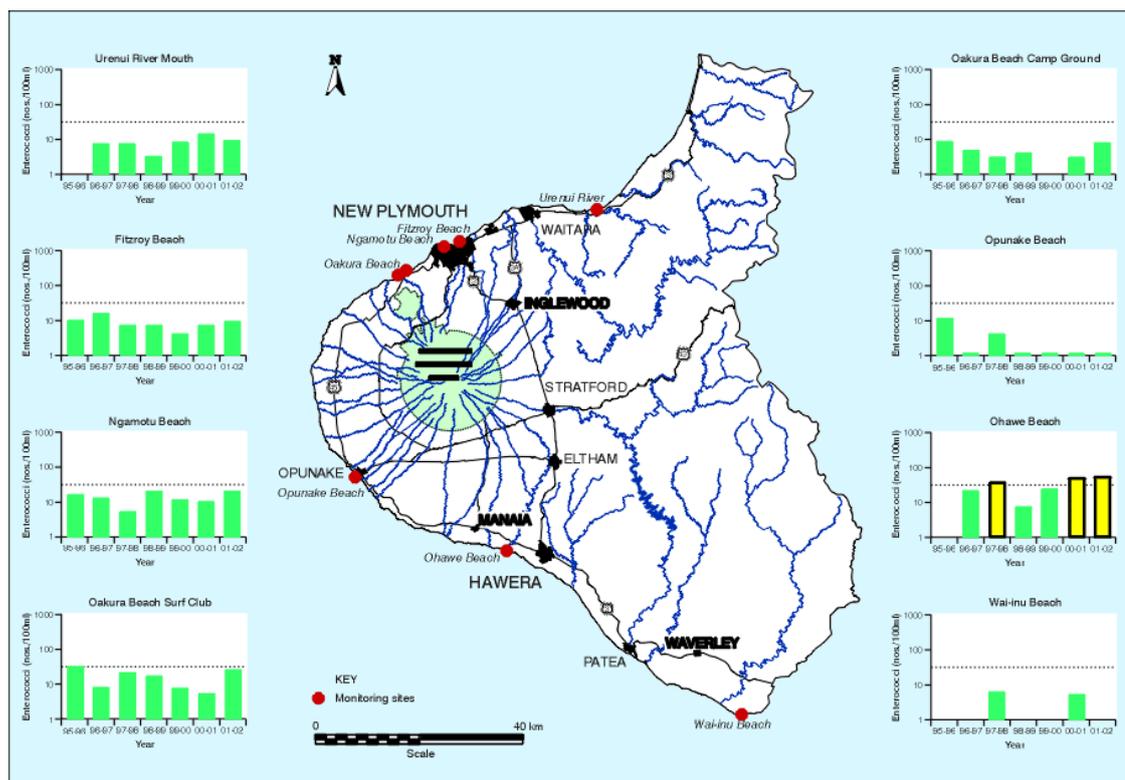
## 2.1.2 Beach bathing water quality

The bacteriological water quality is monitored at 19 popular bathing beaches around Taranaki. The seasonal median for each summer bathing season is consistently safe – being below the national median limit<sup>1</sup> of 35 enterococci per 100 ml (Table 1). The exception being at Ohawe Beach where enterococci levels reached ‘Alert’ levels three times over the last five years but no action was required. The main influence on bathing water quality at Ohawe Beach is the Waingongoro River discharging to the sea and carrying with it the cumulative effects of agriculture run-off within the catchment.

**Table 1** National marine bathing guidelines

Enterococci/100ml	Safety category
Running median less than 35	Surveillance (green)
Running median greater than 35, & no single sample greater than 136	Alert I (yellow)
Single sample greater than 136 (irrespective of running median)	Alert II (orange)
Two consecutive single samples (within 24 hrs) greater than 277 (irrespective of running median)	Action (red)

See Figure 2 below for the bacteriological sampling results at eight selected beach sites.



**Figure 2** Bacteriological sampling results at eight selected beach sites

<sup>1</sup> Ministry for the Environment/Department of Health: ‘Bacteriological Water Quality Guidelines for Marine and Freshwater: Guidelines for the Management of Recreational and Marine Shellfish-gathering Waters’. 1998.

Overall Taranaki's marine bathing water quality compares well with other regions (Table 2 overleaf).

**Table 2** Marine bathing water quality in Taranaki and other regions (1999/2000)<sup>2</sup>

Region	No. of sites monitored	Range of enterococci values (Nos/100ml)	% of sites complying with national standards
Taranaki	10	1 - 880	90%
Tasman	6	<10 - 2000	17%
Auckland			100%
Hawke's Bay	10		80%
Marlborough	7	1 - 2000	86%
Nelson	7	<10 - 2000	86%

### 2.1.3 Shellfish tissue monitoring

The Council also monitors heavy metals (cadmium, chromium, copper, mercury, nickel, lead and zinc) in shellfish tissue in relation to consented coastal discharges. Results show heavy metal concentrations in all samples collected at potentially impacted and non-impacted coastal sites have been consistently below the Department of Health Food Regulations 1984 and the recently gazetted New Zealand Food Standard 2001.

Similarly, monitoring undertaken in relation to consented coastal discharges at various localities around Taranaki has generally found faecal coliform bacterial levels in shellfish tissue to be below the recommended standard for human consumption.

## 2.2 Natural character

The rugged nature of the Taranaki coastal environment has meant much of the coastal area has retained its distinct natural character. Features of the coastal environment that contribute to this natural character include natural coastal processes, marine life and ecosystems, coastal landscapes and seascapes, areas of natural vegetation and areas of open space and farm land.

The *Regional Coastal Plan for Taranaki* identifies four coastal management areas in the coastal marine area of Taranaki. The coastal management areas recognise the different natural, ecological and community values in the coastal marine area, the Whenuakura estuary, the North and South Traps, Waverley Beach, Waitotara estuary and the Waiinu Reef. These areas include significant habitats of indigenous marine flora, fauna and birdlife and have outstanding natural features and landscapes and other values.

Only three coastal permits have been issued in Area A [Areas of outstanding coastal value] since October 1997 (see Table 3) - two were for erosion protection purposes in the Mohokatino and Tongaporutu estuaries and one for a metal access structure associated with the Te Horo Stock Tunnel. This access structure does not significantly adversely affect the natural character of the area. Protection structures

<sup>2</sup> Taranaki Regional Council. 'Draft State of the Environment Report. 2002'.

may affect the natural appearance of an area, but otherwise have little effect on natural character within estuarine environments.

No boatramps or other major works have been approved in Area A. Six consents have been issued in Area B [Estuaries] since October 1997. Consents for coastal protection structures were issued for the Waitara and Kaupokonui river estuaries while consents for existing pipeline structures were granted for the Patea, Te Henui and Waiwhakaiho estuaries. The discharge permit was for stormwater into the Te Henui Stream while the extraction consent was to remove accumulated sand and gravel from the Urenui River estuary for use in the construction of the Urenui seawall. None of these consents have had significant adverse effects on the natural character of the coast.

The largest number of consents issued since October 1997 has been in Area C [Open coast] where 38 consents have been issued. Nineteen consents were issued for protection structures. Other consents were issued for foreshore disturbance (2), discharges (9) and pipeline structures (4). There have been major new coastal protection works constructed at Urenui, Middleton Bay, Opunake, Coast Road, Warea and East End (Nobs Line) New Plymouth.

Protection works in the open coast area are a response to the erosive nature of the coastline and are undertaken to protect developments that have historically occurred in the coastal environment. The effects of the protection works on the natural character of the coast are weighed against the need to protect assets. Wherever possible, the Regional Council and the New Plymouth and South Taranaki District Councils encourage applicants to avoid areas subject to erosion to avoid the need for protection works.

**Table 3** Coastal permits issued in each coastal management area 1997 to 2002

Type of coastal permit	Coastal Management Area			
	Outstanding coastal value (Coastal Area A)	Estuaries (Coastal Area B)	Open Coast (Coastal Area C)	Port Taranaki (Coastal Area D)
Structure - pipeline	-	1	4	-
Structure - boat ramp	-	1	1	-
Structure - intake	-	1	-	-
Structure - protection	4	4	19	1
Stormwater - outfall	-	-	6	-
Structure - stormwater outlet	-	1	2	1
Structure - wharf/marina/jetty	-	-	1	1
Structure - other	-	-	1	-
Discharge	-	1	9	13
Renourishment	-	-	2	-
Deposit	-	-	1	-
Disturb foreshore	-	-	2	1
Extraction	-	-	-	-
Occupy	-	-	-	1
Occupy and structure (boatramp)	-	-	1	-
Take, use, divert or dam	-	-	3	-
Total	4	9	52	18

Structures such as boatramps and jetties facilitate public access to the coastal marine area and provide amenity value. If structures are well maintained and accessible then the need for further structures is avoided, thus preventing further adverse effects on the natural character of the coastal environment. Discharges are unlikely to adversely affect the natural character of the coastal marine area as consent conditions regulate the discharge and require that any potential effects are avoided, remedied or mitigated.

Coastal Management Area D relates to the special purpose area of Port Taranaki. Eleven coastal permits have been issued in this area since October 1997. The high number and type of permits within this area reflects the industrialised nature of the port. Area D recognises that the natural character of Port Taranaki has already been extensively modified for the economic wellbeing of the community, however it does provide natural habitat for marine species.

The key pressures on the natural character of the coast are coastal erosion (see section 2.4 below), oil and gas exploration and subdivision. However, to date, subdivision and associated development (such as coastal protection works, stormwater structures and discharges) have had negligible effects on the natural character of the coast. In some localities, the natural character of the coast has been enhanced through foreshore restoration works. For example, the Westgate sand dumping trial that occurred offshore from New Plymouth has been undertaken in an attempt to restore the natural functioning and natural character of the coast. The New Plymouth District Council, in association with the Taranaki Regional Council, has also initiated Coast Care Groups at Oakura and East End/Fitzroy in order to facilitate foredune management and enhancement.

### **2.3 Public access and recreation**

Public access along the coast is disjointed due to the variety of land ownership, landforms, the steepness of the topography and the presence of major river estuaries and river mouths. There is an expectation that people have unrestricted access to coastal areas. However, ensuring public access to the coast is becoming a significant issue as a result of rural subdivision and other activities in the coastal environment.

Since the adoption of the *Regional Coastal Plan for Taranaki* there has been an increase in the development of rural 'lifestyle' type subdivisions in some localities, particularly in the Oakura and Omata areas in the New Plymouth District and near Opunake and Puniho in the South Taranaki District. The increase is attributable to a change in lifestyle values and an increase in interest within sections of the population in living in rural coastal areas. However, subdividing coastal property may impede or restrict traditional access across land to the coast, for example, to favourite beaches, fishing or surfing locations.

Public access to the coast may be maintained through esplanade reserves or strips set aside at the time of subdivision, or by other means. There are some 40 coastal

esplanade reserves or strips in New Plymouth District and a number of both esplanade reserves and strips in South Taranaki District.<sup>3</sup>

There is good public access to major recreational beaches such as Fitzroy, East End, Oakura, Opunake, and Ohawe, but also at other spots, such as Waiiti, Mimi, Urenui, Onaero, Waitara, Ngamotu, Back Beach, Greenwood Road, Komene, Kaupokonui, Waverley and Patea. At other beaches, access is over private land and requires the permission of the landowner. There are only three consents that restrict access to the Taranaki coastal marine area. Of these, only one restricts access to the coast (this being Port Taranaki), the other two restrict access to boat ramps.

Surfing can occur at many locations in Taranaki depending on daily wind and wave conditions. The number of surfers is increasing in the region, resulting in pressure for provision of facilities and infrastructure at popular breaks (for example, Kumara Patch, Puniho Road, Paora Road, Arawhata Road, Mangahume and Stent Road). In many cases, access to these areas requires landowner permission.

## **2.4 Coastal erosion**

The entire Taranaki coastline is eroding at long term average rates of between 0.05 metres per year and 1.89 metres per year. <sup>4</sup> Areas of greatest coastal erosion risk are Oakura, New Plymouth urban areas, Bell Block, Waitara, Onaero and Urenui Beach because of the proximity of these urban areas to the eroding coastline.

Fluctuations in beach levels have occurred over the last five years but this is too short a time period to determine long-term changes in erosion patterns.

The generally eroding nature of the coastline is a result of natural processes that the community must live with and adapt to. Erosion protection structures are situated in areas where past developments have occurred in close proximity to an eroding coastline. The need to avoid erosion-prone areas is now widely accepted.

## **2.5 Other measures**

### **2.5.1 Reduction in discharges (and other improvements) on the coast**

Since the adoption of the *Regional Coastal Plan for Taranaki* there have been some significant environmental 'gains' made arising from the actions of major coastal permit holders and other resource users that avoid, mitigate or remedy adverse effects. Some of these actions might involve upgrading erosion protection structures, sand replenishment, dune restoration or the cessation of discharges to the coastal marine area.

The number of direct discharges to the sea is a particularly useful indicator of any increase or decrease in environmental pressures on the coast. Over the past two

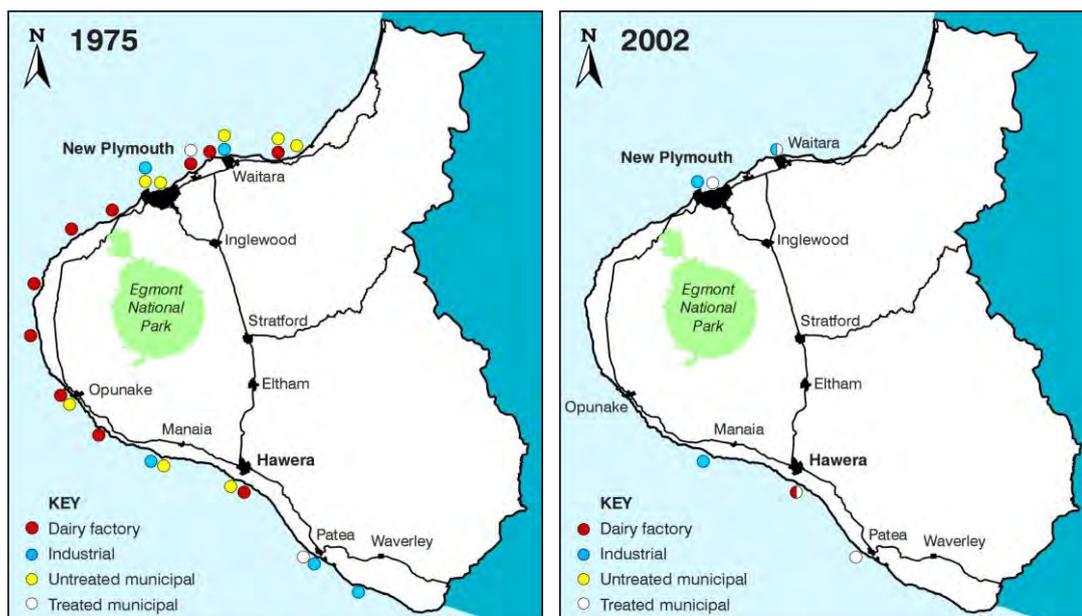
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<sup>3</sup> *The proposed district plans for the South Taranaki District and New Plymouth District contains provisions to take esplanade reserves and strips as financial contribution for subdivisions adjacent to the coast.*

<sup>4</sup> *Taranaki Regional Council, 1992. 'Coastal Marine Area: Resource Description and Management Issues'.*

decades, a combination of community pressure and Council policy has resulted in significant change in the number and nature of discharges. As shown in Figure 3, there has been a significant reduction in the number of direct discharges to the sea over time. In 1975 there were 10 different dairy factories discharging to the coast in Taranaki. Such discharges have now been reduced to one following a process of amalgamation and rationalisation in the dairy industry.

The number of major industrial discharges has reduced by over half since 1975. There has also been a significant decrease in the number of municipal sewage discharges to the sea. In 1975 there were 10 sewage discharges to sea, eight of which



**Figure 3** Change in coastal discharges between 1975 and 2002

discharged untreated sewage with the remaining two subject to only minor levels of treatment. Now there are only four municipal discharges to the coastal marine area and all are licensed and subject to ongoing monitoring. Municipal and industrial discharges at Waitara, New Plymouth and Hawera are discharged via long marine outfalls following treatment. Untreated municipal discharges are no longer allowed and treatment and disposal options have been improved or upgraded through the resource consents process in accordance with policies in the *Regional Coastal Plan for Taranaki*.

Table 4 summarises some of the more significant actions undertaken by resource users that have contributed to the sustainable management of the coastal marine area over the past five years.

**Table 4** Structural and coastal improvements involving resource users 1997 to 2002

Improvements	Description
Coastal & access enhancement	
Messenger Terrace, Oakura	Boulder protection for District Council stormwater outlets & private property
Waitara River Mouth	80 metre groyne on true right bank

Oakura Coast Care	Recontouring & replanting of 150 metres of dunes
East End/Fitzroy Coast Care	Foredune planting
Westgate	Sand replenishment to restore natural character of New Plymouth beaches
New Plymouth District Council	Foreshore project
Erosion protection	
Coast Road, Warea	295 metres of boulder protection
Middleton Bay Opunake	100 metres of boulder protection
Rongomai Road, Puniho	80 metres of boulder protection
Urenui Beach	295 metres of boulder protection
Discharges	
Fletcher Challenge Energy NZMP Whareroa	Pohokura Rig designed so that no sewage discharge occurs Improvements to stormwater diversion & first flush systems. Extended outfall structure to 2km offshore 100 metres of boulder protection
South Taranaki District Council	Effluent from Hawera township discharged through NZMP Whareroa outfall rather than into a coastal stream.
Methanex Limited (Motunui)	Upgrade of effluent outfall to improve dilution and dispersal.

## 2.5.2 Compliance monitoring results

In addition to state of the environment monitoring programmes, the Council also monitors major coastal discharge activities and/or activities that have the potential for significant adverse effects on the coast. In 2001/02, there were 16 compliance monitoring programmes with a coastal water quality component. This monitoring showed that all coastal permit holders routinely achieved a 'high' or 'good' performance based upon a rating system adopted by the Council to grade a resource consent holder's overall environmental performance and compliance (Table 5).

**Table 5 Council rating system for compliance monitoring (2001/02)**

Grading category	Explanation	Results
High	Where there are essentially no adverse environmental effects to be concerned about, & no, or trivial, non-compliance with conditions (eg, a deadline for delivery of results or a contingency plan missed by a few days)	8
Good	Where the adverse environmental effects of activities during the year were negligible or minor at most. Any issues of concern were resolved positively, cooperatively, & quickly. No unauthorised incidents were recorded or abatement notices issued. Perhaps some items were noted on inspection notices for attention but these items were not deemed urgent or critical, & subsequent follow-up showed they had been addressed	8
Improvement desirable	Indicates that unauthorised incidents were recorded or an abatement notice issued. There may have been several instances involving moderate to significant adverse environmental effects or other matters arising from activities that required intervention by Council. There may have been matters that took some time to resolve or remained unresolved at the end of the period under review	0
Poor	Indicates a significant or serious non-compliance issue to the extent that further enforcement action might be considered	0

## 2.5.3 Public perceptions

Another measure of the effectiveness of the *Regional Coastal Plan for Taranaki* is public perceptions in relation to coastal management issues. As part of its state of the environment reporting the Council undertook a telephone survey of general environmental attitudes in Taranaki.<sup>5</sup> This survey provides an indication of the Taranaki public's attitudes, perceptions and awareness of the environment.

In relation to coastal water quality, pollution of the sea ranked lowly as an environmental issue of importance. Most respondents (73%) considered Taranaki coastal water quality to be good to excellent. Monitoring of coastal water quality confirms that perception.

Coastal erosion ranked very highly (ie, third) as an environmental issue of importance with 23% of respondents raising the issue. This may have been due in part to media coverage of coastal erosion problems in Urenui in late 2000 and early 2001, and beach protection works or proposal for such works along the New Plymouth foreshore and at Oakura.

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<sup>5</sup> *Taranaki Regional Council, 2001: 'Environmental Attitudes of Taranaki Residents'.*



### 3. The resource consents process

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Coastal permits make up only 4% of resource consents processed by the Council. As of 30 June 2002, there were only 167 coastal permits being exercised in the region with approximately 70% of these being for coastal structures. This reflects the relatively low use and modification of the Taranaki coast.

Compared with other regional plans, the Coastal Plan has a generally tougher rules regime. It has the largest number of rules and the lowest proportion of permitted activities or consents that have been notified or processed as a controlled activity.

Notwithstanding that the *Regional Coastal Plan for Taranaki* has contributed towards a more streamlined resource consents process with the Council continuing to significantly improve its performance with 100% of consent applications being processed within statutory timelines and, in many cases, reducing costs and increasing certainty for resource users.

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#### 3.1 Permitted activities

Prior to the *Regional Coastal Plan for Taranaki* becoming operative, all activities in the coastal marine area, by law, had to be treated as discretionary activities and be authorised by a resource consent. The Council had total discretion to grant or decline a resource consent application and the application in many cases needed to be fully publicly notified. Since the preparation of the Plan, activities having no or very little environmental effect have been identified through the regional rules and those activities are now 'permitted' without the requirement (and cost) to obtain a resource consent.

There are 147 regional rules in the *Regional Coastal Plan for Taranaki* pertaining to activities in the management areas of the coastal marine area (refer Appendix II). Of these rules 42 (28.6%) permit activities in the coastal marine area. Ninety-four (or 64%) of the regional rules in the Plan require coastal activities to obtain a resource consent with the remaining eleven or (7.5%) being prohibited because of unacceptable adverse environmental effects.

Notwithstanding their permitted status, permitted coastal activities must comply with the conditions prescribed in the rule. If they cannot, that activity is required to obtain a resource consent. The failure of a number of activities to comply with the conditions of a permitted activity rule (eg, the New Plymouth District Council for the placement of outfall structures and discharge of stormwater into the coastal marine area) has resulted in this Council requiring those activities to obtain a resource consent. A review of the permitted activity rules in the *Regional Coastal Plan for Taranaki* demonstrates that in the main these rules adequately target activities that have little or no adverse effects - so long as they comply with the conditions prescribed in the rule.

When compared to the other four regional plans, the *Regional Coastal Plan for Taranaki* has the largest number of rules and the lowest percentage of permitted rules. This reflects the high level of importance given to the coast in the Resource Management Act, which states that "...the preservation of the natural character of the coastal

environment and the protection from inappropriate subdivision, use and development" is a matter of national importance. The Coastal Plan also must necessarily deal with the effects of activities on air, land and water, which are further addressed according to which of the four management areas they lie within. Other regional plans only deal with one component part of the environment (ie, fresh water, air or soil). In addition the Coastal Plan must include another tier of rule not found in other plans, these being for 'restricted coastal activities'.

## 3.2 Coastal permits

### 3.2.1 Overview and trends

Coastal permits make up only 4% of resource consents processed by the Council. As of June 30 2002, a total of 167 coastal permits were current in the Taranaki region<sup>6</sup>.

Of the coastal permits held, 70 (42%) relate to coastal erosion and flood control structures (Figure 4). Most of these permits (59 out of 70) were to authorise small coastal protection structures. These collectively protect 8-kilometres or 2.7% of Taranaki's 295-kilometre coastline.

Nineteen (or 11%) of coastal permits relate to recreation or tourism activities (includes boat ramps for boat clubs or charter companies and coastal access ways provided by district councils). Thirteen coastal permits (8%) relate to petrochemical processing activities, while another 13 (8%) relate to activities undertaken at Port Taranaki. Other coastal permits were associated with sewage treatment, thermal power generation, aquaculture and hydrocarbon exploration.

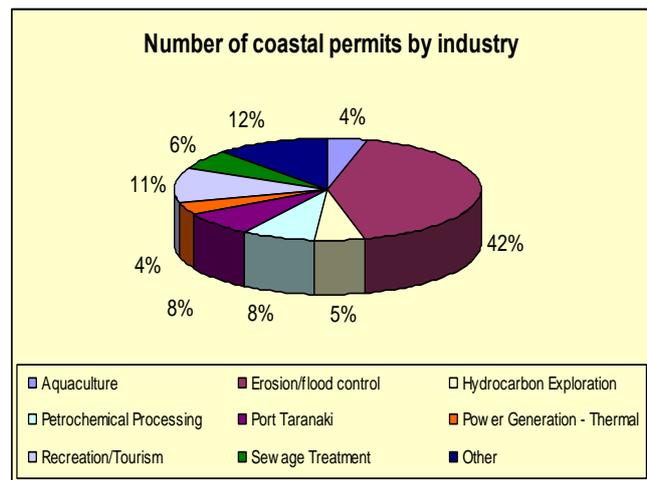


Figure 4 Coastal permits by industry

A review of coastal permit conditions identified only three consents that restrict access to the Taranaki coastline. However, only one of these, in practice, limits access to the coast,<sup>7</sup> the other two simply restrict access to the structures, namely boat ramps.

Only a relatively small number of coastal permits are processed each

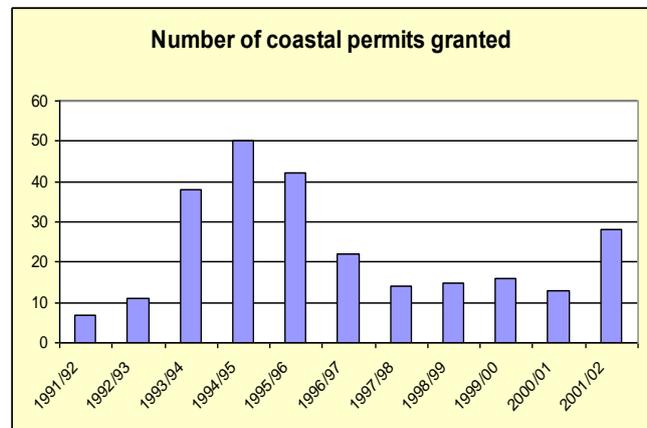


Figure 5 Coastal permits granted per annum

<sup>6</sup> As per computer figures maintained on the Council database

<sup>7</sup> Westgate Transport Limited have a consent to occupy the Port Taranaki area and can restrict public access to that area.

year. As shown in Figure 5, in 1991/92 seven coastal permits were granted with another 11 being granted the following year.<sup>8</sup> In the summer of 1994/95 the Council undertook a survey of the Taranaki coastline for the purpose of identifying all structures and activities that might require authorisation under the Resource Management Act.

As a result of that survey a large number of unlicensed structures, which had been in existence for many years, were identified. Consequently, from 1993/94 to 1995/96 there was a significant upsurge in numbers of coastal permits processed and granted as the Council went about licensing these structures.

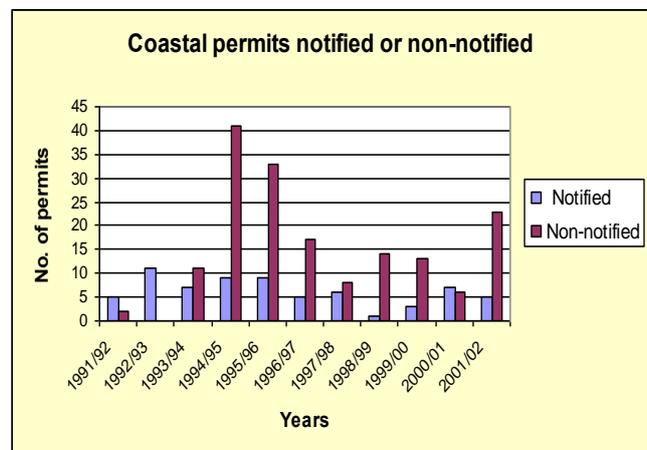
Since the adoption of the *Regional Coastal Plan for Taranaki* in 1997 the number of coastal permits granted per annum has remained relatively constant at about 15 – with an upsurge in 2001/02 associated with development of the Pohokura gas field of the north Taranaki coast.

### 3.2.2 Notification of coastal permits

One of the most significant benefits arising from the preparation of the *Regional Coastal Plan for Taranaki* is the opportunity to implement rules that minimise the need for the Council to publicly notify coastal permits. Processing a resource consent on a non-notified basis results in significant savings to the Council and the applicant by reducing the time and costs associated with processing that consent.

As shown in Figure 6, immediately following the enactment of the Resource Management Act, most resource consents were publicly notified. Then, as consenting systems and processes improved, the proportion of resource consents notified has generally declined.

Of note is that while 73% of all coastal permits processed since the adoption of the *Regional Coastal Plan for Taranaki* were non-notified, this is disproportionately lower than for other regional plans. In a similar interim review carried out for the *Regional Air Quality Plan for Taranaki*, 91% of air discharge permits were processed as non-notified. The relatively higher proportion of coastal permits notified, compared with other types of resource consents, is due to the Coastal Plan having regard to the *New Zealand Coastal Policy Statement*, matters of national importance set out in section 6(a) of the Act and higher community expectations (and therefore safeguards) with respect to protecting the coast from inappropriate use and development.



**Figure 6** Number of coastal permits notified or non-notified per annum

<sup>8</sup> Excludes variations to existing coastal permits.

The implications of whether a coastal permit is notified or non-notified are significant to applicants, particularly in relation to the time and cost of processing the application. The average cost charged to an applicant for processing a non-notified coastal permit is approximately \$628 although there will be some variations depending upon how complicated the consent is. The cost charged to an applicant for processing a notified consent is significantly more and ranges from \$1,175 up to \$25,940. The added costs are primarily due to the greater complexity of the issues related to the coastal permit, which leads to more time (and associated costs) required by Council to publicly notify the application, liaise with the applicant, prepare and process relevant reports, attend pre-hearing meetings, address submitters' concerns, conduct hearings and such like.

### 3.2.3 Type of coastal permits

Prior to the *Regional Coastal Plan for Taranaki* becoming operative, all activities were restricted by the Resource Management Act and classified as discretionary activities. Subsequent to the adoption of the Plan, rules have come into effect whereby some coastal permits may be processed as a controlled activity for which the Council can not refuse consent provided certain pre-determined standards or conditions are met. Controlled activities enhance an applicant's certainty as to the outcome of their coastal permit applications.

Notwithstanding rules providing for controlled activities, it is noted that the vast majority of coastal permits granted since the *Regional Coastal Plan for Taranaki* was adopted (94%) were processed as either discretionary, non-complying or restricted coastal activities (Figure 7). For these activities, consent applications were considered on a case by case basis with no certainty as to whether the Council would grant or decline the application or the conditions and standards that might be imposed. In the case of restricted coastal activities, an application is also referred to the Minister of Conservation, who is the consent authority.

Activities most likely to be processed as a discretionary activity were coastal protection and stormwater structures (100%) (Figure 8). Only six coastal activities have been authorised as a restricted coastal activity. Three of

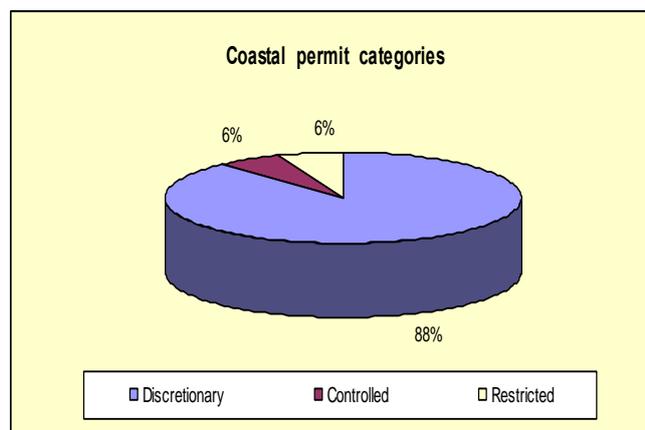


Figure 7 Coastal permits, by category, 1997 to 2002

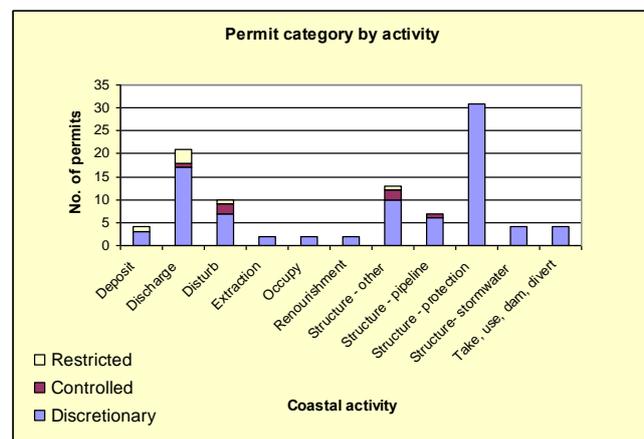


Figure 8 Coastal permit category, by activity, 1997 to 2002

these were discharges including two discharges of treated wastewater through a marine outfall from the Hawera wastewater treatment system, one was a deposit by Westgate Transport Limited for sand dumping, one was a disturbance of the foreshore by Telstra Saturn for a cable and the other was an intake and outfall structure for Paradise Abalone. Coastal activities most likely to be authorised as a controlled activity were disturbances to the foreshore (20%).

Again when compared with resource consents granted under the *Regional Air Quality Plan for Taranaki*, coastal activities are less likely to be granted as a controlled activity due to generally tougher standards and conditions that activities must comply with. Under the *Regional Air Quality Plan for Taranaki*, 42% of air discharge permits were granted as a controlled activity – compared to only 6% under the Coastal Plan. The relatively higher proportion of discretionary activities, compared with other types of resource consents, is primarily due to the Coastal Plan having regard to the *New Zealand Coastal Policy Statement* and matters of national importance set out in section 6(a) of the Act and higher community expectations (and therefore safeguards) with respect to protecting the coast from inappropriate use and development.

### 3.2.4 Other consenting performance measures

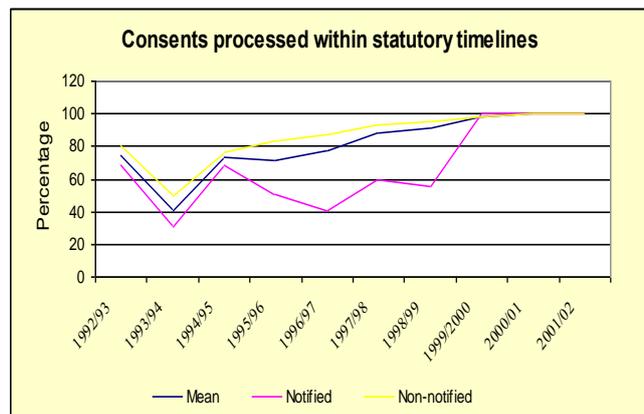
Given the higher proportion of coastal permits that must be notified and processed as a discretionary or restricted coastal activity it could be expected that there might be more issues or difficulties in relation to the Council achieving statutory timeframes for processing coastal permits. However, a review of Council’s performance demonstrates that the resource consents process, as encapsulated in the *Regional Coastal Plan for Taranaki*, is streamlined and compares extremely favourably with the national average.

#### Statutory timeframes

The Resource Management Act sets down timelines under which regional councils should process coastal permits. The statutory timeline for processing a non-notified coastal permit is 20 working days. For notified applications without a hearing, it is 50 working days. For notified applications with a hearing, it is 70 working days.

As indicated in Figure 9, prior to the development and implementation of the *Regional Coastal Plan for Taranaki*, an average of 58% of all resource consent applications received were processed by the Council within statutory timelines. Since the adoption of the Plan, the Council has continued to significantly improve its performance.

In 2001/2002 the Council processed 100% of all coastal permits applications (and other resource consents) within statutory timelines. This result repeats similar levels of performance achieved in 2000/01 and 1999/2000 when the Council processed 100% and 99% of its applications within statutory



**Figure 9** Percentage of all resource consents processed within statutory timelines

timeframes. The improved performance is attributable, amongst other things, to increased certainty and clarity with respect to what policies, conditions and other matters are considered by Council for particular consent applications.

Of interest is the Council's performance in relation to other local authorities. In 1999/2000, the Ministry for the Environment (MfE) surveyed all territorial and regional authorities in relation to their compliance with statutory timelines for processing consents under the Resource Management Act (refer Table 6 below).<sup>9</sup> That survey indicated that the Council compared extremely favourably with the national average. In 1999/2000, the national average for compliance with Resource Management Act timelines for notified and non-notified consents were 63% and 83% respectively. In that year, the Council achieved 100% and 98% respectively.

The MfE survey also indicated that the Council was less likely to use section 92 of the Resource Management Act to request further information (and hence possibly delay the processing of a resource consent application) than other territorial and regional authorities. In 1999/2000, the Council utilised the section 92 provisions for 14% of all resource consent applications compared with the national average of 33%. In 2001/02, the number of times the Council utilised section 92 declined further to 10%.

**Table 6** MfE survey results on the consents process (1999/2000)

Performance indicators	Council results	National average
Resource consent applications processed within statutory timeframes		
– Notified	98%	63%
– Non-notified	100%	83%
Resource consent applications required to provide more information under section 92	14%	33%
Pre-hearing meeting held for notified resource consent applications (for which there were submissions in opposition)	60%	18%
Resolution of submitters' concerns following pre-hearing meetings to the extent that no formal hearing was necessary	52%	35%

### **Pre-hearing meetings**

Both before and after the adoption of the *Regional Coastal Plan for Taranaki* the Council, as a matter of policy, utilised the pre-hearing provisions of the Resource Management Act to avoid and/or reduce the length of costly hearings. In 2001/2002 the Council held pre-hearing meetings for 57% of all notified resource consent application received and for which submissions were received in opposition. The pre-hearing process resolved 52% of submitters' concerns to the extent that no formal hearing was necessary. Of particular note was the successful resolution of submitters' concern with respect to the New Plymouth District Council's seawall consent at Urenui and Kiwi Co-operative Dairies (now NZMP Whareroa) discharge consent from its Whareroa plant. Nationally, pre-hearing meetings were held for 18% of all notified resource consent applications, resulting in 35% resolution.<sup>10</sup>

### **Hearings**

There have only been four hearings held for eight coastal permit applications in the

<sup>9</sup> MfE, 2000. 'Resource Management Act: Annual Survey of Local Authorities 1999/2000'.

<sup>10</sup> MfE, 2000. *Op cit.*

last five years. These were for South Taranaki District Council's Hawera outfall, Telstra Saturn Limited's fibre optic cable and two for Westgate Transport Limited's sand deposition trial in 1998 and for continued dumping in 2002. Through the hearing process, Council successfully resolved outstanding submitter concerns relating to South Taranaki District Council and Telstra Saturn. In one case only, (the Westgate sand dumping trial) has the Council decisions failed to appease submitter concerns resulting in one appeal to the Environment Court (see below).

Also of note in that the Council has received no complaints from applicants regarding the time taken to process their applications or with its interpretation of the rules in the *Regional Coastal Plan for Taranaki*.

#### **Appeal to the Environment Court**

There has been only one reference (appeal) to the Environment Court against Council's decisions in relation to the granting or declining of coastal permit applications. This appeal occurred in 1998 in relation to a trial undertaken by Westgate Transport Limited to dump sand in an offshore spoil disposal area in order to replenish sand levels on New Plymouth beaches north of Port Taranaki. The appeal was not allowed and the Council's decision to grant a consent for this activity was upheld.



## 4. Compliance with the regional rules

Unauthorised incidents involving the coast make up only 5% of all incidents reported to the Council. On average, the Council receives 22 reported unauthorised coastal incidents per annum. Furthermore, a significant proportion of the complaints did not even relate to pollution incidents and instead related to naturally caused effects (eg. beach foams).

### 4.1 Pollution incidents

Coastal incidents, on average, make up, 5% per annum of all unauthorised incidents reported to the Council.<sup>11</sup> In 2001/2002, 26 out of 624 incidents reported to the Council involved the coastal marine area.<sup>12</sup> Despite an overall increase in the total number of environmental incidents reported to the Council over time, the number of coastal incidents has remained relatively constant (Figure 10).<sup>13</sup> Prior to the adoption of the *Regional Coastal Plan for Taranaki* the Council received approximately 21 complaints per annum relating to the coast, since the adoption of the Plan the Council has received approximately 24 complaints received per annum.

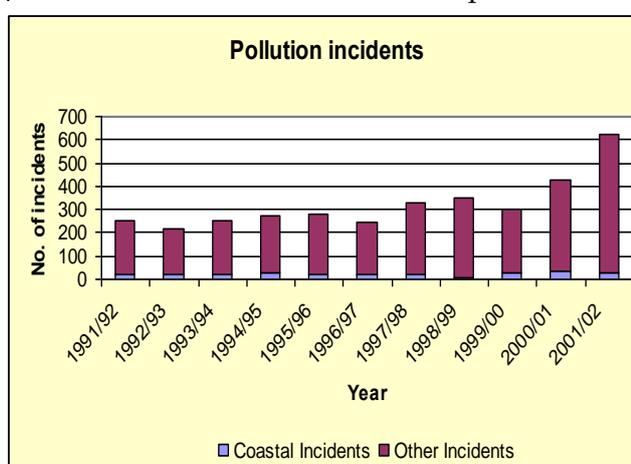


Figure 10 Number of pollution incidents per annum

Twelve percent of coastal incidents reported in 2001/02 were registered as natural incidents, such as algal blooms resulting in beach foam (Figure 11). Seventeen of the 26 coastal incidents were attributed to industrial/stormwater sources, which includes incidents such as oil and chemical spills and illegal discharges such as wastewater temperature exceedances, spills to

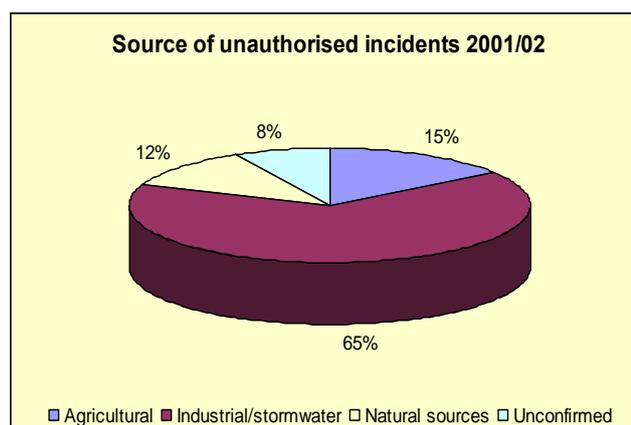


Figure 11 Source of unauthorised incidents on the coast 2001/02

<sup>11</sup> All public complaints received by the Council, and breaches of discharge permit conditions notified by the permit holder or discovered by Council officers are recorded on the Unauthorised Incidents Register.

<sup>12</sup> Taranaki Regional Council, 2002. 'Compliance Monitoring Annual Report 2001/2002'.

<sup>13</sup> The increase in total number of unauthorised incidents reported to the Council is attributable to more activities being regulated and monitored under regional plans and increased community awareness and expectation that the Council will address environmental incidents.

stormwater drains and leakages due to technical problems. Agricultural incidents accounted for 15% of incidents, half of which included dead stock on beaches.

Most sources, for which coastal complaints were received, gave rise to only one complaint in any one-year. This suggests that, either the cause was a particular incident, which was not typical of the process or activity, or that follow-up action by the operator and Council resolved the cause of the complaint.

Only three point sources have over time been identified as giving rise to repeated coastal incidents in any given year and for more than one year (refer Table 7). These are Contact Energy (New Plymouth Power Station), NZMP Whareroa and the Motunui Methanex plant. However, it is noted that any problems attributable to these sources were intermittent and never exceeded more than three separate incidents in any one-year.

**Table 7** Sources of repeated coastal incidents

Source	Year						
	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02
Contact Energy	2	--	3	--	--	3	--
NZMP Whareroa	--	3	3	--	--	3	--
Methanex Limited (Motunui)	--	2	--	--	--	--	2

## 4.2 Enforcement action

There have been no problems associated with the enforcement of the regional rules. The preparation of the *Regional Coastal Plan for Taranaki* has had no discernible impact on enforcement. The number of unauthorised incidents has not significantly increased and most incidents attributable to any one source have only had minor effect and/or can be effectively addressed without enforcement action. Of those incidents of a nature and scale that they have significant environmental effect, enforcement measures have been taken. Prior to the Plan being adopted the Council undertook two successful prosecutions in the Port Taranaki area. Since then the Council has undertaken three successful prosecutions of one hydrocarbon exploration site involving related incidents. Due to improved practices of vessels and operations at Port Taranaki there have been no further incidents resulting in prosecutions at Port Taranaki.

In addition to enforcement actions involving abatement and infringement notices and prosecutions to enforce compliance, the Council can also require an activity that would normally be a permitted activity to obtain a resource consent in the event of non compliance. The failure to comply with the conditions of a permitted activity rule relating to the placement of outfall structures and the discharge of uncontaminated stormwater into the coastal marine area has resulted in the New Plymouth District Council being required by the Taranaki Regional Council to obtain a resource consent. Conditions specifically addressing concerns have been imposed and regular monitoring is undertaken by the Council to ensure those conditions are being complied with.



## 5. Stakeholder views

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As part of the interim review of the *Regional Coastal Plan for Taranaki*, the Council distributed a report to 53 key stakeholders that amongst other things noted environmental results and resource consenting trends in relation to the Plan. The stakeholders were invited to comment on whether the Plan remains lawful, relevant and appropriate and is achieving its purpose. Of the 53 stakeholders invited to comment, eight responded. Respondents identified few if any problems or issues with the Plan. None of the issues raised by the submitters identified such deficiencies that warranted urgent remedy to the Plan.

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Of the 53 stakeholders invited to comment, eight responded. Respondents identified few if any problems or issues with the Plan. None of the issues raised by the submitters identified such deficiencies that warranted urgent remedy to the Plan. Set out below is a discussion of the main points raised by respondents:

- **Taranaki/Whanganui Conservation Board:** The Board commended the *Regional Coastal Plan for Taranaki* and considered that it was working well. The Board also made comments on two matters – one related to monitoring out to the 12-nautical mile limit and the other seeking the “*use of locally sourced seed of local species*” (ie, eco-sourcing) for coastal erosion work – both of which it considered could be implemented without changing the Plan.

In relation to the monitoring matter, it is considered that the current monitoring levels for ecological monitoring of the coastal marine area is adequate for the purposes of the Council’s state of the environment and plan reporting purposes. In addition, this monitoring is complemented by the Council’s compliance monitoring programmes for major coastal resource users and by other monitoring undertaken by other agencies with marine responsibilities. To date, the data collected by this Council and other agencies do not indicate that there is a need to increase the amount of information gathered by the Council in order to fulfil its responsibilities under the Resource Management Act. In relation to the issue of eco-sourcing, the Council acknowledges that its education programmes are ideally placed to assist with coastal erosion information. Although no change is required of the Plan, the Council will continue to promote practices and initiatives that ensure dune management and enhancement activities are undertaken in a manner that promotes or at the very least does not have a detrimental impact on ecological values.

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<sup>14</sup> Taranaki Regional Council, 2002: ‘Interim Review of the Regional Coastal Plan for Taranaki – Report to Stakeholders’.

- **The New Plymouth District Council:** The Council identified no issues in relation to the administration or implementation of the *Regional Coastal Plan for Taranaki* to date.
- **Petroleum Exploration Association of New Zealand (PEANZ):** PEANZ believes there are no matters which in its view necessitated an immediate review of the *Regional Coastal Plan for Taranaki*.

PEANZ raised two minor matters noted on page 15 of the Stakeholders' Report<sup>15</sup> (relating to well casings and the discharge of geothermal water being made permitted activities not requiring a resource consent), indicating its support for these matters being addressed eventually. As indicated in section 6.1 of this report, these are minor matters, which can be addressed during the full review of the Plan.

- **Ms V Deakin:** Ms Deakin commented on the need for a co-ordinated approach between regional and district councils in relation to the coastline, awareness of these issues as personnel changes and the need to consider long term costs.

In relation to the need for a co-ordinated approach, the Council recognises the need for effective co-ordination and does this through a variety of means including submissions on district plans and relevant district land use consents and through on-going liaison with South Taranaki and New Plymouth district councils on cross-boundary issues affecting the coastal marine area (particularly in relation to noise, land use issues and activities on the beach and foreshore). The *Regional Coastal Plan for Taranaki* formally recognises these and other methods to address cross-boundary issues in section 7.2 of the Plan. In relation to the other matters raised, the Council agrees that there needs to be awareness of the effects of personnel change in terms of the implementation of policies and recognises that short term cost savings should not outweigh the long term environmental costs. On the latter matter, the Council when preparing its regional plans (including other policy documents) and considering resource consents will continue to take into account short term and long term costs and benefits in relation to its resource management decisions. No change to the Plan is therefore considered necessary.

- **Swift New Zealand Limited:** The Company commented on the two minor matters noted on page 15 of the Stakeholders' Report,<sup>16</sup> seeking well casings and the discharge of geothermal water to be made permitted activities not requiring a resource consent. As indicated in section 6.1 of this report, these are minor matters, which can be addressed during the full review of the Plan.
- **Mr G M Smale:** Mr Smale commented on his experiences associated with the consents process for erosion protection works at Oakura and, based on these experiences, believes that the *Regional Coastal Plan for Taranaki* has adequate safeguards and reasonable procedures to confirm the existing plan is adequate and relevant.

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<sup>15</sup> *Taranaki Regional Council, 2002: Op cit.*

<sup>16</sup> *Taranaki Regional Council, 2002: Op cit.*

- **Shell Todd Oil Services Limited:** The Company commended the Council on the positive environmental and regulatory improvements achieved in the coastal marine area.

The Company also commented on the two minor matters noted on page 15 of the Stakeholders' Report,<sup>17</sup> seeking well casings and the discharge of geothermal water to be made permitted activities not requiring a resource consent. As indicated in section 6.1 of this report, these are minor matters, which can be addressed during the full review of the Plan.

- **Nga Motu Marine Reserve Society:** The Society commended the Council for its generally tougher rules regime adopted in the *Regional Coastal Plan for Taranaki* and its levels of compliance, which fits the precautionary approach recommended by Agenda 21 and gives robust processes for future development pressures.

In terms of possible changes to the Plan, the Society commented on three matters. First, the Society noted that the New Zealand Biodiversity Strategy (2000) and the Marine Reserves Bill give the Council greater responsibility for protecting ecological values. Second, the Society suggests terminology change in the Plan i.e, replacing 'ecological values' with 'marine biodiversity' and notes the need to review the Plan's areas of outstanding coastal values should new marine reserves proceed. Third, the Society suggested coastal biodiversity is declining and that this issue could be addressed in the next Coastal Plan. In relation to these matters, the Council considers that no change to the Plan is necessary at this time given that the Plan already gives effect to the Biodiversity Strategy and that rules in the Plan will not apply to areas of land managed under the Marine Reserves Act. Notwithstanding that, when the Plan is fully reviewed in 2007, the Council will look at the implications of new national initiatives, including any evidence that there is additional need to protect marine biodiversity. The implications of new national initiatives are recognised and discussed in further detail in section 7 of this report.

Set out in Table 8 is a summary of the matters raised by respondents and the Council's response (including reference to sections of the report addressing, in detail, matters raised).

**Table 8** Summary of stakeholder comment and response

Stakeholder*	Summary of matters raised	Response
Taranaki/Whanganui Conservation Board	Commend the Plan.	No immediate change to the Plan required.
	Suggest more monitoring of ecological values in the coastal marine area out to the 12-mile nautical mile limit.	Monitoring currently undertaken is believed to be appropriate for the purposes of our state of the environment and plan reporting requirements. However, should additional resourcing be required for monitoring of coastal ecological values the Council could do & it would not require any change to the Plan.
	Note changing social & cultural values.	No change proposed – objectives, policies & methods recognise & address social & cultural values.

<sup>17</sup> Taranaki Regional Council, 2002: *Op cit.*

	<b>Suggest “the use of locally sourced seed of local seeds” be referenced in relation to dune management &amp; enhancement.</b>	Minor change not warranting immediate change to the Plan.
New Plymouth District Council	No issues.	No immediate change to the Plan required.
PEANZ	No issues necessitating an immediate review of the Plan.	No immediate change to the Plan required.
	On reviewing Plan, amend it to address the permitting of well casings & the discharge of geothermal water.	Agree. Amendments to be made when the Council reviews the Plan (refer to section 6.1 of this report).
V Deakin	Suggest district & regional councils should have a co-ordinated approach.	Agree. The need for co-ordination is recognised. No change to the Plan is required.
	Notes that there needs to be awareness of the effects of personnel change in terms of the implementation of policies.	Agree. No change to the Plan required.
	Notes that short term cost savings should not outweigh the long term environmental costs.	Agree. No change to the Plan required.
Swift Energy NZ Ltd	Suggest amending rules to address the permitting of well casings & the discharge of geothermal water.	Agree. Amendments to be made when the Council reviews the Plan (refer to section 6.1 of this report).
G Smale	No issues.	No immediate change to the Plan required.
Shell Todd Oil Services Ltd	Suggest amending rules to address the permitting of well casings & the discharge of geothermal water.	Agree. Amendments to be made when the Council reviews the Plan (refer to section 6.1 of this report).
Nga Motu Marine Reserve Society Inc	Commend the Plan for its generally tougher rules regime & its levels of compliance.	No immediate change to the Plan required.
	Note Biodiversity Strategy & Marine Reserves Bill give the Council greater responsibility for protecting ecological values.	No change proposed – objectives, policies & methods recognise & address ecological values.
	Suggest terminology change in the Plan ie, replacing ‘ <b>ecological values</b> ’ with ‘ <b>marine biodiversity</b> ’ & the consequence of new marine reserves proceeding.	Agree. Amendments to be made when the Council reviews the Plan.
	Suggest there is declining marine biodiversity, which can be addressed as an issue in the next Coastal Plan.	Agree. Issue to be considered when the Council reviews the Plan.

\* No response from Waitara Boating Club, Opunake Boating and Underwater Club, Cape Egmont Boat Club, Patea And District Boating Club, Waitara Offshore Fishing Club, South Taranaki Underwater Club, New Plymouth Sportfishing and Underwater Club, New Plymouth Yacht Club, Urenui Boat Club, Waiinu Beach Coastal Care Group, Waitara Outfall Management Board, South Taranaki District Council, NZMP Whareroa, New Zealand Oil Services Limited, Natural Gas Corporation of New Zealand, Paradise Abalone Ltd, Rainbow Abalone and Pearls Limited, Taranaki Aquaculture Ltd, Westgate Transport Ltd, Contact Energy Ltd, Department of Conservation, Maritime Safety Authority, Ministry for the Environment, Ngati Tama Development Trust, Ngati Mutunga Iwi Authority, Te Atiawa Tribal Council, Te Atiawa Iwi Authority, Nga Ruahine Iwi Authority, Ngati Ruanui Tahu Iwi Authority, Nga Rauru Iwi Authority Society, North Taranaki Branch of Royal Forest and Bird Protection Society, Oakura Boardriders Club, Tongaporutu Domain Board and Residents and Raepayers, New Zealand Fishing Industry Board, Ministry of Commerce, Telecom New Zealand, Taranaki Health Ltd, Royal Forest and Bird Protection Society, MAF Fisheries Policy, CJ & C Davies, RG Clayton, CJ Neeson, JM & MD Smale, N & C Drought & Crowley, JM & ND Leuthart.

## 6. Scope and interpretation of regional rules

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Council staff, key resource users and other affected and interested parties have reviewed the *Regional Coastal Plan for Taranaki* to identify any issues relating to the scope or interpretation of regional rules.

This section of the report identifies some relatively minor areas of improvement to the Plan where, with the benefit of experience and as a result of developments and changes occurring in the coastal marine area, regional rules could be improved, sharpened or made more comprehensive. However, none of the recommended areas of 'improvement' to the current rules warrant an immediate review of the *Regional Coastal Plan for Taranaki*. Issues identified are relatively minor and are best addressed when the lifespan of the Plan is reached ie, in 2007.

Table 9 presents a summary of the assessment of the urgency in which the *Regional Coastal Plan for Taranaki* should be reviewed and possibly amended.

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### 6.1 Amendments to permit activities

The review of regional rules in the *Regional Coastal Plan for Taranaki* demonstrates that coastal activities that have little or no adverse effects, have, in the main, been adequately identified and made permitted activities. There have only been two related activities (both associated with the Pohokura development) for which the rules are considered to be too restrictive.

Well casings associated with hydrocarbon exploration sites, including land based wells that deviate to areas beneath the seabed, are considered to be a 'structure' and are therefore addressed under Rule C1.11. As such they are a discretionary activity for which a resource consent is required. However, the effects of well casings on the coastal marine area are negligible and could therefore be made a permitted activity with appropriate conditions.

Rule G3.2 applies to any produced geothermal water from drilling and is similarly considered to be too restrictive and could be addressed in the Plan as permitted activities given that the activities are very minor in nature.

### 6.2 Inclusion of tougher conditions

Rule G2.8 of the *Regional Coastal Plan for Taranaki* permits the discharge of drilling muds, cuttings, and drilling fluids from onshore installations to coastal management area A and B without the need to obtain a resource consent. However, these types of discharge have the potential to generate significant adverse environmental effects and the conditions are now considered to be too permissive and are inconsistent with international good practice - such as those developed and adopted by the United States Environmental Protection Agency (USEPA).

To ensure greater environmental protection and promote good practice it would be useful amending Rule G2.8 to differentiate between synthetic based, water based and

oil based drilling muds, cuttings and drilling fluids and impose limitations on the characteristics of drilling mud discharges that are consistent with USEPA standards. To date, the permissive nature of Rule G2.8 has not been a major problem as, since the adoption of the *Regional Coastal Plan for Taranaki*, the rule has only needed to be applied once (ie, in relation to the resource consent applications associated with the Pohokura offshore production station). In this case, the applicant has undertaken to recover the drilling muds and discharge them elsewhere ensuring there will be no adverse environmental effects. The Council is not aware of any other developments that are likely to undertake this activity over the next five years of the Plan. Consequently, it is suggested that there is no urgent need to amend the Plan but that when the Plan is fully reviewed in 2007 it is recommended that appropriate changes be made to Rule G2.8 at that time.

Rule G2.12 of the *Regional Coastal Plan for Taranaki* permits seismic surveying in the coastal marine area for the purposes of petroleum prospecting without the need to obtain a resource consent. However, when drafting the rule, the scale of some seismic testing was not anticipated and experiences in other parts of New Zealand have found fishlife to be adversely affected by such testing. Consequently the conditions are now considered to be too permissive and the Plan would benefit from the inclusion of conditions that address the scale of seismic surveying and the need to avoid adverse effects on marine life.

The permissive nature of Rule G2.12 has not been a major problem as to date there have been no known adverse effects associated with the implementation of this rule nor is significant seismic testing anticipated in the future. Consequently, it is suggested that there is no urgent need to amend the rule at this time. However, it is suggested that when the *Regional Coastal Plan for Taranaki* is fully reviewed in 2007 appropriate changes should then be made to Rule G2.12.

### **6.3 Align rules with legislation amended or enacted after the Plan**

An inevitable consequence of any public planning document having a 'lifespan' of ten years is that it becomes dated when central government enacts or amends governing legislation. Since the adoption of the *Regional Coastal Plan for Taranaki*, Council's coastal management responsibilities under the Plan have been altered through amendments to the Local Government Act 1974 and the Maritime Transport Act 1996, the repeal of the Harbours Act 1950 and the enactment of the Resource Management (Marine Pollution) Regulations 1998.

Of particular significance in terms of this interim review was the enactment of the Resource Management (Marine Pollution) Regulations, which have overridden a number of regional rules controlling the dumping, discharge and incineration of waste and harmful substances from ships and offshore installations (Rules G2.1 – G2.7, G2.10 and G2.11). While it would be useful for the purposes of certainty and clarity to delete those parts of Rules G2.1 – G2.7, G2.10 and G2.11 that are now obsolete, it is noted that in anticipation of changes in legislation:

- (a) The general rules concerning discharges from ships and offshore installations were drafted to be as consistent as possible with the then draft regulations.

- (b) The Plan included explanatory text noting that these rules may become obsolete on enactment of the regulations.

Since the adoption of the *Regional Coastal Plan for Taranaki*, the Resource Management Act has also been amended, including provision for Councils to now charge a resource consent applicant for an occupation of the coastal marine area having regard to public and private benefits. However, the option of charging an applicant for an occupation of the coastal marine area is not available to this Council as its Plan has not provided for such charges. Under section 64A of the Resource Management Act “...no coastal occupation charge may be imposed on any person occupying the coastal marine area unless the charge is provided for in the regional coastal plan”.

To date there have been no problems in the administration of Rules G2.1 – G2.7, G2.10 and G2.11. Similarly, occupation of the coastal marine area is not a major issue in this region. Consequently, it is suggested that there is no urgent need to amend the rules or the provisions of the *Regional Coastal Plan for Taranaki* at this time. However, it is suggested that when the Plan is fully reviewed in 2007 a review of the relevant rules and provisions will then be appropriate.

## 6.4 Other changes to the Plan

### 6.4.1 Amend definitions

Section 2 [Definitions] of the Act defines structure as meaning:

“...any building, equipment, devise, or other facility made by people which is fixed to land; and includes any raft.”

However, the *Regional Coastal Plan for Taranaki* defines structure as meaning:

“...any building, equipment, devise, or other facility made by people which is fixed to land; and includes any raft **but does not include and ship or offshore installation** (emphasis added)”

Adopting a different definition of ‘structure’ in the *Regional Coastal Plan for Taranaki* to the statutory definition is probably *ultra vires*. Consequently, when applying the rules to ships or offshore production facilities there is an issue of legal uncertainty. However, to date the Council has not experienced any problems when applying its definition. There has only been one occasion in five years when the difference potentially mattered occurred (ie, in relation to the Pohokura development) but even then the difference was irrelevant as, regardless of the definition applied, the activity needed to be processed as a discretionary activity. Also of note is that section 2 [Definitions] of the Plan states that in the case of any inconsistency or amendment of the definition the statutory definition prevails. Therefore, no urgent change to the rules is necessary although for the purposes of certainty and clarity it would be useful reviewing all definitions to ensure there is consistency with the statutory definitions when the Plan is fully reviewed in 2007.

The *Regional Coastal Plan for Taranaki* does not contain a definition of ‘Mean High Water Springs’. This definition is particularly important as territorial authority responsibility cease on the landward side of that line and many coastal activities have the ability to overlap that line potentially involving two or three consenting

authorities. However potential administrative problems resulting from a lack of certainty over where different jurisdictions apply have been avoided as the matter is being addressed in both the South Taranaki and New Plymouth District Council's District Plans, which are providing for a more integrated consent process between district and regional council. The issue does not warrant the cost of varying the Plan.

#### **6.4.2 Standardise rules**

Rule G1.3 of the *Regional Coastal Plan for Taranaki* is a 'catch-all' rule for occupation of the coastal marine area. This rule is worded slightly differently to other 'catch-all' rules and could be amended to make it consistent with similar type rules in the Plan. However, any amendment would be a change of minor effect to correct a very minor matter. The change could be made without further formality pursuant to Clause 16 of the First Schedule of the Resource Management Act.

Rule G2.10 permits discharges to air associated with flaring at hydrocarbon exploration sites but includes a buffer distance condition that is less than that provided in similar type rules addressed in the *Regional Air Quality Plan for Taranaki*. A condition in Rule G2.10 provides for a 150-metre buffer zone outside the Sugar Loaf Islands Marine Protected Area. However, the *Regional Air Quality Plan for Taranaki* generally provides for 300-metre buffer distances around flaring activities and a similar distance is probably appropriate particularly given that the Sugar Loaf Islands Marine Protected Area is an area of outstanding coastal value.

#### **6.4.3 Typographical errors**

Typographical errors have been identified in Rules D3.3 – D3.5 whereby the policy reference sections refer to Policy 3.2 twice instead of Policy 3.1 and 3.2. This is clearly a typographical error of minor effect and pursuant to Clause 16 of the First Schedule of the Resource Management Act, the Council can amend the *Regional Coastal Plan for Taranaki* without further formality to correct any minor errors.

### **6.5 Evaluation for the urgency of change**

The criteria for considering making immediate changes to the *Regional Coastal Plan for Taranaki* are outlined in Appendix I of this report.

After having regard to these criteria, none of the issues discussed in sections 6.1 to section 6.4 above, individually or collectively, warrant the Council initiating an immediate and full review of the *Regional Coastal Plan for Taranaki* under section 79 of the Resource Management Act.

In relation to the minor typographical errors noted in Rules D3.3 – D3.5, any correction would clearly be of minor effect and accordingly the Council can immediately amend the Plan without further formality to correct these errors.

Other changes to the *Regional Coastal Plan for Taranaki* are recommended to permit well casing (Rules C1.11) and the discharge of geothermal water (Rule G3.2) associated with hydrocarbon exploration sites, include tougher conditions (Rules G2.8 and G2.12), align rules with legislation amended or enacted since the adoption

of the Plan (Rules G2.1 – G2.7, G2.10 and G2.11) or finetune definitions etc. However, the cost of reviewing and processing a change to the Plan is considerable and would outweigh the anticipated benefits. It is recommended that these matters be noted and addressed when the Council undertakes a full review of the Plan in 2007.

Table 9 below summarises in matrix form the evaluation for considering changes to the *Regional Coastal Plan for Taranaki*.

**Table 9** Evaluation of recommended amendments to the Plan

Recommended amendments	Are changes required to the Plan based upon?						Comments
	Issues	Lawfulness	Clarity	Practicality & affordability	Efficiency	Equity	
Amendments to permit activities <ul style="list-style-type: none"> <li>- Rule C1.11: Well casing</li> <li>- Rule G3.2: Discharge of geothermal water</li> </ul>	No	No	No	No	Minor	Minor	Activity that generally has no or minor adverse environmental effects & could be permitted to promote efficiencies & reduce costs for resource users.
Inclusion of tougher conditions <ul style="list-style-type: none"> <li>- Rule G2.8: Impose limitations on the characteristics of drilling mud discharges that are consistent with USEPA limits</li> <li>- Rule G2.12: Impose limitations on the scale of seismic testing to be permitted</li> </ul>	Minor	No	No	No	No	No	Very infrequent permitted activities that to date have had no or little adverse effects. No other activities of this type are anticipated over the life of the Plan.
	Minor	No	No	No	No	No	
Align rules with new or amended statutes <ul style="list-style-type: none"> <li>- Delete Rules G2.1-G2.7, G2.10 &amp; G2.11: Discharges from ships</li> <li>- Provide for coastal occupation charges</li> </ul>	No	No	Minor	No	No	No	Rules addressing ship discharges are now obsolete with the subsequent enactment of government regulations. Option to charge for coastal occupations now available but it is not a significant issue in Taranaki.
	No	No	No	No	No	Minor	
Other changes: <ul style="list-style-type: none"> <li>- RuleG2.10: Standardise buffer distance conditions for discharges to air from flaring with Air Plan</li> <li>- Amend definition of 'structure'</li> <li>- Amend definition of 'Mean High Water Springs'</li> <li>- Correct typographical errors (Rules D3.3-D3.5, G1.3)</li> </ul>	No	No	No	No	No	Minor	Buffer distance standards in Rule G2.10 near Sugar Loaf Islands have not been an issue to date. Minor typographical errors & other minor corrections of minor effect can be immediately amended without the need for a full review. Amendments of definitions are a more significant change & are best addressed when reviewing the Plan.
	No	Minor	Minor	No	No	No	
	No	No	Minor	No	No	No	

No = in relation to that criterion, no issue of concern.

Minor = in relation to that criterion, an issue of minor concern but not significant enough to warrant an immediate review of the Plan.

Major = in relation to that criterion, an issue of major concern that necessitates an immediate review of the Plan.



## 7. National issues and legislative reforms

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There are a number of national issues and legislative reforms currently before Parliament that were of interest to this Council in the interim review of the *Regional Coastal Plan for Taranaki*. These included aquaculture reform, Marine Reserves Act, Oceans Policy and the New Zealand Coastal Policy Statement Review. However none of these national issues require the Council to undertake a full review of the Plan.

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### 7.1 Aquaculture reform

Central government, through the Ministry for the Environment and the Ministry of Fisheries, is currently considering proposals to promulgate legislation relating to the management of aquaculture in the coastal marine area and for the purpose of promoting better integration between coastal planning, aquaculture development and fisheries management. Central government already has in place a nation-wide moratorium on the granting of coastal consents for further marine farming proposals under the Resource Management (Aquaculture Moratorium) Amendment Act. It is now considering the Resource Management (Aquaculture Reform) Amendment Bill. Under that Bill, which has yet to be introduced to Parliament:

- Regional councils are to restrict aquaculture to clearly defined ‘aquaculture management areas’;
- Regional councils will have greater powers to manage and control aquaculture development;
- Development approvals within these areas will be streamlined by providing a single-permit process;
- Regional councils will be responsible for considering both environmental effects and fisheries matters in providing for aquaculture under coastal plans; and
- Individual sites within an ‘aquaculture management area’ will be tendered under the Act.

Should such an amendment to the Resource Management Act be promulgated, the Council will need to review parts of the *Regional Coastal Plan for Taranaki* to identify ‘aquaculture management areas’ and develop regional rules relating to aquaculture in those areas. However, given the government has yet to finalise its policy and the Council will only know the full extent of changes that may be required to the Plan once the Bill has been introduced (eg, transition provisions may apply), it is clearly inappropriate at this time to make immediate changes to the Plan.

In the meantime, this Council continues to act in a manner consistent with its obligation under the *Regional Coastal Plan for Taranaki* and the Resource Management Act.

### 7.2 Marine Reserves Act

Central government is currently reviewing the Marine Reserves Act 1971 in order to streamline the process for establishing marine reserves and increase the number of marine reserves. The new legislation had its first reading on 15 October 2002 and has been referred to the Local Government and Environment Select Committee. There is still pressure on government to broaden the narrow focus of the current Marine Reserves Act.

Over the next 12 months, the Department of Conservation plans to process five marine reserve applications under the current legislation. One of the proposed reserves covers the North Taranaki Paraninihi/White Cliffs area. Presently, this area has the highest protection afforded by the *Regional Coastal Plan for Taranaki* (ie it has been classified as a Coastal Management Area A).

In terms of possible implications for the *Regional Coastal Plan for Taranaki*, should the Department of Conservation make the North Taranaki Paraninihi/White Cliffs area a marine reserve, some inconsequential changes to the Plan will need to be made. However, the changes are minor in nature and do not warrant Council undertaking a full statutory review of the Plan. Under clause 16 of the first schedule of the Resource Management Act, the Council can amend the Plan without further formality to correct any information, where such alteration is of minor effect. Should the marine park proposal go ahead, the only changes that would be required to be made to the Plan would be to note the changed 'status' of the area and to note that the Resource Management Act does not apply to any area of land that is managed under the Marine Reserves Act.

### **7.3 Oceans Policy**

Currently, there are 14 government departments involved in the marine environment, with at least 18 pieces of domestic legislation governing the ocean and various other marine policy initiatives are still being promulgated. To promote better integrated management of the marine environment, central government established a Ministerial Group to oversee the development of an Oceans Policy. In particular, central government is seeking to develop an Oceans Policy that will provide a clear statement of what New Zealanders, individually and collectively, value about the sea and coastline and what relative priority should be attached to different options at different times and in different places.

The Oceans Policy will be developed in three stages: Stage One: Defining the vision, Stage Two: Designing the tools to achieve the vision and Stage Three: Delivering the vision. To date, central government has completed Stage One. It has subsequently released a discussion document entitled *Healthy Sea: Healthy Society Towards an Oceans Policy for New Zealand*, which defines the vision and sets goals for managing the marine environment including government's intention for a draft Oceans Policy to be achieved by 30 June 2003.

The development of an Oceans Policy is still at an early stage. The timing and outcome of this policy development is still not certain therefore changes (if any) to the *Regional Coastal Plan for Taranaki* are not required at this time. In the meantime, this Council continues to act in a manner consistent with its obligation under the Plan and the Resource Management Act.

## **7.4 New Zealand Coastal Policy Statement**

The Department of Conservation is about to commence its review of the *New Zealand Coastal Policy Statement*. Any changes proposed to the *New Zealand Coastal Policy Statement* arising from that review process will then need to go through the full procedures under the Act including the preparation of a proposed change, establishment of a Board of Inquiry, public submissions and hearings etc.

The precise timing for the review of the *New Zealand Coastal Policy Statement* is still not certain. However, the Department of Conservation has indicated that it hopes to commence the review in early 2003. Any changes to the *New Zealand Coastal Policy Statement* arising out of the review will clearly be too late for this interim review of the *Regional Coastal Plan for Taranaki*. However, it is expected that the review will be completed before the Council undertakes a full statutory review of the Plan in 2007. In the meantime, this Council continues to act in a manner consistent with its obligation under the *New Zealand Coastal Policy Statement*, the Plan and the Resource Management Act.



## 8. Conclusion

Following the adoption of any regional plan, experience in the implementation of that plan will inevitably highlight some issues or areas where the *Regional Coastal Plan for Taranaki* could be improved. However, it is the Council's view and generally that of stakeholders' consulted in this interim review that this review has not identified any deficiencies in the Plan warranting urgent remedy.

The Council has for the last five years been progressively implementing the policies and methods, with successful results so far. State of the environment and compliance monitoring programmes confirm that the *Regional Coastal Plan for Taranaki* has been effective in maintaining Taranaki's excellent coastal water quality. Monitoring also confirms that pressures on public access and natural character of the coastline arising from use and development are, in the main, relatively minor.

In terms of the resource consent process, the review indicates generally tougher standards with respect to activities in the coastal marine area compared to other aspects of the environment. In comparison with the Council's other regional plans, the *Regional Coastal Plan for Taranaki* has the largest number of rules and the lowest proportion of permitted activities or consents that have been notified or processed as a controlled activity.

Notwithstanding the above, the *Regional Coastal Plan for Taranaki* has facilitated the efficient processing of resource consents and reduced unnecessary compliance costs. Of particular note is that:

- Compliance monitoring programmes confirm that in 2001/02, 100% of coast permit holders routinely achieved a 'high' or 'good' performance having regard to their overall environmental performance and compliance.
- Most coastal permits are non-notified (on average 73% since the Plan was adopted); and
- In the five years following the adoption of the Plan, the Council has continued to significantly improve its performance with 100% of consent applications being processed within statutory timeframes.

As a first generation plan and the first regional plan to be approved by the Minister of Conservation, this interim review of the *Regional Coastal Plan for Taranaki* has highlighted significantly fewer provisions that could be improved, sharpened or made more comprehensive than perhaps anticipated. Based upon the Council's and stakeholders' experience in the administration of the Plan and as a consequence of central government policy developments, some minor changes to the Plan are proposed but they are not so significant that a full review of the Plan is necessary or appropriate. These changes (other than typographical errors, which can be addressed immediately) can be addressed when the Plan is fully reviewed in 2007.



## Appendix I Criteria for review

The following criteria were applied when considering making changes to the *Regional Coastal Plan for Taranaki*.

- (a) **Issues:**
- There is a new issue of regional significance that has emerged since adoption of the Plan that is not addressed in the Plan or in other policies, strategies or plans and, after considering criteria (b) to (g) below, it is necessary and appropriate for that issue to be included in the Plan; or
  - An issue already identified in the Plan is no longer appropriate or necessary and after considering criteria (b) to (g) below, that issue should be removed from the Plan.
- (b) **Lawfulness:**
- The Plan is clearly leading directly to outcomes that are contrary to the **purpose and principles** of the Act; or
  - The Plan is clearly failing in its purpose of achieving **integrated management** and this failure is a consequence of the Plan itself; or
  - The provisions of the Plan are **ultra vires** and require immediate change in the interests of clarity and certainty and the efficient, effective and legally correct administration of the Act.
- (c) **Clarity:**
- The provisions of the Plan are so **unclear or uncertain** that those provisions are causing confusion and problems in administration and implementation of the Plan to the extent that the Plan requires immediate change.
- (d) **Practicability and affordability:**
- The provisions of the Plan have emerged as being not practical or affordable and cannot realistically be undertaken **and** these provisions are causing problems in administration of the Plan that require its immediate change.
- (e) **Efficiency:**
- The provisions of the Plan do not promote the efficient management of resources, result in excessive compliance costs or are not cost-effective for the community (ie, costs are too high relative to the benefits expected) to the extent that the Plan requires immediate change.
- (f) **Equity:**
- The provisions of the Plan impose unacceptable costs or benefits on one sector and not others to the extent that the Plan requires immediate change.
- (g) **Section 32 duties:**
- Any change to the Plan is subject to the duties imposed under section 32 of the Act and these must be considered in the review process. In proposing any changes to objectives, policies, or methods the Council must have regard to:
- The extent to which the objective, policy or method is **necessary** in achieving the purpose of the Act;
  - **Other means** to achieve the purpose of the Act;

- The **reasons** for adapting the objective, policy or method, the principal alternative means available or of taking no action where the Act does not require otherwise;
- **Benefits and costs** of the principal alternative means;
- The **appropriateness** of the objective, policy or method having regard to its efficiency and effectiveness relative to other means.

Part of this assessment will need to include consideration of the:

- **Timeliness** of any change (particularly in view of any proposed changes in legislation, and roles or responsibilities); and
- **Costs** to the Council in processing a change to the Plan and compliance costs imposed on resource users.

## Appendix II Arrangement of rules according to coastal activity

Category	Activity	Rule No	Rule category	
General	Occupation of space			
	Occupation of space for community, recreation or sporting activities	G1.1	Permitted	
	Occupation of large areas	G1.2	Discretionary & restricted	
	Other occupation	G1.3	Discretionary	
	Discharges from ships & onshore installations of:			
	Stormwater	G2.1	Permitted	
	Cooling water	G2.2	Permitted	
	Human sewage	G2.3	Permitted	
	Treated sewage	G2.4	Permitted	
	Garbage	G2.5	Permitted	
	Ballast water	G2.6	Permitted	
	Bilge or wash water	G2.7	Permitted	
	Drilling muds, cuttings & drilling fluids	G2.8	Permitted	
	Produced water	G2.9	Permitted	
	Contaminants resulting from hydrocarbon flaring	G2.10	Permitted	
	Harmful substances	G2.11	Permitted	
	Seismic surveys	G2.12	Permitted	
	Other discharges	G2.13	Permitted	
	Use of water			
	In embayments, harbours or inlets	G3.1	Permitted	
	Estuaries or aquifers	G3.2	Discretionary	
	Introduction of exotic plant species	G4.1	Discretionary & restricted	
	Temporary military training			
With minor effects	G5.1	Permitted		
Do not comply with G5.1	G5.2	Controlled		
Deposits from ships	G6.1	Prohibited		

Category	Activity	Rule No	Rule category
Areas of outstanding value	Structures		
	Placement of outfall structures	A1.1	Permitted
	Maintenance of structures	A1.2	Permitted
	Placement of navigation aids	A1.3	Controlled
	Removal or demolition of a structure	A1.4	Discretionary
	Placement of large structure	A1.5	Non-complying & restricted
	Placement of large structure	A1.6	Discretionary & restricted
	Placement of storage structure for petroleum	A1.7	Prohibited
	Placement of pipeline	A1.8	Discretionary & restricted
	Placement of solid structure impounding the coastal marine area	A1.9	Prohibited
	Placement of whitebait stands	A1.10	Prohibited
Structures that do not comply with A1.1 – A1.10	A1.11	Discretionary	
Discharges	Aquifer water	A2.1	Permitted
	Uncontaminated stormwater	A2.2	Permitted
	Uncontaminated stormwater not complying with A2.2	A2.3	Discretionary
	Human sewage	A2.4	Prohibited
	Other discharges not complying with A2.1 – A2.4	A2.5	Discretionary & restricted
	Other discharges not complying with A2.5	A2.6	Non-complying
Disturbance of, & deposits to, foreshore & seabed	For clearance of outfalls, culverts & intake structures	A3.1	Permitted
	Disturbance of material	A3.2	Non-complying & restricted
	Other disturbance not complying with A3.1 or A3.2	A3.3	Discretionary
	Large deposits	A3.4	Non-complying & restricted
	Other deposits not complying with A3.4	A3.5	Discretionary
	Reclamations	Reclamations (excluding for the purposes of erosion control)	A4.1
Reclamations (for the purposes of erosion control)		A4.2	Discretionary
		A4.3	Non-complying
		A4.4	Non-complying & restricted

Category	Activity	Rule No	Rule category	
Estuaries	Structures			
	Maintenance of structures	B1.1	Permitted	
	Placement of outfall structures	B1.2	Permitted	
	Placement of navigation aids	B1.3	Controlled	
	Placement of utility structure	B1.4	Controlled	
	Placement of whitebait stands	B1.5	Prohibited	
	Removal or demolition of a structure	B1.6	Discretionary	
	Removal or demolition of a structure not complying with B1.6	B1.7	Discretionary	
	Placement of solid structure impounding the coastal marine area	B1.8	Prohibited	
	Placement of large structure	B1.9	Discretionary & restricted	
	Placement of large structure	B1.10	Discretionary & restricted	
	Placement of storage structure for petroleum	B1.11	Prohibited	
	Placement of pipeline	B1.12	Discretionary	
	Structures that do not comply with B1.1 – B1.12	B1.13	& restricted	
Structures that do not comply with B1.1 – B1.13	B1.14	Non-complying		
Discharges	Aquifer water	B2.1	Permitted	
	Uncontaminated stormwater	B2.2	Permitted	
	Uncontaminated stormwater not complying with B2.2	B2.3	Non-complying	
	Human sewage	B2.4	Discretionary & restricted	
	Other discharges not complying with A2.1 – A2.4	B2.5	Discretionary & restricted	
	Other discharges not complying with A2.5	B2.6	Discretionary	
	Disturbance of, & deposits to, foreshore & seabed	For clearance of outfalls, culverts & intake structures	B3.1	Permitted
Disturbance of material		B3.2	Discretionary & restricted	
Other disturbance not complying with B3.2		B3.3	Non-complying & restricted	
Other disturbance not complying with B3.1 – B3.3		B3.4 B3.5	Discretionary Non-complying	
Large deposits		B3.6	Discretionary & restricted	
Large deposits not complying with B3.6		B3.7	Non-complying & restricted	
Other deposits not complying with B3.6 or B3.7		B3.8	Discretionary	
Other deposits not complying with B3.6, B3.7 or B3.8		B3.9	Non-complying	
Reclamations		Reclamations (excluding for the purposes of erosion control)	B4.1	Prohibited
		Reclamations (for the purposes of erosion control)	B4.2 B4.3	Discretionary Discretionary & restricted

Category	Activity	Rule No	Rule category
Open coast	Structures		
	Maintenance of structures	C1.1	Permitted
	Maintenance of structures not complying with C1.1	C1.2	Discretionary
	Placement of outfall structures	C1.3	Permitted
	Placement of navigation aids	C1.4	Controlled
	Removal or demolition of a structure	C1.5	Permitted
	Removal or demolition of a structure not complying with C1.5	C1.6	Discretionary
	Placement of large structure	C1.7 C1.8 C1.9 C1.10	Discretionary & restricted Discretionary & restricted Discretionary & restricted Discretionary & restricted
	Structures that do not comply with C1.1 – B1.10	C1.11	Discretionary
	Discharges		
	Aquifer water	C2.1	Permitted
	Uncontaminated stormwater	C2.2 C2.3	Permitted Discretionary
	Petroleum dispersants	C2.4	Permitted
	Human sewage	C2.5	Discretionary & restricted
	Other discharges not complying with C2.1 – C2.5	C2.6	Discretionary & restricted
	Other discharges not complying with C2.6	C2.7	Discretionary
	Discharges to air	C2.8	Discretionary
	Disturbance of, & deposits to, foreshore & seabed		
	By drilling	C3.1	Permitted
	For stream diversion or stream mouth clearance	C3.2	Permitted
	For clearance of outfalls, culverts & intake structures	C3.3	Permitted
	Disturbance of material	C3.4	Discretionary & restricted
	Other disturbance not complying with C3.1 – C3.4	C3.5	Discretionary
	Deposits for beach replenishment	C3.6	Discretionary
	Deposits for other purposes	C3.7 C3.8	Discretionary & restricted Discretionary
	Deposits for other purposes not complying with C3.1 – C3.8	C3.9	Discretionary
	Reclamations		
	Reclamation or draining of foreshore or seabed	C4.1	Discretionary & restricted
	Reclamation or draining of foreshore or seabed not complying with C4.1	C4.2	Discretionary

Category	Activity	Rule No	Rule category
Port Taranaki	Structures		
	Maintenance of structures/ alterations to existing wharves & breakwaters	D1.1	Permitted
	Maintenance of structures/ alterations to existing wharves & breakwaters not complying with D1.1	D1.2	Permitted
	Placement of outfall structures	D1.3	Permitted
	Placement of mooring anchor blocks on the seabed	D1.4	Permitted
	Placement of navigation aids	D1.5	Controlled
	Placement of launching, mooring or berthing structures	D1.6	Controlled
	Placement of utility structures	D1.7	Controlled
	Removal or demolition of a structure	D1.8	Permitted
	Removal or demolition of a structure not complying with D1.8	D1.9	Discretionary
	Placement of large structure	D1.10	Discretionary
		D1.11	Discretionary & restricted
		B1.12	Discretionary
		D1.13	Discretionary & restricted
		D1.14	Discretionary
		D1.15	Discretionary & restricted
		D1.16	Discretionary & restricted
	Placement of large structure not complying with D1.1 – D1.16	D1.17	Discretionary
	Discharges		
	Aquifer water	D2.1	Permitted
	Petroleum dispersants	D2.2	Permitted
	Human sewage	D2.3	Prohibited
	Other discharges not complying with D2.1 – D2.3	D2.4	Discretionary & restricted
	Other discharges not complying with D2.4	D2.5	Discretionary
	Discharges to air	D2.6	Permitted
	Discharges to air not complying with D2.6	D2.7	Discretionary
	Discharges to air not complying with D2.6 or D2.7	D2.8	Discretionary
	Disturbance of, & deposits to, foreshore & seabed		
	For clearance of outfalls, culverts & intake structures	D3.1	Permitted
	Disturbance of material by drilling	D3.2	Controlled
	Disturbance of material by dredging	D3.3	Controlled
		D3.4	Discretionary
	Large disturbance	D3.5	Discretionary & restricted
Other disturbance	D3.6	Discretionary	
Deposits for beach replenishment	D3.7	Discretionary	
Large deposits	D3.8	Discretionary & restricted	
Deposits for other purposes not complying with D3.7 or D3.8	D3.9	Discretionary	

Reclamations		
Reclamation or draining of foreshore or seabed	D4.1	Discretionary
Reclamation or draining of foreshore or seabed not complying with D4.1	D4.2	Discretionary & restricted
Storage of hazardous substances	D5.1	Discretionary

## Appendix III: Summary of progress in addressing coastal issues

What do we want to achieve?	Methods	Results
<p>Maintain and enhance coastal water quality by:</p> <ul style="list-style-type: none"> <li>– Enabling widespread contact recreation, shellfish gathering and consumption &amp; fishing</li> <li>– Maintaining marine ecosystems</li> <li>– Minimising occurrence of accidental spills and effective clean up if spills occur</li> </ul>	<p>Apply &amp; enforce regional rules</p> <p>Apply resource consent conditions addressing the avoidance, mitigation or remedying of adverse effects associated with some activities</p> <p>Monitor:</p> <ul style="list-style-type: none"> <li>– Beach bathing water quality</li> <li>– Performance of coastal permit holders</li> <li>– Pollution events &amp; their causes</li> </ul> <p>Apply methods in <i>Fresh Water Plan</i> to improve river water quality discharges to sea</p> <p>Provide information &amp; advice</p> <p>Require oil spill contingency plans where appropriate</p> <p>Prepare Tier II oil spill response</p> <p>Ballast water discharges to occur beyond Port limits</p>	<p>Only 4 significant wastewater discharges into the coastal marine area.</p> <p>Beach bathing bacteriological monitoring shows very good coastal water quality indicating that coastal waters do not pose risk to human health for contact recreational purposes or for consumption of shellfish outside stipulated mixing zones in the vicinity of coastal discharges</p> <p>Ecological monitoring of rocky shores indicates that water quality is excellent &amp; that the ecological diversity of or health of marine communities has not been significantly degraded</p> <p>Contingency plans have been developed at consent holder level (Tier 1) &amp; at the regional level (Tier 2)</p>
<p>Provide for the continued enjoyment &amp; use of the coastal environment</p> <p>Protect the natural character &amp; ecological values of the coast by:</p> <ul style="list-style-type: none"> <li>– Recognising &amp; providing for estuarine &amp; open coastal natural processes, differing natural values, &amp; different levels &amp; types of use across the coastal marine area;</li> <li>– Maintaining biodiversity &amp; marine habitat found in the marine ecosystems.</li> </ul> <p>Provide for the development &amp; efficient operation &amp; functioning of Port Taranaki</p> <p>Maintain &amp; enhance public access along the coastal marine area, where this is practicable.</p>	<p>Apply &amp; enforce regional rules based on management areas</p> <p>Apply resource consent conditions to ensure that adverse affects from activities on the natural character are avoided, remedied or mitigated</p> <p>Monitor:</p> <ul style="list-style-type: none"> <li>– Coastal ecological values</li> <li>– Performance of coastal permit holders</li> <li>– District council subdivision consents</li> <li>– Pollution events &amp; their causes</li> </ul> <p>Facilitate Coast Care Groups established at Oakura and East End/Fitzroy</p> <p>Assist planting of spinifex and cobble renourishment at Urenui Beach</p> <p>Develop of compliance monitoring programmes for erosion protection structures</p> <p>Provide information &amp; advice</p> <p>Proposed joint project involving New Plymouth District Council, South Taranaki District Council, Department of Conservation &amp; Taranaki Regional Council to identify areas of interest in the coastal environment &amp; assess public access to the areas</p> <p>Advocate to New Plymouth &amp; Stratford District Councils for district plans to contain policies and rules relating to the preservation &amp; enhancement of the natural character of the coastal environment, including public access.</p>	<p>Ecological monitoring of rocky shores indicates that the ecological diversity of or health of marine communities has not been significantly degraded</p> <p>A total of 170 coastal permits issued</p> <p>Foredune restoration undertaken at Oakura &amp; East End/Fitzroy</p> <p>Three esplanade strips established since 1996</p> <p>Proposed district plans prepared containing policies &amp; rules relating to the preservation &amp; enhancement of the natural character of the coastal environment, including public access</p>



## **Appendix IV: Stakeholders' responses to the interim review**

