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Committee Regulatory Committee
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Plan effectiveness monitoring report: Regional Coastal Plan

1. Purpose

To inform the Committee of the results of monitoring the effectiveness of the Regional Coastal Plan.

2. Background

The Regional Coastal Plan for the Wellington region was publicly notified in 29 June 1994. After completing the First Schedule process of submissions, further submissions, hearings and appeals, it was made operative on 19 June 2000. There has been one plan change, which was notified in 19 December 2006 and made operative on 12 July 2008.

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

This report presents the results of monitoring the effectiveness of the policies, rules and methods in the Regional Coastal Plan for the Wellington region (the Plan). Greater Wellington has limited information about the efficiency of the regional plans, and we have found it difficult to quantify and compare the costs of non-regulatory methods, permitted activities and consented activities. Regional councils' have commissioned a piece of work aimed at developing a consistent and useful methodology for monitoring the efficiency and effectiveness of regional plans. This work is expected to be completed by the end of the year.

3. Information used and limitations of the review

The information sources used in the review included:

1. State of the environment monitoring of water quality.
2. State of the environment reporting, with particular reference to *Measuring Up 2005*.
3. Feedback on the Regional Policy Statement discussion document *Our region, their future 2006*.
4. Monitoring the implementation of seven permitted activity rules.
5. Intertidal survey reports of the coast commissioned as part of the coastal and marine biodiversity programme.
6. Greater Wellington's regional rule feedback forum which records staff feedback and comments.
7. The feedback from a staff focus group.
8. The plan methods implementation database.
9. The consents and compliance database (COCO).
10. The pollution complaints 'Incidents Database'.

The effectiveness of policies, rules and other methods has been assessed by looking at and comparing the information from the sources above. Provisions have been deemed to be effective if implementation of the provisions has contributed to achieving the plan objectives, as measured by the information from the various sources.

This review, like the reviews of the Regional Plan for Discharges to Land (Report 06.108), the Regional Freshwater Plan (Report 06.86), the Regional Soil Plan (Report 08.338) and the Regional Air Quality Management Plan (Report 08.339) highlights the limitations in our ability to monitor the efficiency and effectiveness of our regional plan provisions.

One of the findings from the previous reviews was that our consents and compliance database (COCO) does not contain sufficient information or data manipulation capability to allow efficiency or effectiveness of regional rules to be assessed. Pollution complaints are recorded on the Incidents Database which is not easily linked to the consent and compliance database and has not been set-up to assess regional plan provisions. A new integrated database is currently being developed.

As with the other reviews, we found that information about compliance with permitted activity rules is difficult to obtain. For the review of this plan, information on the implementation of only seven of the 30 permitted rules was able to be gathered.

4. Results of the plan effectiveness assessment

This Plan is the largest of the regional plans. It has 130 policies, 86 rules and 28 methods to achieve 68 objectives. The provisions are structured into a chapter on 'general' objectives and policies, and nine chapters covering the following topics:

- reclamation and draining of the foreshore and seabed
- structures
- destruction, damage or disturbance of foreshore or seabed
- deposition of substances on foreshore or seabed
- exotic or introduced plants
- discharges to land and water
- discharges to air
- taking, use, damming or diversion of water
- surface water and foreshore activities.

Generally, the policies in the Plan do give effect to the objectives, but it has been difficult to detect whether or not changes in the environment are attributable to any particular policy.

Responses to the question "have the issues been addressed by the plan provisions?", asked as part of the review of the Regional Policy Statement, show that the regional community recognise the improvements in coastal water quality that have occurred over time, particularly in relation to sewage discharges. However, the focus has now shifted to the need to clean up stormwater discharges. Concerns about coastal development were also highlighted, but this concern generally related to subdivision and development within the coastal environment. The Regional Coastal Plan only deals with management of the coastal marine area (the area from the line of mean high water springs out to 12 nautical miles).

Most of the rules in the Plan invoke few consents. The exceptions to this are the rules for structures and discharges to water. These activities are placing a steady pressure on parts of the coastal marine area. Monitoring of coastal water quality shows that water quality is good in most places, except for localised hot spots near discharges of sewage, stormwater, and inflow from streams and rivers. This localised lower quality water, and results from shellfish flesh and sediment monitoring suggest that the discharges to water provisions are not stringent enough. In particular, the stormwater provisions need to be improved, and contaminant flow via rivers needs to be addressed by better co-ordination with other regional plans.

Permitted activities are monitored through state of the environment monitoring and responses to complaints. In addition to this, limited monitoring of seven permitted activity rules has been carried out as part of this evaluation. It established that, of the seven monitored, six rules are effective and one is not. The permitted activity rules for discharges of stormwater are not effective because they do not provide enough clarity and are difficult to enforce. These provisions need to be improved.

The effectiveness of methods, other than rules, in the Plan is largely determined by the level to which they have been implemented and whether or not they are targeted at relevant policies. Most of the methods in the plan for discharges to land and water have been implemented. There has been mixed implementation of the methods for exotic plants, structures and surface water and foreshore activities. Most methods in other chapters of the plan have not been implemented.

5. Recommendations

The results of this evaluation have shown that the implementation of the regional rules and the non-regulatory methods has only been partially effective in achieving the objectives of the Plan.

Many of the policies and rules would benefit from at least minor changes and some would benefit from a complete re-write. The connections between the objectives, policies, rules and other methods also need to be looked at. These changes will need to be considered when the Plan is formally reviewed. Some areas where it may be appropriate to take action are:

1. The structures and the discharges to land and water chapters require the greatest focus in the review. The greatest number of consents granted are for these activities, and they have potentially significant adverse environmental effects: for structures the effects on coastal processes, historic heritage and natural character; for discharges, cumulative ecological, recreation and amenity effects.
2. Two cross boundary matters require attention:
 - a) Integration of this plan with the provisions of the other regional plans in order to effectively deal with the adverse effects of discharges of sediment and contaminants to the coast.
 - b) Integration with district plans, management plans, bylaws and other mechanisms to address foreshore and surface water activities that span the MHWS jurisdictional boundary, notably driving vehicles on beaches.
3. Construction of provisions can be improved. The links between the provisions could be clearer, and the provisions easier to interpret and apply.
4. Special attention to conditions on permitted activities in general is needed, and they need to be capable of being monitored.
5. The permitted rule for the discharge of stormwater needs to be more stringent, with clear thresholds and conditions for contaminants and acceptable loading rates.
6. The regulatory/non-regulatory balance of methods and rules to implement the policies should be looked at to see if it is still appropriate.

In addition to the recommendations for changes to the Plan, the evaluation also highlighted that:

1. Targeted monitoring to address information needs for plan effectiveness reporting needs to be considered. Monitoring to detect changes in the environment to determine whether the objectives for each chapter are being achieved is needed.
2. Databases capable of accepting, manipulating and analysing the monitoring data are necessary.

We are required to begin the full review of the Regional Coastal Plan before June 2010, ten years after it became operative. The reviews for the Regional Plan for Discharges to Land and Regional Freshwater Plan must have started by December 2009, the review of the Regional Air Quality Management Plan must have started by May 2010, and the review of the Regional Soil Plan must have started by October 2010. These reviews fit well with implementing the direction set in the Regional Policy Statement, which will have made significant progress through the public process by then.

6. Communication

The *Plan Effectiveness Report: Regional Coastal Plan* will be available on Greater Wellington's website and hard copies will be available for anyone who requests it.

7. Recommendations

That the Committee:

1. ***Receives the report; and***
2. ***Notes the contents.***

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