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ISSUES FOR THE PROPOSED AUCKLAND REGIONAL POLICY STATEMENT 2010

THINKPIECE REPORT

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June 2008

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1 Introduction

The Auckland Regional Council (ARC) is in the process of identifying the issues which need to be addressed in the Proposed Auckland Regional Policy Statement 2010 (Proposed ARPS). As part of this process, the council has commissioned a group of external parties to provide advice. The brief for the advice is to provide an independent and concise 'thinkpiece' report which identifies the key issues which the proposed ARPS should address. The thinkpiece is to reflect the requirements of the Resource Management Act 1991 (RMA). It is to be creative and to fully embrace future challenges and opportunities. It is to consider regionally significant issues both currently and over the next ten to fifty years.

This thinkpiece is drawn from my work and experience in the resource management field over the past 18 years. This has included in-depth research into landscape protection, coastal development and marine management as well as into the effectiveness and implementation of the RMA itself. The issues addressed below are related to these areas, which are those with which I have experience and therefore have something to contribute. There will be other issues outside these areas which will also require priority in the Proposed ARPS. Hopefully these will be addressed by other contributors to the process who have expertise in different fields.

This thinkpiece seeks to creatively generate ideas drawn from experience, rather than to document existing information and literature in the area. It first considers the potential role of the Proposed ARPS. It then identifies some of the 'big picture' issues which the region is facing and the ways in which the Proposed ARPS could seek to address these. Finally the think piece identifies some priority areas where further work on developing the Proposed ARPS could be focused.

2 Role of the Proposed ARPS

The Proposed ARPS is to be prepared within the broad framework of the RMA. Section 59 of the RMA sets out the purpose of regional policy statements and this has two key components. First, the policy statement is to provide an *overview* of the resource management issues of the region. Secondly, it is to provide policies and methods to *achieve integrated management* of the natural and physical resources of the whole region. RMA regional and district planning documents are required to 'give effect' to the regional policy statement (sections 67 and 75).

The RPS can potentially play several key roles in achieving integrated and effective resource management within the region. These include:

- **Addressing the 'big picture' issues** within the region, so that territorial authorities (city and district councils) can focus on local issues.
- Providing a strong and certain **strategic framework** which guides and integrates resource management efforts and enables cumulative impacts to be addressed over a region-wide level

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- Establishing **regional quantitative and time-bound targets** against which progress can be measured, and which focus resource management efforts and encourage the development of innovative management tools
- Identifying **'best practice' principles and practices** to guide more detailed planning at the district level
- Indicating how **national policy and legislation** affecting RMA planning are to be **implemented within the region**. These include national policy statements (including the New Zealand Coastal Policy Statement), the Hauraki Gulf Marine Park Act 2000 and the Waitakere Ranges Heritage Area Act 2008.

There has now been over sixteen years experience with implementing the RMA. This has indicated that second generation regional policy statements need to be much more robust and provide stronger direction than the first generation documents, if region-wide issues and cumulative effects are to be effectively addressed. Decision making under the RMA is highly discretionary and focuses on case-by-case assessments of the environmental effects of individual proposals. Unless these decisions are made within a strong strategic framework, experience has demonstrated that it is extremely difficult to deal with the cumulative effects of multiple activities.ⁱ

Within the context of the Royal Commission on Auckland Governance, there are currently calls for stronger regional governance within Auckland to more effectively manage regional issues. The review of the ARPS is an opportunity for the ARC to show greater leadership and direction on how the regional natural and physical resources should be managed. This will potentially not only lead to better environmental outcomes, but could also reduce planning and litigation costs, if significant and potentially contentious issues are addressed at a regional level rather than being litigated through multiple individual territorial councils.

3 'Big Picture' Issues

So what are some of the 'big picture' issues which the ARC will need to address in its Proposed ARPS over the next 10 years? They are likely to include the following:

3.1 Expansion of the urban footprint

The region's population is estimated to grow by around 450,000 people over the next 20 years to possibly reach two million by 2036.ⁱⁱ This increase in population is going to result in much stronger pressures for new housing and related infrastructure and services.

With growing affluence, and a greater emphasis being placed on 'lifestyle' considerations, there is also likely to be a greater demand for second (and third) homes in places of high amenity including on the coast and in scenic rural areas.

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Where these hundreds of thousands of new houses are built, how they are designed, and what infrastructure supports them, will be critical to the future environmental quality of the region. Unless the Proposed ARPS provides firm direction on the future spatial location of urban and rural-residential development within the region, this high demand for new housing is likely to result in an inefficient urban form. This will have significant implications for energy use and climate change emissions as well as liveability. It is also likely to result in significant degradation of the remaining high amenity coastal and rural areas which are the preferred location for new development, especially for second homes.

Two current development proposals, which are currently being progressed to develop new urban enclaves in the sensitive coastal environment, and which are isolated from any existing settlements, provide an indication of the weakness of the current policy framework. The first is a proposal to develop a coastal village including 850 houses, a golf course and resort at Te Arai, an extension of Pakiri Beach which is the only remaining undeveloped long wild east coast beach in the region. The proponents have persuaded the Rodney District Council to promote a variation to its proposed plan to facilitate the development. The proponents, submitters and the ARC are collectively spending probably several millions of dollars on the proposal. The outcome, as to whether the proposal will go ahead, is very uncertain.

It is a similar case with the proposal to develop a residential canal enclave with no supporting services on the Wairoa River, in a rural area near but not connected to Clevedon. The developers have sought a plan change to facilitate the development and this has been approved by the Manukau City Council. The ARC and other submitters are fighting the decision on appeal. Collectively a large amount of money has been spent on the proposal to date and the outcome is also very uncertain.

Both of these proposals, if they go ahead, will have a significant impact on the pattern of urban growth within the region. They are ostensibly contrary to the ARC's urban growth strategy but have still been put forward by developers and have been supported by the respective territorial authorities. If the ARPS had made it clear that such development should not be contemplated in these areas at all, the developers would not have wasted their money in the event that the proposals are declined, and the ARC and the numerous submitters would also not have been required to expend their resources on opposing the proposals.

Another example of the inefficiencies of weak spatial planning is the history of the 'Arrigato' property on the south headland of Pakiri Beach. Consent was granted to subdivide this land and to construct seven houses on the ridgeline overlooking the beach, notwithstanding strong opposition from the ARC. This development, which would have seriously detracted from the wilderness experience of the beach, was only avoided through the council purchasing the land for a regional park in 2005 at a cost of some \$9 million. With stronger and more directive spatial planning, the property could have remained undeveloped, and Pakiri's coastal landscape preserved, without the need for expensive public purchase.

To effectively address the impacts of urban expansion, and the location of new urban development in sensitive and inappropriate areas, the Proposed ARPS needs to provide a strong spatial framework to guide regional development. This not only needs to define metropolitan urban limits, but also where it is appropriate to locate other forms of peri-

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urban development. The Proposed ARPS could for example indicate on maps, at a high level, areas suitable for:

- Urban development (i.e. within the metropolitan urban limit and urban boundaries of smaller settlements)
- Rural-residential development (i.e. countryside living zones)
- Rural activities (i.e. productive rural areas)
- Landscape protection (including outstanding and regionally significant natural landscapes and amenity values, areas of high biodiversity significance and areas of the coast with high natural character).

The maps would need to be accompanied by policy direction on what kinds of development would not be appropriate within these respective areas, and which should therefore be classified as prohibited (or non-complying) activities in district plans. A weakness in the current approach is that although sensitive areas may be identified, the policies and rules in district plans are often not strong enough to ensure their protection.

The provision of a strong spatial framework in the Proposed ARPS would also help avoid the ad hoc planning which is currently occurring through the overuse of the private plan change procedure. This process is frequently being used by developers to override restrictive provisions in plans, particularly to rezone rural land for urban development. Councils and stakeholders can spend years in RMA submission and appeal processes to develop and finalise the provisions of district plans, only to have the provisions opened up again for challenge shortly thereafter by a private plan change application. Both the Te Arai and Wairoa River development proposals are being facilitated by private plan change applications.

Because only a local authority or a Minister of the Crown can apply to change a regional policy statement, the Proposed ARPS has a very important role to play in providing a solid framework to guide development in the long term which cannot be changed within the planning period through ad hoc private plan change applications.

When reviewing the lessons learnt from planning efforts in Melbourne at a recent Auckland conference, government planner and academic Michael Buxton concluded that it was important to stick to the plan in the long term. 'Conflict is best prevented by clarity in public policy, public participation and through setting and communicating long term planning objectives. Once sectorally and spatially integrated containment policies are adopted then governments should not be easily diverted from them.'ⁱⁱⁱ

Buxton also observed that 'urban growth boundaries are only one growth management strategy and to be successful must be linked not only with metropolitan growth management but strong regulatory non-urban zones which prevent urban related developments such as commercial and recreational complexes being located in rural parts of peri-urban areas.'^{iv}

A directive spatial planning approach at a regional level, which goes further than establishing a metropolitan urban limit, has recently been applied in Queensland and New South Wales in an attempt to manage the impacts of urban growth on sensitive areas. In Queensland for example, following a decade of pretty much ineffective regional planning initiatives, the South East Queensland Regional Plan 2005 – 2026 was

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developed to manage growth and urban development, and to protect the region's open spaces, natural environments and agricultural land.^v

The plan divides all land within the region into four categories. The category labeled 'Urban Footprint' covers existing urban areas and greenfield sites earmarked for possible urban development. Land categorised as 'Rural Living Area' provides for rural residential development. In areas identified as 'Regional Landscape Areas' and 'Rural Protection Areas' urban development is prohibited.

A review of the experiences in Queensland and New South Wales in developing and implementing regional spatial plans, to assess both the strengths and weaknesses of the approaches adopted there and their application to the Auckland region (if not already undertaken), could usefully inform the process to develop the Proposed ARPS.

3.2 Increasing conflict over the coastal marine area

Demands to utilise the space and resources in the region's coastal marine area have rapidly increased over the past couple of decades. Much of this has arisen because of the growth in regional population. The marine area, particularly in the Hauraki Gulf, provides major recreational opportunities for growing numbers of residents and visitors to the region. Popular activities are swimming, boating and fishing.

These activities generate demand for facilities such as marinas, moorings, jetties and boat ramps. As the regional population continues to grow, the recreational use of the Gulf is likely to assume even more importance. Coastal natural landscapes are also highly valued by members of the public and property owners with sea views. The recreational and amenity attributes of the coast contribute very significantly to the quality of life within the region.

The marine area is also highly valued by iwi as a source of kai moana and because of its cultural associations. There are growing demands by iwi to be involved, in a more proactive manner, in the management of the coast.

The marine area throughout the region also supports major commercial activities including fishing, sand mining, aquaculture, ports, ferries and charter boats and potentially energy generation. These activities are likely to increase in significance in the future. As the economy grows so does port activity and the need for sand as a building material. There is already significant conflict over sand mining proposals near Pakiri and the mouth of the Kaipara Harbour.

The increase in numbers of recreational fishers and dwindling fish stocks has increased conflict with commercial operators, particularly over popular species such as snapper and kahawai. Demand for aquaculture is growing world-wide as wild fisheries are being successively exploited and depleted. And as concerns over the impacts of greenhouse gas emissions increase there is likely to be increased interest in renewable marine energy generation.

As demands to use and enjoy the marine area have grown, conflicts over competing uses have increased. These largely spatial conflicts have proved more difficult to manage than those which occur on land, because of the less well defined property right

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structure at sea. The current policy framework has been inadequate in addressing these conflicts. This was highlighted by the fraught process which was recently undertaken in an attempt to pro-actively determine where aquaculture should be located within the region.

The situation has not been helped by the highly contentious processes recently undertaken by the Department of Conservation to establish marine reserves in the region, especially in relation to the proposal adjacent to Aotea (Great Barrier Island). This proposal has recently been declined by the Minister of Fisheries. As a result, there is unlikely to be much progress in the establishment of marine reserves in the region over the next planning period. This means that the ARC will need to take a much more proactive role in spatial marine conservation through its RMA policies and plans if marine biodiversity is to be preserved and marine ecological health preserved.

There are also strong overlaps between regional policy and planning and fisheries management which need to be addressed in the Proposed ARPS. The regional council has, for example, a significant role in protecting and ensuring the ecological health of marine areas which are important as shellfish habitats and fish nursery areas.

To address the above, the Proposed ARPS needs to provide some clear guidance on how use of the coastal marine area is to be allocated and managed. Although there is not sufficient information currently available to provide the level of spatial direction for development as is possible on land, it should be possible to make significant improvements on the current situation. This could be achieved through:

- Stating **very clear principles on the allocation of space** between competing uses. These will need to be tailored to specific marine areas. For example the priorities in the Hauraki Gulf may more strongly emphasise recreational use, than those applied to the Manukau and Kaipara Harbours.
- **Identifying areas which are off-limits** for use or development due to their high biodiversity and/or important ecological functions. Although some areas are currently identified in the regional coastal plan these are generally small and located close to the coastal edge. The Proposed ARPS needs take a more strategic view of marine management to identify those (potentially large) areas which, on their own and/or as part of a network, are important to protect in order to ensure the overall healthy ecological functioning of the marine area.
- Identifying **strategic considerations** which are to apply to the location of **large one-off developments** with significant impacts such as marinas, residential canal developments, sand mining operations and marine energy generation proposals and identify spatial areas where they would not be appropriate.

3.3 Management of the coastal edge

The management of the coastal edge is likely to assume much greater importance over the next few decades. This is due to several key reasons. The prime one is the impacts of predicted sea level rise and increased storm intensity resulting from global warming, which will increase the likelihood of coastal erosion and flooding along the coast.

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Stronger management direction will be required to both manage the current risk to properties and infrastructure in the front line, but also to avoid increasing the risk through new investment being located in areas likely to be at risk in the future.

It has become common practice for territorial authorities to authorise new buildings in hazard zones on the basis that the council is absolved from responsibility for any subsequent damage through the exemption under section 36 of the Building Act 1991. This requires the property title to be 'tagged' to alert subsequent purchasers of the risk. It essentially relies on the 'buyer beware' principle to manage what is ultimately a public as well as private risk. Councils may also require a letter from a house removal firm certifying that the building can be removed in the event of erosion or flooding threatening the safety of the building. But so-called 'removable' buildings for all intensive purposes can be indistinguishable from other permanent structures on the basis that anything can ultimately be removed, even in pieces, if required.

This ongoing investment in hazard prone areas will inevitably increase the demand for seawalls and coastal protection works in the future, and these seriously impact on natural character and public access to the coast. It will also increase the costs that the public has to pay when natural hazards occur. This was vividly demonstrated by the costs incurred by the community, government and councils in the aftermath of the recent floods at Matata. The fact that the public ultimately pays for increased risk has also been highlighted by the recent increase in insurance premiums prompted by rising payouts for damage caused by natural hazards. A more strategic approach is needed in reducing coastal hazard risk.

Another key reason for increased management challenges along the coastal edge is the development of new forms of residential development which are resulting in public access being effectively excluded from areas of coastline in the long term. New legal public access along the coast through the provision of esplanade reserves or strips has traditionally been provided when rural land has been subdivided for urban development. But under the RMA landowners can only be required to provide such access without compensation where the lot being created on the coastal edge is less than four hectares in size (section 230).

There has recently been a rise in the popularity of developing coastal farms into low density gated rural-residential enclaves. Because the size of the individual lots is greater than 4 hectares there is no requirement to provide public access through the provision of an esplanade reserve or strip. These developments often have covenants preventing more intensive subdivision in the future (which is a positive feature) but this means that the public is likely be excluded from these coastal areas, which are largely being used for residential purposes, potentially for ever.

The rise of the popularity of canal developments also creates a problem for public access around the coastal edge. These are typically created out of low lying farmland and therefore, because the canal frontage lots created about 'new' coastal edge which prior to the canals being flooded was inland, there is no requirement under the RMA to provide an esplanade reserve. All the canal developments built in New Zealand to date exclude the public from the bulk of the new coastal edge.

In the case of Marsden Cove in the Whangarei Harbour, the creation of the entrance to the canals from the sea resulted in a beach and adjacent beach settlement being divided

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into two, which effectively prevented members of the public walking right along the beach (they now have to walk behind all the canals to get from one side to the other instead). These new forms of coastal development, which are likely to grow in popularity in the future, will require new policy approaches to ensure that public access along the coast is provided in the long term.

The third key reason why effective and targeted management of the coastal edge is important is because this is probably the most modified and degraded natural environment in the country. Most of the indigenous vegetation has been removed either by urban development or farming practices, dunes are often eroded, and hard infrastructure such as sea walls and stormwater outfalls are common in urban areas.

Progressive restoration of these environments is important, firstly to increase the buffering role of natural coastal systems in the event of coastal storms, which can help to reduce property damage. Secondly, such restoration is important to increase the natural character of the coastal edge which can have a major impact on the landscape and amenity qualities of coastal areas which significantly contribute to the public's enjoyment of the coast. Thirdly, such restoration efforts can help increase the resilience of remaining indigenous coastal ecosystems which will come under even greater pressure due to the effects of climate change and sea level rise.

The Proposed ARPS could make a significant difference to this issue by providing greater direction at a regional level on how the coastal edge is to be managed. This could include:

- Identifying on maps coastal hazard lines which must be given effect to by territorial councils in the region, taking into account likely hazards over at least a 100 year period. This would address the requirements under policy 51 of the Proposed NZCPS 2008.
- Providing a clear direction that no new development and no significant renovations of existing structures is to take place within the 100-year hazard line, except where proven necessary in the public interest. This would address the requirement under policy 52 of the Proposed NZCPS 2008.
- Providing a clear direction that seawalls are only to be contemplated when required to protect significant public assets or to avoid a significant public risk and not to protect private property.
- Providing a clear direction that provision for public access along the coastal edge should be strongly encouraged when considering applications for rural-residential or canal developments. This would be on a similar basis to the current approach applied to the protection and replanting of indigenous vegetation. Such replanting/protection is not a requirement under the RMA but is now commonly offered by developers as a *quid pro quo* for being given the right to subdivide and develop rural land.
- Providing a clear direction that any development on the coast should incorporate mechanisms to restore the indigenous vegetation and natural ecosystems on the coastal edge.

3.4 Addressing climate change

The need to reduce greenhouse gas emissions and to adapt to the inevitable impacts of climate change, are urgent issues of international scale. They are recognized in Section 7 of the RMA which requires the ARC to have particular regard to both the effects of climate change and the benefits to be derived from the use and development of renewable energy. The Proposed ARPS should identify how these issues should be addressed within the region.

Possible approaches include:

- Reducing the need for private transportation through ensuring a compact urban form and providing accessible and efficient public transport. This is already a major area of action by the ARC through the Regional Growth Forum and the Regional Land Transport Strategy. Reducing private car use also has major positive benefits in terms of reducing air pollution and the accumulation of heavy metals in seabed sediments.
- Providing for the generation of renewable energy within the region. This could include identifying areas where wind farms would be appropriate (and also not appropriate). In England a growing number of councils are undertaking an assessment of local landscapes and identifying their capacity to accommodate wind turbines.^{vi}
- Requiring that all development proposals over a specified size should be assessed in terms of their carbon footprint and/or energy efficiency.
- Working towards carbon neutral buildings through policies aimed at increasing their energy efficiency and encouraging on-site generation of renewable energy.

In England the concept of 'low carbon planning' has taken root. Many local authorities are now adopting what has become known as the 'Merton Rule'. This was pioneered by the London Borough of Merton, which required ten per cent of energy demand in new non-residential developments over a certain size (1,000 square metres) to be met through on-site renewable resources.

In 2006 England's Minister for Housing and Planning, announced that 'Government expects all planning authorities to include policies in their development plans that require a percentage of the energy in new developments to come from on-site renewables'.^{vii} The government has also provided guidance to local authorities on planning for renewable energy (Planning Policy Statement 22). This is focused on promoting planning policies which encourage the use of the full range of available renewable resources. The London-based Town and Country Planning Association has recommended that councils adopt the following policies for their planning documents in order to implement the Planning Policy Statement^{viii}:

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- Renewable energy proposals will be supported throughout the plan area unless they would have unacceptable adverse effects which are not out-weighed by local and wider environmental, economic, social and other considerations of the development. This includes wider benefits arising from clean energy supply, reductions in greenhouse gas and other polluting emissions, and contributions towards meeting regional and national targets for use of renewable energy sources.
- All non-residential or mixed use developments (new build or conversion) above a threshold of 1,000m² will be expected to provide at least 10 per cent of their energy requirements from onsite renewable energy generation.
- All residential developments (new build or conversion) of 10 or more units will be expected to provide at least 10 per cent of their energy requirements from onsite renewable energy generation
- OR the Council will expect all development (new build, conversion, or refurbishment) with a floor space of 1,000m² or ten or more residential units, to incorporate renewable energy production equipment to reduce the overall CO₂ emissions by at least 10 per cent.

3.5 Poor settlement location and design

The growth and intensification of the Auckland metropolitan area is resulting in poor outcomes for living environments, natural landscapes and heritage. At a recent conference on the RMA held by EDS in 2007, it was widely acknowledged that planning under the RMA to date had been weak on urban design issues. This was because the legislation focused on managing impacts on the natural environment rather than on creating high quality built environments.

There has also been a failure to design settlements, or even individual house sites, within the coastal environment in a manner that preserves the natural character of the area. There are ample examples of poorly designed and located houses prominently located on coastal ridgelines and headlands around the region. One recent example is the houses built on the ridgeline in Matiatia Bay on Waiheke Island which dominate the view of bay for visitors to the island arriving by ferry. Large houses now dominate views from beaches in the Tawharanui and Mahurangi Regional Parks. These poorly located and designed houses are having major negative impacts on important landscapes and the ability of the public to enjoy the coast.

Significantly improved outcomes in this area will require the ARC to show greater leadership. The Proposed ARPS could set out clear principles for good urban design, and for good design of coastal development, based on best practice. Some of this material is in the current ARPS but needs to be beefed up. For example, principles for coastal development could include ensuring that:

- Any development sits well within the coastal landscape and maintains the visual and environmental dominance of that landscape and its ecological systems.

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- Buildings and structures are avoided on areas which are sensitive to the visual impacts of development, including headlands and prominent ridgelines.
- Buildings are avoided in prominent rural locations which are highly visible from regional parks and other reserve land utilised by the public for recreational purposes
- Any development is set well back from the coastal marine area and other water bodies, to protect the open space character of the coast, its natural character, and its amenity values. This set back could be given a quantitative value to provide more certainty such as is the case in Denmark where no building can be constructed within 300 metres of the shoreline outside urban areas^{ix}.
- New residential developments are designed to integrate well with the existing community through avoiding the use of private roads and gates
- Ecological linkages between the coast and the hinterland are preserved and restored
- Public views of the coastal environment are preserved and enhanced
- Opportunities for public recreation within the coastal environment are maintained and enhanced (including through the provision of camping opportunities)

The Proposed ARPS could incorporate by reference more detailed urban and coastal design guides for the region. The *Coastal Design Guide for New South Wales*, which was prepared by the Coastal Council of New South Wales, is an excellent example of such a document which could be used as a model and amended to suit regional conditions.^x

3.6 Sedimentation of the marine area

The deposition of large amounts of sediment from the land into the marine area is a major threat to the coastal environment in the Auckland region. The council has been very proactive in controlling sedimentation from large earthworks, and in investigating the likely sedimentation impacts of the urbanisation of previously rural catchments. But although the majority of the land area of the region is rural, the current RPS is heavily focused on urban issues.

Current rural land management practices are having a major impact on the health of waterways and the marine area. These effects are largely from non-point sources and are cumulative. They are largely uncontrolled at the moment. Their impacts can be devastating on the marine ecology, shellfish stocks and fish nursery areas. For example the decline in flatfish stocks in the Kaipara Harbour is at least partially thought to be due to the high levels of sedimentation.

The experience with the Mahurangi Harbour is instructive on this issue. The ARC undertook monitoring in the harbour initially to obtain baseline information against which any subsequent deterioration through urbanization of the harbour's catchments could be identified. However, to the surprise of many, the monitoring identified major problems with the ecological health of the harbour even though its catchments were largely rural.

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The cause, as was later identified, was sedimentation derived from both forestry and farming activities. These activities were (and still are) permitted under the regional plan, albeit with standards attached. Sedimentation from rural activities is also thought to be having a major impact on marine ecology in the Kaipara Harbour.

The council should consider addressing the issue of cumulative effects of agricultural activities and sedimentation at a strategic level in the Proposed ARPS, to give it a much higher profile than it receives in the current document. The Proposed ARPS could, for example, provide targets for the reduction in land-sourced sediment reaching sensitive marine areas and indicate that stronger controls on agriculture and forestry in catchments draining into marine areas sensitive to sedimentation should be required (such as no vegetation removal and forestry harvesting in riparian areas, and no stock in waterways or along the coastal edge).

3.7 Biosecurity

Biosecurity will become an increasingly serious issue in the region, particularly as trading activity increases and diversifies and as climate change makes it possible for a greater range of species to thrive within the Auckland region. Marine biosecurity is increasingly being recognised as a significant risk, particularly as the region has a large number of international shipping movements and international rules to address marine biosecurity risks are weak. The establishment of new marine species in the region creates significant risks both for the health of indigenous ecological systems and species and for the economic viability of aquaculture.

Marine biosecurity is not an area that regional councils, including the ARC, have traditionally played a large role in. The Proposed ARPS should clarify what role local authorities within the region should play in addressing biosecurity issues under the RMA in association with Biosecurity New Zealand. Regional council responsibilities for marine biosecurity are addressed in Policy 9 of the Proposed NZCPS 2008 and this will need to be reflected in the Proposed ARPS.

3.8 Framework for environmental objectives, monitoring and reporting

Environmental monitoring and reporting is generally poorly done by territorial authorities. The setting of measurable environmental objectives, the identification of a time frame in which they should be achieved, and the monitoring of performance in achieving the objectives can make a major difference to the effectiveness of resource management efforts.

The Proposed ARPS could make a major contribution in this area through identifying clear, measurable and time-bound objectives for environmental management of the region and indicators to be monitored to measure progress. This would help integrate management efforts towards key environmental outcomes over the planning period as well as enable the effectiveness of current policies, rules and other methods to be assessed and improved.

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The provision of measurable targets is commonplace in Scandinavian countries, and has proved beneficial, as it focuses efforts on achieving key gains. In the Netherlands, for example, the government has developed a series of National Environmental Policy Plans which have thematic objectives, specified targets and deadlines for achievement. In Sweden the government has developed 15 national environmental quality objectives with interim targets and timetables for achievement. In England, regional spatial strategies which are currently being prepared are to include targets and indicators^{xi}.

Time-bound targets are particularly useful when addressing non-point source pollutants such as nutrients and sediment entering waterways. The European Union Water Framework Directive, which came into force in 2000, has been very effective in mobilising efforts in member states to clean up waterways. This required that all waterways achieve a good ecological and chemical status, as defined in the Directive, by 2015^{xii}. The Organisation for Economic Cooperation and Development also emphasises the need for time-bound targets especially for nutrient loads into water, soil erosion and water use efficiency.

3.9 Requirements of other legislation and national policy statements

The Proposed ARPS will have an important role to play in identifying how national policy, which applies under the RMA, will be implemented within the region. A key document will be the New Zealand Coastal Policy Statement (NZCPS) which is currently under revision. The document, when finalised, is likely to differ significantly from the current NZCPS which came into force in 1994.

In order for the hierarchy of planning documents to operate effectively, it will be important for the council to indicate how it is intended to give effect to the revised NZCPS through the Proposed ARPS, so that the regional policy statement can provide guidance to subsequent changes required to district and regional plans.

The form of the finalised NZCPS will almost certainly have significant implications for the preparation of the Proposed ARPS, as a large proportion of the Auckland region falls within the coastal environment. The ARC will therefore need to take a close interest in the development of the Proposed NZCPS (which I understand it has been doing to date) to help ensure that the document provides support for the approach the council wishes to take in the Proposed ARPS. Once the NZCPS has been finalised, it will also be important to undertake a dedicated piece of work to identify how it can best be given effect to in the Proposed ARPS.

The Ministry of the Environment is currently progressing a national policy statement on freshwater management and this is also an area where there will need to be close linkages between national and regional level policy development.

The Hauraki Gulf Marine Park Act 2000 (HGMPA) provides a set of objectives for the management of the Gulf which are to be given effect to under the RMA as part of the NZCPS (Section 10 HGMPA). These objectives focus on the protection and enhancement of the natural, historic and physical resources of the Gulf. They also emphasise the need to protect and enhance both the cultural and historic associations which people and communities have with the Gulf and their ability to recreate and enjoy the area. The Proposed ARPS is required to give effect to these objectives.

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The effect of the HGMPA, arguably, is to establish different priorities and to set a higher standard of management of the Gulf than might be applied to other coastal areas within the region. The Proposed ARPS therefore needs to set out how these different management standards and priorities are to be achieved within the Gulf. This is likely to require a dedicated piece of work. It may also merit a specific section within the Proposed ARPS which focuses on the management of the Gulf.

The Waitakere Ranges Heritage Area Act 2008 (WRHAA) will also have a significant impact on the content of the Proposed ARPS. Section 10 of the WRHAA provides that when preparing a regional policy statement the ARC must give effect to the purpose and objectives of that Act. The purpose and objectives place a focus on achieving the protection, restoration and enhancement of the heritage features of the Ranges. This is a higher standard than that which generally applies under the RMA, where development and protection are more evenly balanced, and where the norm is to allow development so long as negative environmental effects are mitigated.

The significance of the WRHAA to the development of the Proposed ARPS, similar to the effect of the HGMPA, is that protection and restoration are to be given greater weight than development within the Ranges. How this can be given effect to in the Proposed ARPS is also likely to require a dedicated piece of work.

3.10 Addressing cross boundary issues

The Proposed ARPS will need to provide guidance on how cross boundary issues will be addressed within the region. One key area where resource management crosses current regional boundaries is in the area of marine management. This is because regional council administrative boundaries have been largely based on land-based catchments rather than on the boundaries of marine systems. As a result, the boundary of the Auckland Region cuts across the Kaipara Harbour and the Hauraki Gulf (including the Firth of Thames).

The ARC has been involved in several initiatives aimed at more effectively achieving integrated management of both these marine areas. One concrete way of progressing integration would be through the preparation of joint plans with other local authorities where ecological systems cross administrative boundaries. An area where this could prove feasible and beneficial is in the Kaipara Harbour. A joint regional coastal plan between the ARC and the Northland Regional Council for the harbour could start to address key issues such as the protection of important habitats and location of aquaculture and other major activities. Such a joint plan would enable planning to be undertaken within the context of the harbour as a whole. It could be prepared as a separate regional coastal plan which would sit alongside the other region-wide regional coastal plans prepared for the Northland and Auckland regions.

The Proposed ARPS could indicate the extent to which joint planning would be considered as a method to achieve more effective integrated management of key ecological systems such as harbours.

4 Summary and priorities

The key issues identified in this think piece for the Proposed ARPS to address are:

- Expansion of the urban footprint
- Increasing conflict over the coastal marine area
- Management of the coastal edge
- Addressing climate change
- Poor settlement location and design
- Sedimentation of the marine area
- Biosecurity
- Framework for environmental objectives, monitoring and reporting
- Requirements of other legislation and national policy statements
- Addressing cross boundary issues

All these issues are important and will need to be addressed at some level in the Proposed ARPS. In my view, however, the highest priority should be given to putting in place a strong and directive spatial plan, which covers land and marine areas, which provides a strategic framework for future urban development (including rural-residential) and location of major activities within the region and which ensures the protection of important landscape, ecological and heritage areas. This will provide a robust framework to promote integrated management across the region, including between land and the marine area, and enable cross boundary and cumulative effects which are linked to the spatial location of activity to be addressed. To be effective it needs to be accompanied by strong direction on what activities are not appropriate in specific areas and therefore which need to be identified as prohibited or non-complying in regional and district plans.

Also of high priority should be the establishment of quantitative time-bound environmental quality targets to guide the management of catchment issues which are not well addressed through spatial planning. This includes sedimentation and pollution of waterways from non-point land-based sources. Such targets can focus management efforts on achieving clear goals and help promote innovation when current management methods will clearly not enable the targets to be met in a timely manner.

5 Conclusion

The preparation of the Proposed ARPS provides an excellent opportunity to significantly improve resource management and environment outcomes within the region. Much can be learned from the experience of implementing the current ARPS within the context of the ongoing evolution of case law and practice associated with the RMA. This has indicated the need for a much more strategic approach to be applied to planning under the Act.

National and regional policy statements are the mechanism through which such a strategic approach can be provided, because regional and district plans are now required to give effect to them, and policy statements cannot be changed by ad hoc private plan changes from private entities. The Proposed ARPS needs to provide much

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more certainty on the big regional issues, so that local planning and decision making can focus on local issues.

One of the biggest issues facing the region is urban growth and the impact of this on both on the quality of natural resources and living environments. This issue will clearly need to be a focus of the Proposed ARPS. But growing conflict in the use of the marine area, the management of the coastal edge, climate change, biosecurity and rural land management are all likely to warrant greater attention over the next few decades.

6 References

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