

Section 32 report: Recreation, public access and public open space

for the Proposed Natural Resources Plan for the Wellington Region



greater WELLINGTON

REGIONAL COUNCIL

Te Pane Matua Taiao



Issues and Evaluation Report



Section 32 report: Recreation, public access and public open space

for the Proposed Natural Resources Plan for the
Wellington Region

For more information, contact the Greater Wellington Regional Council:

Wellington
PO Box 11646

Masterton
PO Box 41

T 04 384 5708
F 04 385 6960
www.gw.govt.nz

T 06 378 2484
F 06 378 2146
www.gw.govt.nz

GW/EP-G-15/63
#1475328

July 2015

www.gw.govt.nz
regionalplan@gw.govt.nz

Contents

1.	Introduction	1
2.	Scope	1
2.1	Report methodology	3
3.	Resource management issues	4
3.1	Issue 5.1 Stormwater discharges	4
3.2	Issue 5.3 Discharge of sewage (including treated sewage)	4
3.3	Issue 6.5: Occupation of space	5
3.4	Issue 6.6 Recreational activities	5
3.5	Issue 1.10: Public access	6
4.	Regulatory and policy context	6
4.1	National level	6
4.1.1	Resource Management Act 1991	6
4.1.2	New Zealand Coastal Policy Statement 2010	6
4.1.3	National Policy Statement for Freshwater Management 2014	7
4.1.4	Marine and Coastal Area (Takutai Moana) Act 2011	7
4.1.5	Marine Reserves Act 1971	8
4.1.6	Conservation Act 1987	9
4.2	Regional level	9
4.2.1	Regional Policy Statement for the Wellington Region	9
4.2.2	Regional Coastal Plan	10
5.	Appropriateness of the proposed objectives	11
5.1	Proposed objectives	11
5.1.1	Objective O9	11
5.1.2	Objective O10	12
5.1.3	Objective O55	12
5.2	Conclusion for the appropriateness of the objectives	13
6.	Efficiency and effectiveness of the proposed policies, rules and other methods	14
6.1	Recreational values	14
6.1.1	Operative provisions	15
6.1.2	Proposed Plan	15
6.2	Public access	18
6.2.1	Operative provisions	19
6.2.2	Proposed Plan	19
6.3	Public open space	20
6.3.1	Operative provisions	21
6.3.2	Proposed Plan	21
	References	22
	Appendix	23
	Assessing the appropriateness of the objectives	23
	Identifying alternative policies, rules and other methods	28
	Section 12 RMA	33

1. Introduction

This section 32 report is an analysis of the appropriateness of the proposed objectives, policies and methods in the proposed Natural Resources Plan for the Wellington Region (referred to as the proposed Plan) that addresses recreation, public access and public open space in either the coastal marine area (CMA) or in the beds of lakes and rivers and sometimes in both. This report is guided by the requirements of section 32 of the Resource Management Act 1991 (RMA).

2. Scope

This report focuses on some values in the CMA and in the beds of lakes and rivers that are appreciated by the community, these are:

- Recreation (in the CMA and in the beds of lakes and rivers) (proposed Objective O9)
- Public access (to and along the CMA and the beds of rivers and lakes) (proposed Objective O10)
- Public open space (only in the CMA) (proposed Objective O55)

The CMA is the area below mean high water springs out to 12 nautical miles off the coast. In general, the mean high water spring is the upper extent of the beach that gets wet each day.

Wellington Regional Council (referred to as the WRC) is responsible for controlling a range of activities in the CMA. The CMA is defined in section 2 of the RMA as:

the foreshore, seabed, and coastal water, and the air space above the water—

(a) of which the seaward boundary is the outer limits of the territorial sea:

(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

While proposed Objective O9 addresses recreational values both in the CMA and in the beds of lakes and rivers, this section 32 report only assesses the policies, rules and other methods for the management of the CMA to achieve this objective. Provisions to achieve this objective for freshwater are addressed in the section 32 Report – Water quality.

There are three other section 32 reports that directly relate to the coast, which should be read together as one package to understand the context and approach for the evaluation undertaken for the development of the proposed Plan.

The three other section 32 reports are:

- Management of the coastal marine area
- Natural Heritage
- Activities in the coastal marine area

Table 1 below shows which of the proposed objectives are assessed in the ‘coastal’ section 32 reports.

Table 1: Proposed objectives and the section 32 report they are assessed in

Proposed objective	Section 32 report
Objective O17: Natural character Objective O32: Outstanding natural features and landscapes Objective O36: Significant geological features Objective O37: Significant surf breaks Objective O38: Special amenity landscapes	Natural heritage
Objective O9: Recreational values Objective O10: Public access Objective O55: Public open space	Recreation, public access and public open space
Objective O53: Functional need Objective O54: Efficient use of space Objective O56: New development Objective O57: Lambton Harbour Area Objective O59: Safe use and passage	Management of the coastal marine area
Objective O19: Natural processes Objective O58: Noise	Activities in the coastal marine area

There are a number of other section 32 reports that cover specific resource management topics which are also relevant to the coast and should be read in conjunction with this report and include:

- Ki uta ki tai – mountains to the sea
- Beneficial use and development
- Sites with significant historic heritage values
- Air quality management
- Māori values

- Wetlands
- Discharges to water
- Aquatic ecosystems
- Natural hazards
- Water quality

2.1 Report methodology

Section 32(2) of the RMA states:

(2) An assessment under subsection (1)(b)(ii) must—

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions

To fulfil the requirement of section 32(2) of the RMA, the report identifies and assesses the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

In accordance with section 32(2), the analysis identifies the opportunities for economic growth that are anticipated to be provided or reduced and the employment that are anticipated to be provided or reduced.

In addition, the analysis, where practicable, quantifies the benefits and costs and assesses the risk of acting or not acting if there is uncertain or insufficient information.

The structure of the report is shown below:

- *Resource management issues:* An outline of the main issues associated with recreation, public access and public open space that were identified by the community (section 3 of this report)
- *Regulatory and policy context:* identification of relevant national and regional legislation and policy direction (section 4 of this report)

- *Appropriateness of the proposed objectives:* An evaluation of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA, as required by section 32(1)(a) (section 5 of this report)
- *Efficiency and effectiveness of the proposed policies, rules and other methods:* An assessment of the efficiency and effectiveness of the provisions as to whether they are the most appropriate way to achieve the objectives, in accordance with section 32(1)(b) and section 32(2) (section 6 of this report)

3. Resource management issues

As shown in Parminter (2011), the WRC began region-wide engagement with the community in 2010 to identify the views of the community regarding natural resource management and to help define the issues for the regional plan review. This involved engagement with iwi partner organisations, the general public, agencies and organisations with interests in resource management, resource users, school children, developers and policy-makers.

From the region-wide engagement, five significant regional resource management issues were identified relating to recreation, public access and public open space in the CMA and in the beds of lakes and rivers (GWRC 2014). The relevance and significance of these issues is discussed below.

3.1 Issue 5.1 Stormwater discharges

Stormwater discharges are contributing to the degradation of the region's water quality and aquatic ecosystems, particularly in urban streams, estuaries and harbours.

Stormwater discharges contain contaminants that are carried or dissolved in rainfall runoff, primarily from the urban areas. The contaminants in stormwater discharges can include natural soil particles and nutrients, eco-toxicants and pathogens dissolved or bound to silt or sediment. The sources of contamination include, but are not limited to, run off from impervious surfaces such as roads and roofs, earthworks and construction activities, sewerage systems, the operation of industrial sites and the settling of atmospheric discharges of particulate matter. These contaminants are adversely affecting water quality, the health of urban freshwater and coastal aquatic ecosystems, and the suitability of freshwater and coastal water for recreation, the suitability of coastal areas for shellfish gathering, mauri and amenity.

3.2 Issue 5.3 Discharge of sewage (including treated sewage)

The discharge of sewage (including treated sewage) directly to fresh water has adverse effects on the mauri of fresh water, and on people's health.

Treated sewage often contains high levels of disease-causing organisms that can make rivers and coastal waters unsafe for recreational use, and nutrients which can promote nuisance aquatic weed and algal growth. Wastewater discharges typically adversely human health values through affecting the ability of people to interact safely with water. Such discharges are sources of

pathogens, organic matter, nutrients, gross pollutants and 'emerging contaminants of concern'.

Current discharges to water and associated infrastructure are an historical legacy. Discharging wastewater to water rather than land was once a common practice for getting rid of wastewater. As cities and towns have grown, wastewater infrastructure (wastewater networks and treatment plants) serving these communities has grown, involving large capital and maintenance costs.

Every community is different and will have different solutions and timeframes for reducing wastewater discharges to water over the long term (beyond the lifetime of the proposed Plan). The management of wastewater should be considered in the context of long-term goals given that there are significant costs involved. Communities in the region are at different stages of addressing wastewater discharges to water. Each community is responding to different sets of social, economic and environmental issues.

3.3 Issue 6.5: Occupation of space

Occupation of space in the coastal marine area may restrict public access to and along the coastal marine area, and impact on people's enjoyment of the coastal environment.

In the Wellington Region, many different activities occupy space in the CMA such as boatsheds at Pauatahanui Inlet, the wharves around Wellington waterfront and jetties at Days Bay. The occupation of space in the CMA resulted in restrictions on public access to and along the CMA.

Occupation of space usually involves structures such as boatsheds, wharves, jetties and seawalls. However, occupation of space can also involve temporary events such as speed boat racing which will often have exclusive use of an area of the CMA. All of these activities can restrict public access to and along the CMA in some way, compete with other users for that space and can affect people's ability to use the coast for recreation, cultural purposes or other purposes. For some occupational activities, public access is restricted for public health, safety and security reasons, e.g. in the Commercial Port Area.

Recreational values, public open space and public access can all be adversely affected by the occupation of space in the CMA and they can also be provided for in the use and development of the CMA. New structures that occupy space in the CMA can provide for recreational activities such as boating and fishing, e.g. wharves and boat ramps, while providing public access to the CMA.

3.4 Issue 6.6 Recreational activities

Recreational activities are enjoyed by people and communities but have adverse effects on the coastal environment.

Boating, swimming and fishing are all activities that the community enjoys and appreciates in the CMA. The recreational values provided by the CMA are highly appreciated by the community who place expectations on unimpeded, free and safe access to the CMA. However, some recreational activities can also result in adverse effects such as restrictions on public access, noise and

conflicting use. In the past there have been complaints over the level of noise from jet skis and power boats in the CMA from residents living nearby, and conflicts resulting from triathlons and the competition for space by other users in the CMA.

3.5 Issue 1.10: Public access

Activities in the beds of lakes and rivers and along the coastal marine area result in a loss of, or restrictions to, public access along the beds of lakes and rivers and the coastal marine area.

Almost all of the CMA and many river and lake beds are in public ownership. Public access should be maintained and enhanced along these areas, except in circumstances where there is a need to protect the health or safety of people; sensitive cultural and historic heritage values; or the integrity and security of regionally significant infrastructure and sensitive indigenous species.

4. Regulatory and policy context

4.1 National level

4.1.1 Resource Management Act 1991

The maintenance and enhancement of public access to and along the CMA, lakes and rivers is a matter of national importance in section 6 of the Resource Management Act 1991 (RMA). The RMA does not specifically address recreation but section 7 requires that when managing the use, development, and protection of natural and physical resources, particular regard shall be given to the maintenance and enhancement of amenity values. Amenity values could include values such as recreation.

Some activities that occur in the CMA are regulated by section 12 of the RMA (see Appendix, p34) which means that these activities are not permitted unless there is a rule in a regional plan, or resource consent, permitting the activity. Therefore the proposed Plan has to provide for these activities where appropriate or every activity involving an activity listed in section 12 would need a resource consent, e.g. every disturbance of the foreshore (even very small ones).

4.1.2 New Zealand Coastal Policy Statement 2010

A national policy statement is an instrument available under the RMA to help local government decide how competing national benefits and local costs should be balanced. The WRC is required to give effect to relevant provisions of national policy statements in planning documents and resource consent authorities must have regard to relevant provisions when considering resource consent applications.

The New Zealand Coastal Policy Statement 2010 (NZCPS) includes Objective 4 which requires that public open space qualities and recreational opportunities in the coastal environment are maintained and enhanced. This objective provides a number of ways this could be achieved, with one being maintaining and enhancing public walking access to and along the CMA.

In order to achieve Objective 4, Policy 6 directs that recognition be given to the need to maintain and enhance public open space and recreation qualities and values of the CMA.

Policy 18 provides further direction that the need for public open space should be recognised in the CMA for public use and appreciation. This policy offers ways that this can be achieved including direction on the location and treatment of public open space, taking account of future need for space, enhancing walking linkages and considering the impacts of climate change in terms of effects on access.

Policy 19 seeks the recognition of public expectation that walking access to and along the coast is practical, free of charge and safe for pedestrian use. This policy also promotes the maintenance and enhancement of public walking access to and along and adjacent to the CMA in a number of ways, including avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use and development. Policy 19 also allows a restriction on public access when certain situations arise, such as to protect a threatened indigenous species or to protect public health or safety.

Policy 20 of the NZCPS seeks the control of vehicle use on beaches, the foreshore, seabed and adjacent public land to prevent damage to dunes, geological systems, biodiversity and other values appreciated by the community.

4.1.3 National Policy Statement for Freshwater Management 2014

The National Policy Statement for Freshwater Management 2014 (NPS-FM) sets national bottom lines for two compulsory values – ecosystem health and human health for recreation – and minimum acceptable states for other national values. In particular, Objective A1(b) seeks to safeguard the health of people and communities, at least as affected by secondary contact with fresh water. Much of this secondary contact occurs during recreational activities such as fishing.

4.1.4 Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act 2011 (MCCA) replaced the Foreshore and Seabed Act 2004. The MCCA takes account of the Treaty of Waitangi of 1840 through the recognition and promotion of the exercise of customary interests of Māori in the common marine and coastal area.

The MCCA introduces a new term being the “common marine and coastal area”. This is the area between mean high water springs and out to 12 nautical miles excluding private titles and certain conservation areas.

Through the MCCA, whanau, hapu and iwi can seek recognition and protection of longstanding customary interests in the form of a protected customary right or a customary marine title.

a) Protected customary right

A protected customary right must have been exercised since 1840 and must currently be exercised and holders have veto rights on adverse activities affecting the customary right. A customary marine title must be held by the applicant group in accordance with tikanga and have been used exclusively and continuously since 1840.

b) Customary marine title

A customary marine title group can prepare a planning document setting out the strategy and approach for the management of that area and must be taken into account in decision and plan making. Holders of customary marine title have veto powers over some activities and there are listed ‘accommodated activities’ which can continue to be carried out in the common marine and coastal area despite marine title being recognised. Free public access is also guaranteed.

A planning document may be prepared by a customary marine title group to identify relevant regulatory and management issues related to the customary marine title area.

c) Giving effect to the MCCA

A regional council must recognise and provide for and take into account any matters identified in the planning document that relate to resource management issues within its functions under the RMA. In any regional plan, when a resource consent application is assessed, a regional council must assess whether the activity sought would directly affect, wholly or in part, the area to which the planning document applies. A regional council must have regard to any matters identified in the planning document that relate to resource management issues within its functions under the RMA.

The “common marine and coastal area” has also been referred to in the proposed Plan where appropriate.

4.1.5 Marine Reserves Act 1971

The Marine Reserves Act 1971 provides for the creation of marine reserves for the scientific study of marine life where their continued preservation is in the national interest.

For the proposed Plan, Taputeranga Marine Reserve and Kāpiti Marine Reserve are identified and scheduled as sites of significant indigenous biodiversity, and with this comes more stringent rules regarding activities that could have adverse effects. There are also notes within some rules describing that natural material is not to be removed from Taputeranga Marine Reserve unless it comes under the Memorandum of Understanding that is held between Wellington City Council and the Department of Conservation.

The management of marine reserves is also guided by conservation management strategies and conservation management plans under the Marine Reserves Act 1971 the Conservation Act 1987 (discussed below).

Under section 66(2) of the RMA regional plans shall have regard to any management plans and strategies prepared under other acts.

4.1.6 Conservation Act 1987

The Conservation Act 1987 promotes the conservation of New Zealand's natural and historic resources, and for that purpose established the Department of Conservation.

In terms of relevance to this report, the RMA requires that any changes to regional plans have regard to any management plans and strategies prepared under other acts (which include the Conservation Act) which includes marine reserves.

4.2 Regional level

4.2.1 Regional Policy Statement for the Wellington Region

The RMA section 67(3) requires the proposed Plan to give effect to the relevant regional policy statement. The Regional Policy Statement for the Wellington Region (RPS) identifies poor coastal water quality affecting the suitability of coastal water for recreation as a regionally significant issue. The RPS includes Objective 3 which aims to protect habitats and features in the coastal environment with recreational values (amongst other values).

RPS Policy 19 seeks that regional plans manage the amenity, recreational and indigenous biodiversity values of rivers and lakes. Rivers and lakes with significant amenity and recreational values are listed in Table 15 in the RPS. These rivers and lakes were identified by the community as places that are regularly used for recreational activities.

Limitations on public access to and along the CMA, lakes and rivers have been identified in the RPS as a regionally significant issue. Enhancing public access to and along the CMA, lakes and rivers is stated in Objective 8 in the RPS.

When applications for resource consents are sought or there is a change, variation or review of a district plan, Policy 53 in the RPS applies to both the CMA and lakes and rivers and requires that particular regard be given to enhancing public access. Specific mention is made to enhance public access to a number of different areas including:

- a) areas with significant historic heritage or indigenous biodiversity values;
- b) areas with outstanding natural features and landscapes and special amenity landscapes;
- c) areas with high natural character;
- d) rivers and lakes with significant values (identified in Table 15 in the RPS); and

e) Wellington Harbour (Port Nicholson) and Te Awarua-o-Porirua Harbour.

Exceptions are also provided where there is a need to protect sensitive habitats, the health and safety of people, sensitive cultural or heritage values or the integrity and security of regionally significant infrastructure.

The RPS is fairly quiet in terms of open space in the CMA. Policy 35 which seeks to preserve the natural character of the coastal environment provides matters to have particular regard to when considering a resource consent application, a notice of requirement or plan change. Maintaining or enhancing amenity, such as open space and scenic values, and opportunities for recreation and the enjoyment of the coast by the public is one matter.

4.2.2 Regional Coastal Plan

The operative Regional Coastal Plan for the Wellington Region (Coastal Plan) includes Objective 4.2.8 which recognises existing lawful commercial and recreational users of the CMA and protects them from adverse effects of new activities where practicable.

Objective 4.2.20 in the Coastal Plan seeks the recognition of the coastal environment for recreation activities and the need to avoid, where practicable, any adverse effects on these values; or remedy and mitigate adverse effects.

Objective 10.2.2 aims to manage water in certain areas for recreation purposes.

The Coastal Plan includes only a minor mention of public open space in Policy 4.2.45 which provides for the Lambton Harbour Development Area and requires that a range of public open spaces, access and through-routes are provided.

Objective 4.1.8 is similar to the matter of national importance in section 6 of the RMA, in that it seeks that public access along and within the CMA is maintained and enhanced. Policy 4.2.15 seeks to ensure that the adverse effects of new use and development on existing lawful access along and within the CMA are avoided where practicable.

The recognition that public access may not always be appropriate in certain circumstances is also provided in Policy 4.2.17 while Policy 4.2.26 allows for restrictions to public access where access is having adverse effects on areas of cultural significance. Policy 4.2.27 prevents the restriction of access to sites of cultural significance for tangata whenua on land of the Crown, unless the access can be specifically provided for, or the loss can be adequately remedied.

The Coastal Plan also includes an Environmental Result Anticipated (17.1.14) where recreation and leisure opportunities in the CMA are enhanced because: outstanding landscapes and views to and from land over the CMA which contribute to the leisure experience are protected; amenity values are protected; overall quality of public access is maintained and enhanced; and coastal water quality is improved.

5. Appropriateness of the proposed objectives

Section 32(1)(a) of the RMA requires that an evaluation report must “examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act”.

Section 32(1)(b) requires that the proposed provisions (policies, rules and other methods) to achieve the objectives be examined by:

- Identifying other reasonably practicable options for achieving the objectives
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- Summarising the reasons for deciding on the provisions.

5.1 Proposed objectives

A brief description of the three proposed objectives specifically analysed in this report is provided below. Tables A1 to A3 in the Appendix also provides an assessment of the appropriateness of the proposed objectives against section 32(1)(a) of the RMA.

There are other objectives that the provisions for recreation, public access and public open space seek to achieve. The tables in section 6 list these supporting objectives. For an analysis of these objectives, refer to other section 32 reports listed in section 2 above.

To evaluate the appropriateness, section 32(1) provides four criteria:

1. *Relevance* – is the objective related to addressing a resource management issue? Will it achieve one or more aspects of the purpose and principles of the RMA?
2. *Usefulness* – will the objective guide decision-making? Does it meet sound principles for writing objectives?
3. *Reasonableness* – what is the extent of the regulatory impact imposed on individuals, businesses or the wider community?
4. *Achievability* – can the objective be achieved with tools and resources available, or likely to be available, to the local authority?

5.1.1 Objective O9

The recreational values of the coastal marine area and rivers and lakes and their margins and natural wetlands are maintained and enhanced.

Although this objective addresses the recreational values of both the CMA and rivers and lakes, this section 32 report assesses only the appropriateness of the objective for the management of the CMA. The Section 32 report on Water quality assesses the provisions for fresh water.

Objective O9 describes recreational values that are important to New Zealanders. The main value is people's ability to recreate in and along the CMA including activities such as swimming, boating and fishing. Objective O9 expresses the WRC's recognition of and provision for the high intrinsic and incidental recreational values of CMA in the region.

The proposed objective is relevant as it gives effect to policies in the NZCPS and the NPS-FM and the RPS. It is useful as it uses the qualifiers "maintained and enhanced" which will guide decision-makers when deciding on effects that may adversely affect recreational values. Maintaining and enhancing recreational values in the CMA and in the beds of lakes and rivers can be achieved over time through provisions in the proposed Plan and it is reasonable for the proposed Plan to seek this outcome. This objective is achievable as the WRC has the functions and jurisdiction required to achieve this, but support is also needed from territorial authorities to maintain and enhance recreational values by managing the adverse effects of some land-based activities. The benefits arising from achieving this objective are greater than any costs necessary to achieve it, making this objective reasonable.

As shown in Table A1 in the Appendix, the proposed objective is relevant to Policies 6 and 19 in the NZCPS, Objective A1(b) of the NPS-FM and Policy 19 of the RPS.

5.1.2 Objective O10

Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.

This objective is relevant as the RMA and the NZCPS require that public access is maintained and enhanced for the CMA and in the beds of lakes and rivers. Decision-making will usefully be guided by this objective and it clearly states what is to be achieved (maintained and enhanced), and could be assessed by determining if any public access has been lost or degraded. Objective O10 is reasonable in that while it does seek good environmental and social outcomes, the costs would be relatively minor. The WRC has control over development in the CMA that can impact on public access and with the support of territorial authorities, this objective is achievable.

As shown in Table A2 in the Appendix, proposed Objective O10 is therefore appropriate to achieve the purpose of the RMA and give effect to the NZCPS.

5.1.3 Objective O55

The need for public open space in the coastal marine area is recognised.

The NZCPS requires that public open space qualities and recreational opportunities are maintained and enhanced. Planning documents need to recognise that the CMA is an extensive area for people to use and enjoy. Proposed Objective O55 is relevant in that it gives effect to the NZCPS and RPS. This objective provides clear direction in that public open space in the CMA is to be maintained and enhanced, which will lead to good decision-making which is useful. Achievement could be measured by assessing if public open space has been lost due to development in the CMA. This objective may

have some costs around extra assessments that may be necessary, but these will be relatively minor when compared to the wide environmental and social benefits it can achieve.

As shown in Table A3 in the Appendix, proposed Objective O55 is therefore appropriate to achieve the purpose of the RMA and give effect to the NZCPS and RPS.

5.2 Conclusion for the appropriateness of the objectives

The assessment of the operative objectives in the Appendix shows that the operative objectives are not as **relevant** or as **useful** in that:

- They do not give effect to the RMA, NZCPS or RPS; and
- There is no operative objective for recreational values and insufficient provisions for public open space in the CMA

The proposed objectives seeks to address the shortcomings of having limited or inadequate operative provisions, and to create a clear and efficient policy tool with which decision-makers and plan users can assess proposed activities that may affect recreational and public open space values and public access in the CMA. The assessment of the proposed objectives in the Appendix (Tables A1 to A3) shows the following:

The proposed objectives are more **relevant** as they:

1. give effect to the RMA, NZCPS and RPS; and
2. use language and terminology that is consistent with the RMA, NZCPS and RPS.

The proposed objectives are more **useful** in achieving the purpose of the RMA as they:

1. are consistent with the guidance and national direction provided in the NZCPS and RPS; and
2. provide decision-makers with a suite of assessment tools that will enable consistent and comprehensive consideration of the full range of environmental effects on recreational values, public open space and public access.

The assessment summarised in the Appendix also shows that the proposed objectives are more efficient and comprehensive than the operative objectives. Proposed Objectives O9, O10 and O55 are more **relevant** and **useful** in achieving the purpose of the RMA, and it is proposed that they are included in the proposed Plan.

6. Efficiency and effectiveness of the proposed policies, rules and other methods

The proposed policies and methods are assessed in accordance with section 32(1)(b) and section 32(2) of the RMA as to whether they are the most appropriate way to achieve the objectives in the proposed Plan.

This section provides an assessment of the effectiveness and efficiency of some of the key proposed provisions in the management of the CMA, which are summarised in the Appendix (Tables A4 to A6). This assessment is based on information provided through comments on the draft Natural Resources Plan, industry stakeholders, consultants, and other information obtained as part of the section 32 evaluation.

6.1 Recreational values

The NZCPS sets out a high level objective (Objective 4) which requires that recreational opportunities in the coastal environment are maintained and enhanced. Policy 6 seeks the recognition of the need to maintain and enhance recreational qualities and values of the CMA when activities are proposed in the coastal environment.

Table 2 below shows how the proposed objective for recreational values will be achieved through the proposed policies and rules for both the CMA and for fresh water. However, the analysis of the effectiveness and efficiency of the provisions to meet the objective are only assessed for the management of the CMA. The Section 32 report: Water quality assesses the provisions that seek this outcome for freshwater. It should also be noted that these are not all the linkages due to the integrated nature of the proposed Plan.

Table 2: Provisions related to achieving Objective O9 in relation to recreational values

Objective O9: The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and enhanced.	
Policies	<p>P133: Recreational values</p> <p>Supporting policies</p> <p>P4: Minimising adverse effects</p> <p>P7: Use of land and water</p> <p>P9: Public access to and along the coastal marine area and the beds of lakes and rivers</p> <p>P10: Contact recreation and Māori customary use</p> <p>P63: Improving water quality for contact recreation and Māori customary use</p> <p>P74: First-stage local authority network consents</p> <p>P78: Managing stormwater from large sites</p> <p>P147: Motor vehicles on the foreshore</p> <p>P148: Motor vehicles in sites with significant value</p> <p>P149: Protection of the Tītahi Bay fossil forest</p>

Rules	R51: Stormwater from a local authority network two years after public notification R52: Stormwater from large sites R185: General surface water and foreshore activities R186: General surface water and foreshore activities R187: General surface water and foreshore activities R190: Disturbance associated with the launching, retrieval or temporary mooring of vessels R180: A new swing mooring inside a Mooring Area R181: A new swing mooring outside a Mooring Area R176: Use of an existing boatshed R178: A new boatshed inside a Boatshed Management Area R196: Disturbance from motor vehicles R197: Motor vehicles for certain purposes R198: Motor vehicles inside sites of significance R199: Motor vehicles in the fossil forest at Titahi Bay
-------	--

6.1.1 Operative provisions

The Coastal Plan includes objectives on preserving and protecting intrinsic values from inappropriate use and development (4.1.1), maintaining and enhancing amenity values (4.1.9) and avoiding, remedying or mitigating adverse effects that new activities may have on existing legitimate activities in the CMA (4.1.3). As there are no specific objectives on recreational values, this is inconsistent with national policy direction and does not provide clear guidance. This is not effective or efficient.

Policies in the Coastal Plan include recognition of recreational users in the CMA; recognising the importance of the coastal environment for recreational activities, avoiding, remedying or mitigating adverse effects on recreational values and managing water in certain areas for recreation purposes (Policies 4.2.8, 4.2.20 and 10.2.2). Other policies seek to prevent the use or development of structures in the CMA where there will be significant adverse effects on recreational uses (6.2.2) and have particular regard to the adverse effects of the discharge of water or contaminants in the CMA on areas used for contact recreation purposes (10.2.9).

Since the adoption of the Coastal Plan, the NZCPS has provided clearer national strategic guidance on development and use of the CMA. The NZCPS contains more explicit and specific direction to councils on strategic and spatial planning than previous guidance. It aims to support the development of plans to give developers and communities more certainty about where new use and development will be appropriate, where it is likely to require very careful consideration, and where it should not happen.

6.1.2 Proposed Plan

In order to give effect to the NZCPS, and respond effectively to issues that face our region in respect of the CMA, the proposed Plan seeks to ensure that development and use of the CMA is appropriately located and managed, and includes effective provisions to enable the appropriate consideration of adverse effects on recreational values.

The policy approach to achieve Objective O9 is the inclusion of Policy P133. This policy provides better and clearer guidance on protecting recreational values when development and use is proposed in the CMA. There are also a number of supporting policies which are seeking to achieve Objective O9 such as Policy 10 on contact recreation in fresh and coastal water (which is described in further detail in the Section 32 Report: Water quality) and Policy P8 (public access) which is analysed in section 6.2 below. This is more efficient than insufficient and non-existent of operative provisions in the Coastal Plan.

The proposed Plan also makes provision for some recreational activities to occur such as the mooring of vessels in designated mooring areas under permitted Rule R180. The Coastal Plan required a controlled activity consent for new moorings whilst the proposed Plan makes this activity in designated mooring areas a permitted activity with conditions. A mooring licence is still required from the Harbours Department of Wellington Regional Council. For new moorings outside mooring areas, this is a non-complying activity in order to discourage this for navigational safety reasons (Rule R181).

This rule change along with clearer provisions for recreational values in general, is more effective and efficient than the current suite of provisions for recreational values in the Coastal Plan.

This approach may lead to costs for resource users who may need to undertake additional assessments of their effects on recreational values. However, there is a strong community expectation, that effects on recreational values from activities occurring in the CMA would be appropriately assessed. Provisions in the proposed Plan seek to protect recreational values in the CMA and in the beds of lakes and rivers which are values highly appreciated by the community, and they provide significant social, cultural and economic benefits. Associated with recreational values, the community places high value on being able to access the CMA and the beds of lakes and rivers for many reasons including for recreation and cultural uses.

Whilst most recreational activities in the CMA are permitted and therefore not actively monitored, management and response tools such as the complaints hotline and database and enforcement procedures, provide the WRC with a picture of the health of the recreational values of the CMA. This enables a timely response to situations when those values are at risk, which is effective and efficient.

(a) Vehicles on beaches

Policy 20 of the NZCPS seeks the control of vehicle use on beaches, the foreshore, seabed and adjacent public land to prevent damage to dunes, geological systems, biodiversity and other values appreciated by the community. Proposed Policy 133 also seeks that conflicting use between different users of the CMA (e.g. boating and swimmers) is appropriately managed. This specific management issue was not addressed in the Coastal Plan. The identification of mooring areas (Maps 36 to 41) and navigation protection areas (Map 49) in the proposed Plan will also help to avoid conflicts and safety issues for recreational users in the CMA.

An example of conflict occurring between recreational users and values within the CMA is demonstrated in respect of vehicle access to our region's public beaches. Public consultation during the development of the proposed Plan revealed strong opinions on the issue, and the WRC acknowledges that it is in many respects a polarising issue within our communities. The majority of those who attended workshops or public meetings or responded to online questionnaires on the issue considered vehicle access to beaches as potentially damaging to the environment (for example, harmful to biodiversity). They also considered that it presented a risk to the health and safety of beach users.

Some recreational activities involve motor vehicles on beaches which may not only be a public safety issue but it can also cause conflicts with other values appreciated by the community in the CMA such as biodiversity.

In the Coastal Plan, the framework for managing vehicle access to beaches and its effects is provided for in a general permitted rule (Rule 81); a restricted discretionary rule for popular beaches (Rule 83); and a prohibited rule for vehicles in the fossil forest at Tītahi Bay (Rule 82). The objective and policy regarding vehicle access provide very general guidance, and have not proven particularly helpful in assessing the effects of activities, either as part of a resource consenting processes or enforcement procedures.

The proposed Plan takes a directive approach in Policy P147 which sets out that territorial authorities take responsibility for managing vehicles on beaches (including down to mean low water springs) which is provided for by the Local Government Act 2002. Many territorial authorities are already doing this through the use of bylaws to manage vehicles on their beaches.

Rule R196 provides for motor vehicles in the CMA as a permitted activity provided they comply with the coastal management general conditions and any relevant territorial authority bylaws. This approach may have compliance costs for territorial authorities who will need to enforce their bylaws; however these costs are not expected to significantly increase. The benefits of this approach are that territorial authorities are closer in proximity and therefore can respond more quickly to motor vehicles on beaches. This means that enforcement action is more effective and produces greater benefits to the wider community such as public safety and protection of the values that the community appreciates (such as biodiversity values).

Proposed Policy P148 signals that motor vehicle access within sites of significance for mana whenua or biodiversity values and archaeological areas should be avoided except in emergency situations. This is followed by a non-complying activity rule (Rule R198) for motor vehicle access in these areas to adequately protect these significant values. This is a key shift in the proposed Plan and will require applicants who want to drive in these areas to demonstrate that the effects of the driving on the significant values will be minor as well as being in accordance with all the relevant policies and objectives of the proposed Plan. Such a test is considered to be appropriate given the regional importance of the significant values of the scheduled sites which the objectives, policies and rules seek to protect.

Policy P149 seeks the protection of the Titahi Bay fossil forest and has an accompanying prohibited rule (Rule R199). This is a similar policy and rule framework that was in the Coastal Plan. The costs of this approach are considered to be appropriate to protect a finite and unique resource in the Wellington Region, which is a considerable benefit to the community. This is effective and efficient.

Motor vehicle access in all areas for emergency vehicles is provided for as a permitted activity, as it is in the Coastal Plan (Rule R197).

For other recreational activities, there are rules for general surface water and foreshore activities that are aimed at providing for recreational activities in the CMA. Rule R185 provides for everyday surface water and foreshore activities (such as boating) with permitted activity conditions to manage more than minor adverse effects. Requiring resource users to get a consent for most recreational activities would be costly and ultimately inefficient for the community.

The proposed policy framework means that some restricted discretionary activities, and all discretionary and non-complying activities will have to consider their effects on recreational values in the CMA. Recreational values are highly valued by the community and provide multiple and important benefits to the community. Applications having to assess their effects on recreational values would be expected and anticipated by the community, but this could result in additional consenting costs for resource users. However, these costs are not expected to greatly increase, and the benefits to be achieved are expected to be significant. These provisions are considered to be useful and are considered effective by the WRC.

Other objectives and policies in the proposed Plan such as those on managing water quality, public access, significant surf breaks, geological features, natural character and public open space will also all contribute to protecting recreational values in the CMA.

Tables A4 to A6 in the Appendix contains an evaluation of the effectiveness and efficiency of the proposed provisions against the status quo, and concludes that the proposed provisions are the most appropriate to achieve the objective.

6.2 Public access

As discussed in section 4.1.1, section 6 of the RMA highlights that public access to and along the CMA and lakes and rivers is a matter of national importance. This national direction is then reflected in the NZCPS which requires that public access to and along the CMA is maintained and enhanced. The NZCPS further describes in Policy 19 (walking access), and Policy 20 (vehicle access) how regional and district plans are to give effect to these policies.

Table 3 below shows some of the proposed provisions that will contribute to achieving Objective O10. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

Table 3: Provisions to achieve Objective O10 in relation to public access

Objective O10 Public access along the coastal marine area and in the beds of rivers and lakes is maintained and enhanced	
Policies	P9: Public access to and along the coastal marine area and the beds of lakes and rivers
Rules	Effects on public access is a permitted activity condition in certain rules such as: R154 – Temporary structures Or a matter of control such as in rule: R163 – Additions and alterations to existing seawalls Or a matter for discretion in some rules such as: R165 – Removal or demolition of structures or part of a structure

6.2.1 Operative provisions

Coastal Plan Objective 4.1.8 is similar to the matter of national importance in section 6 of the RMA, in that it seeks that public access along and within the CMA is maintained and enhanced. Policy 4.2.15 seeks to ensure that the adverse effects of new use and development on existing lawful access along the within the CMA are avoided where practicable. The recognition that public access may not always be appropriate in certain circumstances is also provided in Policy 4.2.17 while Policy 4.2.26 allows for restrictions to public access where access is having adverse effects on areas of cultural significance. Policy 4.2.27 prevents the restriction of access to sites of cultural significance for tangata whenua on land of the Crown, unless the access can be specifically provided for, or the loss can be adequately remedied.

Having to assess four separate policies on public access is not efficient for resource users or for the WRC officers processing resource consent applications. This can create inconsistency with assessment and lead to less than desirable outcomes and unwanted adverse effects on public access in the CMA and in the beds of lakes and rivers which is neither effective nor efficient. This also results in costs for resource users with uncertainty around what is required, poor decision making, and adverse effects on public access which is a value highly appreciated by the community.

6.2.2 Proposed Plan

In the proposed Plan, the maintenance and enhancement of public access along the CMA and in the beds of lakes and rivers is addressed by Objective O10. Policy P9 seeks that a reduction in the extent or quality of public access is avoided except in specified circumstances such as to protect significant values, health and safety and for temporary activities. This is more effective than four individual policies on public access which can result in confusion.

A few permitted rules such as Rule R154 (temporary structures), Rule R189 (clearance of stormwater drains) and Rule R193 (river cutting) include conditions about not restricting public access. “Effects on public access” is also a control matter in many controlled activity rules and a matter of discretion in some restricted discretionary activity rules (Rules R151, R157, R164 and

R169). For discretionary or non-complying activities, managing effects on public access is a policy approach in the proposed Plan with Policy P9 being used in assessment.

This streamlined approach to provisions for public access in the proposed Plan is more effective and efficient than provisions in the Coastal Plan in that it gives effect to national direction while also providing clearer guidance through a straight forward approach. This provides benefits to resource users and the WRC by providing certainty and consistency, while also providing benefits to both resource users and the WRC in having fewer policies to assess in resource consent applications but retaining good decision-making.

There will be costs to resource users to provide for the maintenance and enhancement of public access which could be costs in the design of their development in providing for public access. There also may be costs to the community when public access is restricted to protect significant sites for cultural purposes or to protect habitats. However, in most cases there are likely to be alternatives to public access at these specific places and for many activities there is no cost to the community such as walking access to and along the CMA and surface water activities such as boating, swimming and kayaking.

6.3 Public open space

The NZCPS in Objective 4 seeks to maintain and enhance the public open space qualities (and recreational opportunities) of the coastal environment. Policy 6 includes a range of matters to consider for activities in the coastal environment of which setting back development to protect values such as public open space is listed as one. This policy also specifically includes additional clauses for activities in the CMA one of which is the recognition of the need to maintain and enhance public open space.

NZCPS Policy 18 seeks the recognition of the need for public open space within and adjacent to the CMA for public use and appreciation. It offers a number of ways in which both active and passive recreation activities can be provided for such as ensuring public open space is compatible with the natural character, natural features and landscapes and amenity values of the coastal environment.

Table 4 below shows some of the proposed provisions that will contribute to achieving Objective O55. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

Table 4: Provisions to achieve Objective O55 in relation to public open space

Objective O55 Public open space in the coastal marine area is maintained and enhanced.	
Policies	P134: Public open space values and visual amenity Supporting policies P4: Minimising adverse effects

Rules	A number of rules refer to public open space and visual amenity as a matter of control or a matter for discretion e.g. Rule R151 and R155.
-------	--

6.3.1 Operative provisions

The Coastal Plan includes only a minor mention of public open space in Policy 4.2.45 which provides for the Lambton Harbour Development Area and requires a range of public open spaces, access and through-routes to be provided. This is not effective or efficient as it does not address national direction provided in the NZCPS and does not provide any useful guidance for both resource users and the WRC officers processing resource consents.

6.3.2 Proposed Plan

Objective O55 in the proposed Plan provides new direction on what is anticipated with respect to public open space in the CMA. This is supported by Policy P134 in the proposed Plan that specifically requires that the adverse effects of use and development on public open space and visual amenity is minimised. This policy offers new direction on how to minimise effects such as having regard to relevant provisions in city and district plans and managing scale, location, density and design so that it is compatible with natural character, natural features and landscapes and amenity values. This policy also takes into account the need for public open space in the future. This is a clearer policy approach which provides good guidance for resource users on what is expected and what assessments would be necessary which is more effective and efficient.

Policy P4 provides guidance to Policy P134 which requires that adverse effects be minimised. This means that adverse effects are to be reduced to the smallest amount practicable and include consideration of alternative locations, timing of the activity, the use of good management practice and ensuring that the scale of the activity is as small as practicable. It is intended that Policy P4 be used to guide a resource consent assessment of environmental effects for Policy P134.

Minimising the adverse effects of use and development on public open space and visual amenity may result in potential costs to resource users. Resource consent applications may require assessments on the adverse effects of activities on public open space and visual amenity. There are also considerable benefits to the community that come from the protection of public open space and visual amenity. These values experienced by people in the CMA are visually apparent and effects on these values are obvious and often result in much unease. With clear national direction on this issue and a more straightforward policy approach, the proposed provisions on public open space are appropriate.

References

Department of Conservation (DOC). 1996. *Conservation Management Strategy for Wellington – 1996-2005*. Department of Conservation, Wellington.

Greater Wellington Regional Council (GWRC). 2014. Section 32: Issues, for the draft Natural Resources Plan for the Wellington region. Wellington Regional Council, Wellington.

Parminter T. 2011. *Your view about our environment – Public engagement (2010) for the Natural Resource Regional Plan Review for the Wellington region*. Wellington Regional Council, Wellington.

Parminter T. 2013. *Review of Greater Wellington Public Engagement and Consultation for the Natural Resources Regional Plan 2009-2013*. Wellington Regional Council, Wellington.

Swierczynski P. 2008. *Plan effectiveness report – Regional Coastal Plan for the Wellington region*. Wellington Regional Council, Wellington.

Appendix

Assessing the appropriateness of the objectives

Table A1: Objective O9 Recreational values

Objective O9 The recreational values of the coastal marine area and rivers and lakes and their margins and natural wetlands are maintained and enhanced.	
Relevance	
Directly related to resource management issue?	Directly related to Issue 6.6 (surface water and foreshore activities)
Will achieve one or more aspects of the purpose and principles of the RMA?	This objective achieves section 7(c) of the RMA.
Relevant to Māori environmental issues? (sections 6(e),6(g),7(aa), 8)	Yes.
Relevant to statutory functions or to give effect to another plan or policy (i.e., NPS-FM, RPS)?	This objective gives effect to Policies 6(2)(b) and 19 of the NZCPS, Objective A1(b) of the NPS-FM and Policy 19 of the RPS
Usefulness	
Will effectively guide decision-making?	Objective O9 uses the qualifiers “maintained and enhanced” which will guide decision-makers when deciding on effects that may adversely affect recreational values.
Meets sound principles for writing objectives? (specific; state what is to be achieved where and when; relate to the issue; able to be assessed)	Objective O9 clearly states what is to be achieved (recreational values maintained and enhanced) and where (coastal environment, lakes, rivers and wetlands and their margins). There is no time frame for this objective due to its nature.
Consistent with other objectives?	Yes.
Achievability	
Will it be clear when the objective has been achieved in the future? Is the objective measureable and how would its achievement be measured?	Objective O9 is measureable in the fact that it can be determined if recreational values have been reduced and therefore not maintained and enhanced. This could be measured in a survey.
Is it expected that the objective will be achieved within the life of the proposed Plan or is it an aspirational objective that will be achieved some time in the future?	This objective would be achieved over time and does not have an exact time frame.

Does the WRC have the functions, powers, and policy tools to ensure that they can be achieved? Can you describe them?	Yes the WRC has the functions having jurisdiction, powers and policy tools required to achieve this, however recreational values are closely linked with activities above mean high water springs and outside rivers and lakes so achieving them will require the support from other parties.
What other parties can the WRC realistically expect to influence to contribute to this outcome?	The WRC needs to work closely with territorial authorities on this objective, as many of the recreational values found in areas of the WRC's jurisdiction require connections to areas outside of it.
What risks have been identified in respect of outcomes?	As this objective requires the maintenance and enhancement of recreational values, there may be situations where conflicts arise between providing for development and maintaining/enhancing these values.
Reasonableness	
Does the objective seek an outcome that would have greater benefits environmentally, economically or socially compared with the costs necessary to achieve it?	The outcomes achieved by this objective would be greater than any costs necessary to achieve it.
Who is likely to be most affected by achieving the objective and what are the implications for them?	There could be some conflicts arising from this objective in terms of new development that may impact on recreational values.
Is the operative objective (4.1.9) still relevant or useful?	Yes, the operative Objective 4.1.9 is still relevant. The concept of recreation (amenity in the operative objective) for the coast and rivers has been part of New Zealand policy development before the RMA. This concept is in the RMA as discussed above and national policy in the NZCPS.

Table A2: Objective O10 Public access

Objective O10 Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.	
Relevance	
Directly related to resource management issue?	Directly related to Issue 6.5 (occupation)
Will achieve one or more aspects of the purpose and principles of the RMA?	Will achieve section 6 (d) of the RMA.

Relevant to Māori environmental issues? (sections 6(e),6(g),7(aa), 8)	Yes section 6 (e).
Relevant to statutory functions or to give effect to another plan or policy (i.e., NPS-FM, RPS)?	This objective gives effect to the NZCPS specifically Objective 4 and Policy 19. It also gives effect to RPS Policies 19 and 53.
Usefulness	
Will effectively guide decision-making?	This objective is clear that public access in the CMA is to be maintained and enhanced and therefore not lost or minimised. Decision-making on effects on public access should be clear.
Meets sound principles for writing objectives? (specific; state what is to be achieved where and when; relate to the issue; able to be assessed)	This objective states what is to be achieved (maintained and enhanced), but there is no timeframe due to the nature of this subject matter with public access being a matter of national importance in the RMA. The objective is able to be assessed by determining if any public access has been lost due to development in the CMA.
Consistent with other objectives?	This objective is consistent with others.
Achievability	
Will it be clear when the objective has been achieved in the future? Is the objective measurable and how would its achievement be measured?	There is no end point due to the matter being addressed being of national importance. Achievement could be measured by assessing whether public accessibility has been lost due to development in the CMA.
Is it expected that the objective will be achieved within the life of the proposed Plan or is it an aspirational objective that will be achieved some time in the future?	This objective is over-arching and continues beyond the life of the proposed Plan due to it's tight link with the RMA.
Does the WRC have the functions, powers, and policy tools to ensure that they can be achieved? Can you describe them?	The WRC has control over development in the CMA that has the potential to impact on public access. Therefore the WRC has the jurisdiction to require consents for activities that may affect public access and can put rules in the proposed Plan to control it.
What other parties can the WRC realistically expect to influence to contribute to this outcome?	It would be expected that territorial authorities can contribute to achieving this objective by having rules and policies for activities above MHWS that can also impact negatively on public access in the CMA. WRC tools and the tools that territorial authorities have, have to be consistent.
What risks have been identified in respect of outcomes?	None.
Reasonableness	

Does the objective seek an outcome that would have greater benefits environmentally, economically or socially compared with the costs necessary to achieve it?	While this objective does seek positive environmental and social outcomes, costs would be relatively minor and would be around retaining public access when development occurs in the CMA where appropriate, which could in theory limit some development.
Who is likely to be most affected by achieving the objective and what are the implications for them?	Some development in the CMA could be limited by this objective which requires maintenance and enhancement of public access.
Is the operative objective (4.1.8) still relevant or useful?	Yes, the operative objective (4.1.8) is still relevant. The concept of public access for the coast and rivers has been part of New Zealand policy development since before the RMA was passed in 1991. The concept is in the RMA as discussed above and national policy in the NZCPS. Public access is an objective of the proposed Plan and will remain.

Table A3: Objective O55 Public open space

Objective O55 The need for public open space in the coastal marine area is recognised.	
Relevance	
Directly related to resource management issue?	Partially related to Issue 1.10 – public access
Will achieve one or more aspects of the purpose and principles of the RMA?	Overall, a section 6 matters of the RMA, and partially related to section 6(a), and 6(d).
Relevant to Māori environmental issues? (sections 6(e),6(g),7(aa), 8)	Yes section 6 (e).
Relevant to statutory functions or to give effect to another plan or policy (i.e., NPS, RPS)?	This objective gives effect to the NZCPS specifically Objective 4 and Policy 18. It also gives effect to Policy 35 of the RPS.
Usefulness	
Will effectively guide decision-making?	This objective is clear that public open space in the CMA is to be maintained and enhanced. Decision-making on effects on public open space are clear.
Meets sound principles for writing objectives? (specific; state what is to be achieved where and when; relate to the issue; able to be assessed)	This objective states what is to be achieved (maintained and enhanced), but there are no timeframes due to this subject of public open space being a matter of national policy. The objective is able to be assessed by determining whether any public open space has been lost due to development in the CMA.

Consistent with other objectives?	This objective is consistent with others.
Achievability	
Will it be clear when the objective has been achieved in the future? Is the objective measurable and how would its achievement be measured?	There is no end point due to the matter being addressed being of national policy. Achievement could be measured by assessing whether public open space has been lost due to development in the CMA.
Is it expected that the objective will be achieved within the life of the proposed Plan or is it an aspirational objective that will be achieved some time in the future?	This objective is over-arching and continues beyond the life of the proposed Plan.
Does the WRC have the functions, powers, and policy tools to ensure that they can be achieved? Can you describe them?	The WRC has control over development in the CMA that has the potential to impact on public open space.
What other parties can the WRC realistically expect to influence to contribute to this outcome?	It would be expected that territorial authorities can contribute to achieving this objective by having rules and policies for activities above MHWS that can also impact negatively on public open space.
What risks have been identified in respect of outcomes?	None.
Reasonableness	
Does the objective seek an outcome that would have greater benefits environmentally, economically or socially compared with the costs necessary to achieve it?	While this objective does seek positive environmental and social outcomes, costs would be relatively minor and would be around retaining public access when development occurs in the CMA where appropriate, which could in theory limit some development.
Who is likely to be most affected by achieving the objective and what are the implications for them?	Some development in the CMA could be limited by this objective which requires maintenance and enhancement of public access.
Is the existing objective (4.1.10) still relevant or useful?	Yes, the operative Objective 4.1.10 remains relevant to the proposed regional plan. The concept of amenity, views, and public open space for the coastal environment is not just a product of this proposed Plan, but has been in national and local policy development for some time. The NZCPS underlies this theme and the concept of public open space for the coast is now national policy.

Identifying alternative policies, rules and other methods

Table A4: Recreational values

		Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
Costs	WRC	There are no specific objectives on recreational values and this is not consistent with national policy direction. This creates uncertainty for the WRC, the public and applicants when consents are being assessed.	The proposed Plan has the appropriate recreation provisions as required by the NZCPS. This is a necessary cost directed by national policy.
	Resource user (consent applicant or permitted use)	Resource users may incur costs for new development that may affect recreational values. The provisions of the Coastal Plan do not adequately provide guidance on the protection of this value, leading to uncertainty for resource users.	Clear direction on recreational values may result in additional costs for assessments as part of applications by resource users.
	Community costs (environmental, social, economic, cultural)	Minimal costs to the community from this provision.	Unlikely to be any community costs as a result of providing for recreational values in the CMA and in the beds of lakes and rivers.
Benefits	WRC	Established assessment for activities occurring in the CMA or in the beds of lakes and rivers.	Clear direction for the WRC in terms of providing for recreational values.
	Resource user (consent applicant/licensed operator or permitted use)	The resource user is aware of the WRC's intention in this area of development and would need to prepare to assess their effects on recreational values from a new development.	Clear guidance for resource users over what is expected in terms of determining effects on recreational values.

		Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
	Community benefits (environmental, social, economic, cultural)	<p><u>Social benefits</u> Protection of recreational values contributes to social well-being for future generations.</p> <p><u>Environmental benefits</u> The protection of recreational values can also have unintended benefits such as the protection of natural character of the coast.</p> <p><u>Cultural benefits</u> The protection of recreational values can also by default protect areas of cultural significance.</p>	Similar community benefits as there were for Option 1 with extra benefits around providing better certainty to what the community expects.
Efficiency and effectiveness		The Coastal Plan gives effect to national policy but is somewhat unclear of its intention.	The proposed Plan gives better effect to national policy and the RMA as this is the most efficient and effective method.
Risks of acting or not acting		No risks identified.	These provisions are a function of government policy, there is no risk from acting, a greater risk may occur from not acting.
Appropriateness		This option is not appropriate as it does not provide clear guidance for resource users about what is intended in terms of recreational values.	This option is appropriate as it implements national policy and the RMA. It provides better guidance for resource users.
Conclusions		Option 1 is not considered to be the most effective or efficient way to achieve the objective or the purpose of the RMA.	Option 2 is considered to be the most effective and efficient means of achieving the proposed objectives and meeting the purpose of the RMA.

Table A5: Public access

		Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
Costs	WRC	The Coastal Plan includes an objective and policies on public access consistent with the RMA and the NZCPS.	The proposed Plan has the appropriate public access provisions as required by the NZCPS. This is a necessary cost directed by national policy and the RMA.

		Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
	Resource user (consent applicant or permitted use)	There is a resource user cost to any development that may affect public access. The provisions of the Coastal Plan provide for protection of this use of the coast and a cost for the developer.	Clear direction on public access requirements that may result in additional costs for assessments as part of applications by resource users.
	Community costs (environmental, social, economic, cultural)	Minimal costs to the community from this provision. The public access provisions are a safeguard for the act of public access and recreation. A possible cost may be from the community having to provide evidence of such activities if they come under development threat.	Unlikely to be any community costs as a result of providing for public access in the CMA.
Benefits	WRC	The WRC benefits through knowing that the proposed Plan is compliant with statutory documents and providing for public access as required by the NZCPS.	The public access provisions have been improved in the proposed Plan with better guidance provided for the WRC.
	Resource user (consent applicant/licensed operator or permitted use)	The resource user is aware of the WRC's intention in this area of development and would need to prepare to mitigate any loss of public access from a development.	Clear guidance for resource users over what is expected in terms of determining effects on public access.
	Community benefits (environmental, social, economic, cultural)	<p><u>Social benefits</u> Protection of public access contributes to social well-being for future generations.</p> <p><u>Environmental benefits</u> The protection of public access can also have unintended benefits such as the protection of natural character of the coast.</p> <p><u>Cultural benefits</u> The protection of public access can also by default protect areas of cultural significance.</p>	Similar community benefits as there were for Option 1 with extra benefits around providing more certainty with regard to what the community expects.
Efficiency and effectiveness		The Coastal Plan gives effect to national policy but is somewhat unclear of its intention.	The proposed Plan gives better effect to national policy and the RMA as this is the most efficient and effective method.

	Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
Risks of acting or not acting	No risks identified.	These provisions are a function of government policy, there is no risk from acting, a greater risk may occur from not acting.
Appropriateness	This option is not appropriate as it does not provide clear guidance for resource users about what is intended in terms of public access.	This option is appropriate as it implements national policy and the RMA. It provides better guidance for resource users.
Conclusions	Option 1 is not considered to be the most effective or efficient way to achieve the objective or the purpose of the RMA.	Option 2 is considered to be the most effective and efficient means of achieving the proposed objectives and meeting the purpose of the RMA.

Table A6: Public open space

		Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
Costs	WRC	The Coastal Plan includes an objective and policies on open space consistent with the NZCPS.	The proposed Plan has the appropriate public open space provisions as required by the NZCPS. This is a necessary cost directed by national policy.
	Resource user (consent applicant or permitted use)	There is a resource user cost to any development that may affect open space. The provisions of the Coastal Plan provide for protection of this use of the coast and a cost for the developer.	Additional assessments on the effects of a development on public open space may create additional costs for a resource user.
	Community costs (environmental, social, economic, cultural)	Confusion around how to provide for public open space may result in adverse effects on values appreciated by the community.	Minimal costs to the community from this provision. The public access provisions are a safeguard for the act of public access and recreation.
Benefits	The WRC	The WRC benefits through knowing that the proposed Plan is compliant with statutory documents and providing for public access as required by the RMA and NZCPS.	The proposed Plan is giving effect to national level direction.

		Option 1 – Status Quo	Option 2 – Proposed Plan provisions (preferred option)
	Resource user (consent applicant/licensed operator or permitted use)	Resource users can benefit from uncertainty around how to assess the effects of development on public open space.	The resource user is aware of the WRC's intention in this area of development and would need to prepare to mitigate any loss of public open space from a development. Certainty provided to resource users with better clarity on what is expected in terms of assessing effects on public open space in the CMA.
	Community benefits (environmental, social, economic, cultural)	There would be minimal community benefits resulting from the status quo option.	<u>Social benefits</u> Protection of public open space contributes to social well-being for future generations. <u>Environmental benefits</u> The protection of public open space can also have unintended benefits such as the protection of natural character of the coast. <u>Cultural benefits</u> The protection of public open space can also by default protect areas of cultural significance.
Efficiency and effectiveness		The Coastal Plan does not give effect to national policy which is not effective or efficient.	The proposed Plan gives effect to national policy and the RMA as this is the most efficient and effective method.
Risks of acting or not acting		There are risks around not adequately giving effect to the NZCPS in terms of challenge by statutory bodies.	These provisions are a function of government policy, there is no risk from acting, a greater risk may occur from not acting.
Appropriateness		This option is not appropriate as it does not implement national policy.	This option is appropriate as it implements national policy and provides more certainty.
Conclusions		Option 1 is not considered to be the most effective or efficient way to achieve the objective or the purpose of the RMA.	Option 2 is considered to be the most effective and efficient means of achieving the proposed objectives and meeting the purpose of the RMA.

Section 12 RMA

12 Restrictions on use of the coastal marine area

(1) No person may, in the CMA,—

(a) reclaim or drain any foreshore or seabed; or

(b) erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or

(c) disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or

(d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or

(e) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or

(f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or

(g) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—

unless expressly allowed by a national environmental standard, a rule in a regional coastal plan as well as a rule in a proposed regional coastal plan for the same region (if there is one), or a resource consent. (2) No person may, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—

(a) occupy any part of the common marine and coastal area; or

(b) remove any sand, shingle, shell, or other natural material from that area

(3) Without limiting subsection (1), no person may carry out any activity—

(a) in, on, under, or over any CMA; or

(b) in relation to any natural and physical resources contained within any CMA,—

in a manner that contravenes a national environmental standard, a rule in a regional coastal plan, or a rule in a proposed regional coastal plan for the same region (if there is one) unless the activity is expressly allowed by a resource consent or allowed by [section 20A](#) (certain existing lawful activities allowed). (4) In this Act,—

(a) (Repealed)

*(b) **remove any sand, shingle, shell, or other natural material** means to take any of that material in such quantities or in such circumstances that, but for the national environmental standard or the rule in the regional coastal plan or the holding of a resource consent, a licence or profit à prendre to do so would be necessary.*

(5) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports within the CMA have been prescribed by a national environmental standard or set by a regional council.

(6) This section shall not apply to anything to which [section 15A](#) or [15B](#) applies.

The Greater Wellington Regional Council's purpose is to enrich life in the Wellington Region by building resilient, connected and prosperous communities, protecting and enhancing our natural assets, and inspiring pride in what makes us unique

For more information contact the Greater Wellington Regional Council:

Wellington office
PO Box 11646
Manners Street
Wellington 6142

T 04 384 5708
F 04 385 6960
www.gw.govt.nz/rps

Upper Hutt office
PO Box 40847
Upper Hutt 5018

T 04 526 4133
F 04 526 4171

Wairarapa office
PO Box 41
Masterton 5840

T 06 378 2484
F 06 378 2146



info@gw.govt.nz
www.gw.govt.nz
regionalplan@gw.govt.nz

July 2015
GW/EP-G-15/63



Please recycle
Produced sustainably