

**Tasman Resource Management Plan
Efficiency and Effectiveness Evaluation**

**Chapter 23:
Natural Hazards and Hazardous Substances**

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Executive Summary

This report reviews the effectiveness and efficiency of the provisions in Chapter 23 'Natural Hazards and Hazardous Substances' in the Tasman Resource Management Plan (TRMP).

As the title suggests, the chapter is concerned with two main issues: 1. effects of natural coastal hazards; and 2. risks from hazardous substances in the Coastal Marine Area (CMA).

Natural Hazards

These objective and policies are concerned with avoiding subdivision, use or development of coastal land that would require protection works against hazards from natural coastal processes.

A key feature of the provisions is a strong reliance on land use and subdivision controls in Part II of the TRMP (Chapters 13, 16-18). This is evidenced by the fact there are no explicit natural hazard rules relating to activities in the CMA. While there are rules in Chapter 25 for structures and disturbance of the foreshore and seabed, these relate more to concerns about coastal marine conservation and protection of heritage, public access, natural and amenity values; they do not relate closely to the hazard management issues addressed in Chapter 23.

Additionally, there is a high degree of duplication between the policies in Chapter 23 and those in Chapter 13, which deals with natural hazards on land. A key consideration for council when updating the TRMP natural hazard provisions, therefore, is identifying ways in which natural hazards can be managed through an integrated objective-policy-rule framework that enables activities and effects to be considered across the CMA - land boundary.

An assessment of the effectiveness of Chapter 23 has relied on the findings of the Chapter 13 report, and its assessment of TRMP Part II provisions. It found that land use and subdivision controls had either fully or partially achieved the objective of avoiding coastal protection works against natural coastal hazards. Key issues identified in the findings of the Chapter 13 report, which also apply to Chapter 23, are:

- Inefficient and ineffective coastal hazard rules where they rely on outdated hazard information that informs zone or specific rule provisions.
- Inconsistent requirements for the management of similar hazard risks at the coastal margin (e.g. coastal risk areas, coastal defence structures)

Since the plan was first proposed, there has been a number of changes in respect of the relevant legislation, national guidance, and council work programmes focusing on climate change and natural hazards. More recent changes includes changes to the RMA Part 2 provisions, New Zealand Coastal Policy Statement (2010), MfE's Coastal Hazards and Climate Change Guidance (2017), and Council's coastal hazards work programme, the "Coastal Management Project – Responding to Climate Change". There will need to be considered and implemented through the TRMP review.

The "Coastal Management Project – Responding to Climate Change", in particular, will pick up many of the recommendations from this report relating to climate change impacts along the coast and enable a District-wide approach to be considered.

Hazardous Substances

These objective and policies are focused on managing the storage, use, transport and disposal of hazardous substances in the CMA in order to protect public safety, people’s property and the environment.

Despite there being related rules in Chapter 25 of the TRMP there have been no resource consent applications in the past 10 years concerning hazardous substances in the CMA. The reason being that activities requiring consent are located above mean high water springs and therefore subject to land use (as opposed to coastal) provisions contained in Part II of the TRMP, notably Chapters 5 and 16.

Given the lack of activities requiring consent under Chapters 23 and 25, the conclusion reached is that the TRMP objective is ‘on-track to achieve’. This is consistent with the finding for the hazardous substance provisions in Chapters 5 and 16 of the District Plan.

As with the natural hazard provisions, there is a degree of duplication between policies in the regional and district chapters. This reflects the challenge of integrating TRMP provisions between district and regional functions, and across the CMA - land boundary. Including all hazardous substance provisions in the TRMP chapter dealing with contaminant discharges is one potential way to achieve more efficient integration.

Another key consideration in updating the TRMP will be to avoid duplication with the requirements of the Hazardous Substances and New Organisms Act 1996, which regulates the management, disposal, classification, packaging and transport of hazardous substances, and the Health and Safety at Work Act 2015, which establishes workplace controls for hazardous substances.

Recommendations

Natural Hazards

Objective set	Recommendations
<p>General</p>	<p>Review all natural hazard provisions in Chapters 23 & 25 alongside the provisions in Chapters 13, 16-18, to avoid duplication and to achieve better integration across the CMA-land boundary.</p> <p>Update the provisions to give effect in full to the NZCPS 2010.</p>
<p>Objective 23.1.2 Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes.</p>	<p>Review: To be reviewed as part of the outcomes of the Coastal Management Project. The objective is concerned with subdivision, use or development of coastal land, which is a district plan matter. The avoidance of protection works is potentially a CMA matter, but there are no rules in the TRMP specifically applying to this or other related activities below mean high water springs.</p> <p>The objective is also narrowly focused on avoidance of protection works rather than addressing the risks associated with natural hazards, such as inundation and coastal erosion.</p>

Objective set	Recommendations
<p>Policy 23.1.3.1</p> <p>To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required.</p>	<p>Review: To be reviewed as part of the outcomes of the Coastal Management Project. There is provision within land section for consideration of coastal risk, however, the specific matter of ‘likely need for coastal protection works’ is not clearly identified in any rule set across the line of the CMA land boundary.</p>
<p>Policy 23.1.3.2</p> <p>To avoid developments or other activities that are likely to interfere with natural coastal processes, including erosion, accretion, and inundation, except as provided for in Policy 23.1.3.6.</p>	<p>Review: To be reviewed as part of the outcomes of the Coastal Management Project. This policy relates to activities outside of the CMA; the land sections of the TRMP deals with subdivision and/or land development specifically within proximity to the coast, including coastal risk areas. The intent of the policy is strong within Part II of the plan, however the supporting rule framework should be strengthened to address current issues with permitted activity coastal protection structures, as the line of sight between policy and rule framework/activity status is ineffective. Additionally, the framework needs to address the management of developments/activities which overtime, become included in the CMA as a result of sea level rise.</p>
<p>Policy 23.1.3.3</p> <p>To prevent natural hazards being aggravated by subdivision, use or development, including off-site effects of any coastal protection works.</p>	<p>Review: To be reviewed as part of the outcomes of the Coastal Management Project. This policy relates to activities outside of the CMA; the land sections of the TRMP deals with subdivision and/or land development specifically within proximity to the coast, including coastal risk areas.</p>
<p>Policy 23.1.3.4</p> <p>To monitor coastal processes and the extent to which they constitute a hazard.</p>	<p>Remove: This is a method, not a policy; more suited for inclusion in 23.1.20 ‘Methods of Implementation’ and can be delivered through other council functions (e.g. environmental information).</p>
<p>Policy 23.1.3.5</p> <p>To prepare a hazard management strategy identifying hazards, hazardous areas, and management options for these.</p>	<p>Remove: This is a method, not a policy; more suited for inclusion in 23.1.20 ‘Methods of Implementation’ and can be delivered through a number of council functions (e.g. environmental information, AMPs, long term plan (funding)).</p>
<p>Policy 23.1.3.6</p> <p>To allow the establishment of coastal protection works only where:</p> <ul style="list-style-type: none"> (a) the works are justified by a community need; (b) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost, or have greater adverse effects on the environment; (c) it is an inefficient use of resources to allow natural processes to take their course; (d) for works protecting individual properties, the works will not cause or exacerbate adverse effects on other properties in the vicinity; 	<p>Review: To be reviewed as part of the outcomes of the Coastal Management Project, in accordance with NZCPS 2010 provisions relating to coastal protection works; the policy is very prescriptive / detailed and no rules relate directly to this policy.</p>

Objective set	Recommendations
<p>(e) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect the natural character, natural processes or amenity values of the coastal marine area beyond the site of the work;</p> <p>(f) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes do not adversely affect the natural character or amenity values of the coastal marine area;</p> <p>(g) public access to and along the foreshore is maintained or enhanced; and</p> <p>(h) other adverse effects of the work are avoided, remedied, or mitigated.</p>	
<p>Policy 23.1.3.7 To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.</p>	<p>Retain: Retain intent, but to be reviewed as part of the outcomes of the Coastal Management Project; it also relates to the landward side of mean high water springs, not the CMA.</p>
<p>Policy 23.1.3.8 To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).</p>	<p>Review: Retain intent of policy, but consider including in an overarching and consolidated suite of natural hazard policies. The policy relates to activities outside of the CMA. Land sections of the TRMP deal with subdivision and/or land development specifically within proximity to the coast, including coastal risk area; subdivision provisions address hazard potential which in relation to coastal risk area overlay appears to address this policy.</p>

Hazardous Substances

Objective set	Recommendations
<p>General</p>	<p>Review all hazardous substance provisions in the TRMP to avoid duplication with HSNO and HSW Act requirements.</p> <p>Review all hazardous substance provisions in Chapters 23 & 25 alongside the provisions in Chapters 5 & 16, to avoid duplication and to achieve better integration across the CMA-land boundary.</p> <p>Identify whether the TRMP needs provisions to address new or emerging issues, such as potential discharges of hazardous substances from former dump sites into the CMA, particularly as the level of the sea rises.</p>
<p>Objective 23.2.2 A coastal marine area in which public safety, people's property, and the environment, are free of adverse effects from hazardous substances.</p>	<p>Retain and update: The objective is clear in its aim to be 'free from hazardous substances', although this could be more clearly worded; amend the objective's focus to cover both land and the CMA.</p>

Objective set	Recommendations
<p>Policy 23.2.3.1 To avoid any likely adverse effects of any facility for the storage, use, or transport of any hazardous substance in the coastal marine area, including those effects arising from the inappropriate location, design, construction or management of such facilities.</p>	<p>Retain and review: The policy remains relevant, but should be reviewed against the HSNO Act to ensure duplication is avoided.</p> <p>Strengthen internal consistency: The policy is clearly addressed in TRMP rule set, but only in respect of a narrow range of activities within 'structures' rule set.</p>
<p>Policy 23.2.3.2 To require the storage or transport of hazardous substances in the coastal marine area to comply with the requirements or advice of the manufacturer.</p>	<p>Review to ensure it is not duplicating HSNO Act requirements; a policy relating to storage or transport should focus on specific effects.</p>
<p>Policy 23.2.3.3 To prevent the disposal of any hazardous substance in the coastal marine area.</p>	<p>Retain: The policy wording is clear and directive (i.e. to prevent).</p>
<p>Policy 23.2.3.4 To require contingency plans to be prepared and implemented for any accidental discharge of any hazardous substance into the coastal marine area arising from its storage, use or transport.</p>	<p>Retain: Contingency planning reflects best practice and should continue to be required; ensure rules specify the need for contingency plans.</p>
<p>Policy 23.2.3.5 To prevent the generation of radioactive material or the generation of energy from radioactive material in the coastal marine area.</p>	<p>Review the need for a policy addressing radioactive material / energy.</p>

1. Purpose Statement

The purpose of this evaluation of the TRMP is to determine the effectiveness and efficiency of the provisions contained within it. It helps us understand if the TRMP provisions are doing what they're meant to do.

This evaluation process is a fundamental step in the policy review cycle and a requirement of the Resource Management Act. It informs good quality plan-making and helps maintain confidence and integrity in the process.

The results of this evaluation will inform the review of the Tasman Resource Management Plan.

What do the terms mean?

Effectiveness: *“assess the contribution ... provisions make towards achieving the objectives and how successful they are likely to be in solving the problem they were designed to address”*

Efficiency: *“measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of the society”*

(Ministry for the Environment s.32 Guidance)

Key Evaluation Questions

What we need to keep in mind

- ✓ Are we focused on the right issues?
- ✓ Have we done what we said we'd do?
- ✓ Have we achieved what we said we'd achieve?
- ✓ How do we know our actions led to the outcome observed?
- ✓ Have we achieved that outcome at reasonable cost (could we have achieved it more cheaply)? (Enfocus, 2008)

2. Scope

2.1 Regional Plan Provisions Reviewed

The Tasman Regional Coastal Plan is made up of the following parts / chapters of the TRMP:

- Part III ‘Coastal Marine Area’¹ (Chapters 20-26);
- Part V ‘Water’ (parts of Chapters 30 and 31) relating to taking, diverting, using or damming coastal water); and
- Part VI ‘Discharges’ (Chapter 35 and part of Chapter 36) relating to coastal marine discharges).

Chapter 23 is the fourth chapter (out of five) in Part III of the TRMP. It addresses two key issues:

1. Effects of natural coastal hazards, including balancing the benefits of protecting land with the costs of undertaking coastal protection works, avoiding navigational risks, and addressing impacts of hazards on coastal habitats.
2. Risks from hazardous substances in the CMA.

Two objectives and 13 policies have been adopted in addressing the chapter issues, as shown in Table 1 below.

Table 1: Scope of the Evaluation

Chapter 23	Objective	Policies
23.1 Natural Hazards	23.1.2	23.1.3.1 – 23.1.3.8
23.2 Hazardous Substances	23.2.2	23.2.3.1 – 23.2.3.5

2.1.1 Natural Hazards

The objective seeks to achieve “*Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes*”. The eight policies deal consecutively with avoiding activities that are likely to interfere with natural coastal processes, preventing natural hazards being aggravated by subdivision, use and development, preparation of a hazard management strategy, identifying the circumstances under which coastal protection works may be established, and promoting maintenance and enhancement of coastal vegetation to prevent erosion.

Regulatory methods adopted in the TRMP to implement the policies include:

- TRMP rules (set out in Chapter 25) that: (a) allow certain existing coastal protection structures, but control their adverse effects on coastal processes; (b) control likely adverse effects of other structures or works for coastal protection purposes; and (c) control buildings and subdivision on coastal land, including in the Coastal Risk Area and the Coastal Environment Area.

1 The coastal marine area extends seaward of the line of mean high water springs to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it

No non-regulatory methods are provide for.

The environmental outcomes sought from implementation of the chapter rules and methods are:

1. No increased exposure of built development to coastal hazards.
2. Continued change to shoreline form and location as a result of coastal processes, except where protection works have been established.

2.1.2 Hazardous Substances

The objective seeks to achieve “A coastal marine area in which public safety, people’s property, and the environment, are free of adverse effects from hazardous substances”. The five policies deal with storage, use, transport and disposal of hazardous substances, as well as contingency planning in the event of an accidental discharge.

Regulatory methods adopted in the TRMP to implement the policies include:

- TRMP rules (also set out in Chapter 25) that (a) regulate the storage or use of hazardous substances in the coastal marine area; (b) prohibit the manufacturing or processing of any hazardous substance in the coastal marine area; and (c) prohibit radioactive material in the coastal marine area.

No non-regulatory methods are provided for.

The environmental outcomes sought from implementation of the chapter rules and methods are:

1. No increased risk of contamination from hazardous substances in the coastal marine area.

2.2 Timeframe of Evaluation

The evaluation was conducted from July 2019 to May 2020.

2.3 Summary of Methodology

Broadly, the methodology of this evaluation follows the Plan Outcomes Evaluation process. Plan Outcome Evaluation involves:

1. An examination of the outcomes being sought – what are the objectives trying to achieve?
2. Tracking how the plan has been designed to affect the outcomes – do the intentions in the objectives get carried through to the rules and methods? Are the provisions efficient?
3. Assessing if the provisions have been implemented – what evidence is there that the provisions are being applied to relevant activities?
4. Assessing relevant environmental trends and ‘on the ground’ data to conclude if the Plan has been successful in achieving its intentions. This includes consideration of the external factor influences such as legislative changes, national policy statements, case law, significant economic changes, demographics etc.

Throughout the evaluation, there is an emphasis on attributing the activities enabled or controlled by the TRMP to observed outcomes. However, attributing outcomes to the TRMP must always be viewed in the wider context of changes. These are noted where known, but it is beyond the scope of

this evaluation to capture all of the changes and influences that affect outcomes in our communities and environment.

Limitations with the Plan Outcome Evaluation approach also arise where environmental outcome data is poor, or where there are multiple factors driving outcomes. Time, resourcing and quality of data also affects the comprehensiveness of the evaluation.

To address some of these limitations, the evaluation process has included a ‘rapid assessment’ technique. The technique draws on the combined knowledge and expertise of local TDC staff, residents, community leaders, and topic experts to create an understanding of plan implementation, efficiency and outcomes. The rapid assessment outputs are supplemented with:

- environmental data or expert reports where available
- Council data (e.g. consenting and compliance database information, models, monitoring reports required by consent condition)
- mapping and imagery (e.g. GIS, aerial imagery, LiDAR)
- information or reports prepared during plan change processes (e.g. s.32 Reports, Issues and Options papers, technical reports, submissions, community meetings).

The data sources that have been used for evaluating Chapter 23 are shown in Table 2 below:

Table 2: Information Sources Used in Evaluation

Data source/s:	Details and Notes
Rapid Assessment	<ul style="list-style-type: none"> • Meeting with policy staff on 26th September 2019 • Meeting with monitoring staff on 6th December 2019 • Workshop with council staff on 12th December 2019 • Meeting with consent staff on 28th January 2019
Councillor input	<ul style="list-style-type: none"> • Workshop held on 20 May 2020
External reports	<ul style="list-style-type: none"> • Legal report for s35 review, Tasman Law, June 2019 • Iwi management plans • Quality Planning website. 2019. Hazardous Substances Under the RMA
Council reports	<ul style="list-style-type: none"> • State of the Environment monitoring reports • Tasman Resource Management Plan Policy Mapping (Leusink-Sladen, 2019) • Chapter 5 s35 Evaluation Report • Chapter 13 s35 Evaluation Report • Stage 2 of TRPS Efficiency and Effectiveness Review: Statutory Obligations (Mason, 2019)
Council records (MagicBR/NCS/databases)	<ul style="list-style-type: none"> • MagiQ BI – Resource consents data

2.4 Summary of Consultation

The following consultation has been undertaken during the preparation of this evaluation.

2.4.1 Tasman District Councillors

A workshop with elected Councillors was held on 20 May 2020 discussing key issues and recommendations identified for the Regional Coastal Plan, including this chapter. No additional issues were raised by Councillors at this workshop in relation to this topic.

2.4.2 Tasman Environmental Policy Iwi Working Group

The iwi of Te Tau Ihu, as tāngata whenua, have a unique relationship with Tasman District Council. There are a number of legislative requirements which oblige us to engage more collaboratively with iwi and Māori - including provisions in the Resource Management Act, Local Government Act and Treaty of Waitangi settlement legislation. To support this a separate section 35 report with a focus on iwi/Māori provisions has been prepared. Please refer to that report for a record of consultation undertaken.

3. Effectiveness and Efficiency Evaluation

3.1 Context

The primary legislation affecting Chapter 23 is the Resource Management Act (RMA). The purpose of this Act is to promote the sustainable management of natural and physical resources (s5, RMA). Several matters of national importance under the RMA (set out in s6), which all councils must 'recognise and provide for', relate directly to the effects of craft:

- *s6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- *(h) the management of significant risks from natural hazards.*

In support, the council must 'have particular regard to' several relevant matters in s7 of the RMA:

- *s7(c) the maintenance and enhancement of amenity values:*
- *s7(d) intrinsic values of ecosystems:*
- *s7(f) maintenance and enhancement of the quality of the environment:*

The RMA defines the Coastal Marine Area as meaning:

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.

3.1.1 Legislation Changes

The following amendments to the RMA have some bearing on Chapter 23 provisions. They will need to be taken into account when the TRMP is updated.

Resource Legislation Amendment Act 2017

A new matter of national importance was added to the RMA, which requires councils to recognise and provide for “The management of significant risks from natural hazards” (s6(h)).

The intent is to provide an explicit mandate for decision-makers to manage significant risks from all natural hazards (as defined in section 2 of the RMA) as part of any Part 2 assessment. This matter supports regional council’s functions under s30 & 31 to ‘avoid or mitigate natural hazards’. Further amendments to ss106 and 220 of the RMA require consideration of all risks from natural hazards in subdivision consent applications.

The explicit function for councils to control hazardous substances has been removed from RMA ss30 & 31.

Some existing RMA controls on hazardous substances duplicate or increase those in place under the Hazardous Substances and New Organisms Act 1996 (HSNO), which regulates the management, disposal, classification, packaging and transport of hazardous substances, and the Health and Safety at Work Act 2015 (HSW), which establishes workplace controls for hazardous substances.

The intention is that in most cases HSNO and HSW controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances.

However, Councils still have a broad function of achieving integrated management, and may use this function to place extra controls on hazardous substance use under the RMA, if existing HSNO or HSW controls are not adequate to address the environmental effects of hazardous substances in any particular case (including managing the risk of potential effects on the local environment).

Areas where the RMA may still be applied to hazardous substances include:²

- Managing the establishment of hazardous substances/facilities adjacent to and within sensitive environments to ensure acceptable levels of risk of off-site adverse effects.
- Preventing sensitive or incompatible activities establishing in areas where hazardous facilities/activities are located where these activities have the potential to constrain or curtail the operation of a lawfully established hazardous facility.
- Addressing cumulative risks of hazardous facilities, particularly for larger facilities to ensure risks are acceptable.
- Avoiding location of activities which use hazardous substances in areas subject to natural hazards.
- Managing discharges of hazardous substances/contaminants to land, water and air.
- Controlling hazardous substances that are not covered by HSNO (as the RMA definition is broader and encompasses a wider range of substances and hazardous properties, than under HSNO).

2 From the Quality Planning website. 2019. *Hazardous Substances Under the RMA*. <https://www.qualityplanning.org.nz/node/695>

3.1.2 National Directives

NZ Coastal Policy Statement 2010 (NZCPS)

National policy statements are instruments issued under the RMA. The NZCPS is the only mandatory national policy statement and is prepared by the Minister of Conservation. It sets out general objectives and policies for the sustainable management of New Zealand’s coastal environment, which the TRMP is required to give effect to (i.e. implement). The TRMP was made operative prior to the current NZCPS and for that reason only partially gives effect to the objectives and policies of the NZCPS.

The NZCPS explicitly requires council to identify areas at risk of coastal hazards over a 100 year timeframe and to assess how climate change may exacerbate the hazard risks. It also directs that redevelopment, land use change and infrastructure provisions should be carried out in a way that reduces the risks from hazards. The Council’s “Coastal Management Project – Responding to Climate Change” (including review of the coastal hazards planning framework) will strengthen the relationship between the TRMP and NZCPS.

In contrast, hazardous substances are not explicitly referred to in the NZCPS. The focus is instead on limiting adverse effects from contaminant discharges on natural character and water quality. Contaminant discharges to the CMA is addressed in TRMP Chapter 35 (see related s35 report).

Relevant objectives and policies in the NZCPS 2010 that must be ‘given effect to’ include:³

Table 3: NZCPS Provisions Relevant to Natural Hazards and Hazardous Substances

NZCPS Objectives	
1.	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, including maintaining and enhancing coastal water quality.
3.	To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.
5.	To ensure that coastal hazard risks are managed (taking account of climate change).
NZCPS Policies	
1.	<i>Extent and characteristics of the coastal environment</i> , which recognises that the coastal environment varies between regions and localities, and is made up a range of characteristics.
2.	<i>The Treaty of Waitangi, tangata whenua and Māori heritage</i> , In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment.
4.	<i>Integration</i> , which provides for integrated management of natural and physical resources and activities in the coastal environment, including across the CMA-land boundary.
13.	<i>Preservation of Natural Character</i> , which requires avoiding adverse effects of activities on the natural character of the coast.
14.	<i>Restoration of Natural Character</i> , which includes reducing or eliminating discharges of contaminants where degraded areas of the coastal environment require restoration or rehabilitation.

3 NZCPS provisions are paraphrased here; for the full text see <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010.pdf>

21.	<i>Enhancement of Water Quality</i> , which involves improving coastal water quality in areas where it has deteriorated to the extent it is having a significant adverse impact.
23.	<i>Discharge of Contaminants</i> , which seeks to manage effects of discharges to water in the coastal environment, including sewage, stormwater, and discharges from ports and other marine facilities.
24.	<i>Identification of Coastal Hazards</i> , which requires identifying areas that are potentially at risk from coastal hazards using a 100 year timeframe, prioritising areas at high risk, and considering how the effects of climate change will exacerbate risk.
25.	<i>Subdivision, Use and Development in Areas of Coastal Hazard Risk</i> , which seeks to avoid increasing the risk of harm from coastal hazards, including from redevelopment or change of land use, as well as locating infrastructure away from hazardous areas and discouraging the use of hard protection structures.
26.	<i>Natural Defences Against Coastal Hazards</i> , which promotes the use of natural defences (such as beaches, estuaries and wetlands) to protect coastal land against hazards.
27.	<i>Protecting Existing Development from Coastal Hazard Risk</i> , which sets out options for reducing coastal hazard risks in areas of significant existing development.

3.1.3 Relevant Plan Changes

The TRMP has had a constant programme of rolling reviews (variations and plan changes) since it was first notified. The changes have been introduced to address unintended outcomes, new issues, new priorities and legislative requirements.

There have been a number of plan changes relating to natural hazard management in the district plan chapters of the TRMP, although none in relation to Chapter 23. The most relevant is Plan Change 22, which is summarised in Table 4 below.

Table 4: Plan Changes Relating to Chapter 23 (Natural Hazards)

Plan Change or Variation	Description of Change and Key Matters
Change 22: Mapua and Ruby Bay Development Notified 26 February 2011; Operative 31 January 2015	This Change consisted of amendments to Parts I and II of the TRMP which allow for future expansion of Mapua and Ruby Bay away from low-lying land, and the inundation and erosion prone coastline between Mapua and Ruby Bay, onto more elevated land northwest of the township.

In relation to hazardous substances, there have been no plan changes of relevance to Chapter 23.

3.1.4 Relevant Case Law⁴

Case law has considered TDC's approach to managing coastal hazard risks and generally the council's approach has been endorsed by the Environment Court (see cases summarised below). There is also one case where enforcement action was taken against TDC for exacerbating coastal erosion of private land. There is no specific case law of relevance to hazardous substances.

⁴ Information in this section has come from a TDC commissioned report: Tasman Law (June 2019). *Legal Report for Section 35 TRMP Review*.

Gallagher v Tasman District Council [2014] NZEnvC 245 (Dwyer J presiding).

The Environment Court considered Plan Change 22 (summarised above) and Gallagher’s plan appeal seeking site specific rules for their property allowing elevated building platforms and relocatable housing. The Court found there was no dispute that coastal erosion was occurring in Mapua/Ruby Bay. While the Gallagher property unlikely to be affected by coastal erosion within a 100 year timeframe, it would be affected by stormwater flooding and seawater inundation as a result of overtopping. This created a hazard high risk.

NZCPS Objective 5 sought to ensure hazards are managed in defined ways. Additionally, NZCPS Policies 25(a) and (b) clearly state that increasing risk of social, environmental and economic harm from coastal hazards is to be avoided. The Court found that Gallagher’s proposal did not give effect to NZCPS 2010, contrary to Objective 5 and Policy 25, and dismissed the appeal.

Carter Holt Harvey HBU Limited [2013] NZEnvC 25 v Tasman District Council (Dwyer J presiding)

Erosion and coastal inundation of both the proposed development site and the access road to it were important considerations in the Environment Court’s upholding of TDC’s decision to decline consent for subdivision. The applicant proposed to mitigate risks by identifying minimum heights above sea level for the platforms, together with setbacks from present MHWS and the ability to relocate buildings.

However, the Court found that erosion and inundation would cause material damage to the subdivided lots well within the 100 year time period which the NZCPS required it to take into account, and that the material damage was of such significance that consent to the subdivision ought to be declined on that ground alone.

Van Dyke v Tasman District Council [2011] NZ EnvC 69 and NZ EnvC1

The Environment Court (Dwyer J presiding) granted an enforcement order against the TDC for erosion damage which it found was caused by the placement of a groyne structure by TDC on the offshore spit at Port Motueka in 1996. The Court found that the groyne led to the formation of the spit in its present form which in turn led to erosion on Jackett Island where the applicants lives.

3.1.5 Relevant Iwi Management Plan Provisions

Both the RMA (s66(2A)) and NZCPS 2010 (Policy 2) require TDC to “take into account” any relevant iwi planning document recognised by the appropriate iwi authority (or hapū under the NZCPS) and lodged with the council, to the extent that its content has a bearing on resource management issues in the district.

Three Iwi Management Plans (IMPs) have been lodged with TDC by Iwi having interests in the Tasman District:⁵

1. Ngati Koata No Rangitoto Ki Te Tonga Trust Iwi Management Plan (2002)
2. Te Rūnanga O Ngāti Kuia, Pakohe Management Plan (2015)
3. Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan (2018)

⁵ <https://www.tasman.govt.nz/my-region/iwi/iwi-management-plans/>

Two other IMPs prepared by Iwi with an interest in Tasman have been lodged with Nelson City Council:⁶

4. Nga Taonga Tuku Iho Ki Whakatu Management Plan (2004)
5. Te Ātiawa Ki Te Tau Ihu Iwi Environmental Management Plan (2014)

Provisions from these IMPs that are relevant to the matters addressed in Chapter 23 'Natural Hazards and Hazardous Substances' are summarised in Appendix 1. For the full text please see the individual IMPs (links below).

3.1.6 Other Relevant Matters

Coastal Hazards and Climate Change: Guidance for Local Government (2017)

This MfE guidance provides a step-by-step approach to assessing, planning and managing the increasing risks facing coastal communities and supports the implementation of the relevant objectives and policies in the NZCPS. It is a major revision to MfE guidance produced in 2008 and includes the findings and projections of the latest Fifth Assessment report produced by the intergovernmental Panel on Climate Change (IPCC). Councils have previously applied sea level rise projections in the order of 1m by the year 2100, however the guidance directs councils to apply a dynamic adaptive planning pathway approach and consider sea level rise of upwards of 1.9m by the year 2150. Council has started to follow the framework set out in the guidance.

Tasman Coastal Management Project Responding to Climate Change

In July 2019, the Council launched its coastal management project which aims to enable our Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua communities to work towards long-term adaptive planning for sea level rise and coastal hazards. This project implements MfE's Coastal Hazards and Climate Change Guidance and will be used to inform the review of the coastal hazards provisions of the TRMP, giving effect to the NZCPS. The first round of community engagement which concluded at the end of September 2019 focused on publishing a coastal hazards map viewer which shows scenarios of sea level rise up to 2m and coastal hazards, and raising awareness on these hazards. This project only recently commenced and therefore its impact cannot yet be evaluated.

3.2 Internal Consistency of Provisions

Overall, the internal consistency of Chapter 23 provisions has been assessed as **strong – variable** as shown in Table 5 below.⁷ The chapter deals with coastal hazards risks, and includes reference to risks associated with natural coastal processes as well as human activities that may exacerbate risk. Chemical hazard risk is also addressed.

6 <http://www.nelson.govt.nz/council/plans-strategies-policies/strategies-plans-policies-reports-and-studies-a-z/iwi-management-plans>

7 Information in this section has come from a TDC commissioned report: Leusink Sladen, S. (Dec 2019). *Tasman Resource Management Plan Policy Mapping - Review of the Internal Consistency and Integrity of Plan Objectives, Policies and Rules Parts III – VI*.

Table 5: Chapter 23 Summary of Internal Consistency

Objective	Internal Consistency	Comment
<p>23.1.2 Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes.</p>	<p>Variable</p>	<p>While there is a single objective for this set, it is underpinned by four separate issue statements. The issues are more specific than the objective and not necessarily clearly represented by policies.</p> <p>Subdivision and land use developments within proximity to the CMA appear to be well managed, but there is a ‘gap’ in relation to land-based activities that might be implicated in CMA hazards management – that is, coastal protection works may not be adequately regulated by land use rules. This issue, objective and related policies are not comprehensively provided for by rules.</p>
<p>23.2.2 A coastal marine area in which public safety, people’s property, and the environment, are free of adverse effects from hazardous substances.</p>	<p>Strong</p>	<p>This policy focuses on hazardous substances in the CMA. Overall, between the CMA and land use rules (Chapter 25 and 16.7 respectively) the objective appears to be implemented.</p> <p>A ‘less strong’ concept relates to storage, use or transport of hazardous substances, which, outside of context of consent for a formal structure, an activity, or a facility, does not seem to be specifically addressed within rules.</p>

In strengthening the internal consistency of Chapter 23 provisions, it is recommended the following steps are taken:

- Review the relationship of issues to objective and policies, especially in relation to natural hazards (23.1 set).
- Review all policies alongside Part II policies that relate to land development in proximity to coast.
- Consider hazardous substances management issues across the CMA-land boundary.
- Review natural coastal processes management issues across the CMA-land boundary.

3.3 Evidence of Implementation

3.3.1 Natural Hazards

A key feature of the natural hazard provisions is a strong reliance on land use and subdivision controls in Part II of the TRMP (Chapters 13, 16-18). This is evidenced by the fact there are no explicit natural hazard rules relating to activities in the CMA. While there are rules (in Chapter 25) for structures and disturbance of the foreshore and seabed, these relate more to the provisions of Chapter 21 Effects of Disturbance, Structures, and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values; they do not relate closely to the hazard management issues addressed in Chapter 23. This was picked up in the assessment of internal consistency, which found that issues such as the interrelationship between natural coastal processes and coastal hazard risks are not well addressed in the TRMP’s objective-policy-rule framework.

Not surprisingly then, consent staff report that they cannot recall having received a resource consent application that required assessment under Chapter 23 as activities have been assessed under other Plan provisions. This is supported by a review of resource consents over the 10 year period from 2010-2019. Of the 149 consent applications received for activities in the CMA, 20 involved some form of protection against coastal erosion, including the construction of hard protection works (such as concrete or rock walls), beach replenishment and sand push-ups at a number of coastal locations.

Table 6 below summarises five of these consent applications, which are representative of the 20 received by council. Three involved the construction of hard protection works to protect existing development and infrastructure from coastal erosion. The other two involved beach replenishment and sand push up activities to replace sand lost during storm events. All except the first (Pakawau) consent were granted.

Table 6: Examples of Resource Consent Applications for Protection Works in the CMA

Activity	TRMP Rules Triggered	TRMP Matters Considered	TRMP Chapter Provisions Considered	Chapter 23 Considered?
Construction of a 345m rock wall on public land to protect private properties at Pakawau against coastal erosion (RM171015)	Various, including Discretionary Activity rule 25.2.3.2 - Disturbance of Foreshore or Seabed	Effects on coastal processes, natural character, visual amenity, landscape values, public access	Chapter 13 Natural Hazards Chapter 21 Effects of Disturbance, Structures and Occupation	No
Construction of a concrete wall to protect land adjacent to the Mapua wharf and commercial centre (RM180697)	Discretionary Activity Rule 25.1.5.8 - Other Structures	Effects on amenity, recreation & ecological values, coastal water quality, archaeological & cultural heritage values.	Chapter 21 Effects of Disturbance, Structures and Occupation	No
Construction, repair and reconstruction of the rock protection adjoining the Tasman's Great Taste Cycle Trail, Richmond (RM160938)	Discretionary Activity Rules 18.5.2.5 – Land Disturbance and 17.9.2.5 – Land Use	Effects on amenity & natural character, the road network & Great Taste Trail, disturbance of coastal flora & fauna; & archaeological sites.	Chapters 5 Site Amenity Effects, 8 Margins of Rivers, Lakes, Wetlands & the Coast, 9 Landscape, 10 Significant Natural Values & Historic Heritage, & 12 Land Disturbance	No
A sand replenishment programme providing protection against coastal erosion and improving access to and along the coast at Marahau (RM160832)	Non-Complying Activity under Rule 25.2.3.3 – Disturbance of Foreshore or Seabed	Effects on natural coastal processes & public access to and along the CMA	Chapter 21 Effects of Disturbance, Structures and Occupation	No
Sand push-ups at Moturoa/Rabbit Island to provide more substantial protection	Discretionary Activity in accordance Rules 25.1.5.8 - Other Structures and 25.2.3.2 - Disturbance	Effects on natural character & landscape, amenity & recreational values, coastal water quality,	Chapter 8 Margins of Rivers, Lakes, Wetlands & the Coast	No

of an erosion scarp (RM150415)	of Foreshore or Seabed	cultural or archaeological heritage values, & ecological values.	Chapter 21 Effects of Disturbance, Structures and Occupation	
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The rules by which the applications were assessed tended to be for structures in the CMA and disturbance of the foreshore and seabed (linked to Chapter 21 provisions). Four of the applications were assessed as discretionary activities with the other being non-complying. The effect of the activities on natural hazard risk was considered for the Pakawau application, although Chapter 13 provisions were taken into account not Chapter 23. None of the other applications considered either Chapter 13 or 23. Where effects on natural coastal processes were identified, the provisions of Chapter 21 were taken into account not Chapter 23.

A significant consideration in each of the applications was the extent to which the proposals satisfied the NZCPS 2010 objectives and policies. These provisions were given greater weight because the TRMP has yet to be updated to give effect in full to the amendments introduced in 2010. This is reflected in the decision report for the rock revetment at Pakawau, as follows:

For completeness, I record that even in the event I had found it was unclear from the provisions of the NZCPS as to whether the consents should be granted or refused, I would be required to exercise my judgment as to whether the proposal is consistent with the provisions of the RPS and TRMP, which pre-date the NZCPS 2010. I have exercised this judgement and find that the proposal is generally not consistent with the TRMP objectives and policies on coastal processes (Objective 21.4.2 and Policies 13.1.3.3, 13.1.3.10, 13.1.3.11, 21.4.3.1 and 21.4.3.3) (Decision Report, p.51).

Duplication between Chapters

A complicating factor is the high degree of duplication between the policies in Chapter 23 and those in Chapter 13. Of the eight policies in Chapter 23 five are the same as policies in Chapter 13 and one covers very similar ground (Table 7 below).

Table 7: Duplication of Natural Hazard Policies between Chapters 23 and 13

Chapter 23 Policy	Corresponding Chapter 13 Policy
23.1.3.1 Coastal protection works	The same as 13.1.3.2
23.1.3.2 Natural coastal processes	The same as 13.1.3.3
23.1.3.5 Hazard management strategy	The same as 13.1.3.15
23.1.3.6 Criteria for coastal protection works	13.1.3.10 also sets out criteria for protection works, but these less detailed than 23.1.3.6
23.1.3.7 Coastal vegetation	The same as 13.1.3.11
23.1.3.8 Natural systems and features	The same as 13.1.3.16

So even though the commissioner in the Pakawau consent quoted Chapter 13 policies, these are replicated almost word-for-word in Chapter 23.

Addressing Natural Hazards across the CMA-Land Boundary

The lack of attention to the Chapter 23 natural hazard policies, and the high degree of duplication with Chapter 13, reveals a need for stronger integrated management of the Council's natural hazards functions under the RMA. This was flagged in the s35 report for Chapter 13, as follows:

The plan's current scattered approach also includes overlap with TRMP's Part III Chapter 23 Natural Hazards and Hazardous Substances that provides a planning framework for natural hazards within the coastal environment... In reviewing the plan, cognizance should be given to the RMA's provisions for natural hazard management under the Council's regional (s30) and territorial (s31) functions, and as a unitary authority, Council's ability to integrate natural hazard management through its regional and district plan provisions. This includes considering options for Council to utilize regional rules to reduce hazard risk for existing development.

In support, the NZCPS anticipates the need for managing effects and activities across the CMA-land boundary. The first NZCPS policy requires councils to “Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities”. The policy further directs councils to recognise that the coastal environment includes the CMA, areas at risk of coastal hazards, and physical resources and built facilities, including infrastructure, that have modified the coastal environment (among other elements).

NZCPS Policy 5 also requires council to “Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment”, including the local authority boundary between the coastal marine area and land.

A key consideration for council when updating the TRMP natural hazard provisions, therefore, is identifying ways in which natural hazards can be managed through an integrated objective-policy-rule framework that enables activities and effects to be considered across the CMA-land boundary.

An example of this issue, as raised by staff, is the management of coastal protection structures both now and in the future. There are a number of coastal protection structures that have been installed above mean high water springs on private land as a permitted activity under TRMP Part II rules. In these circumstances, the Council has had no control over the overall design or the ability to control longer term issues (e.g. end of wall effects, require repairs or removal, etc). As the level of the sea rises and the CMA-land boundary moves inland, these structures will become located within the CMA and may exacerbate or create new coastal hazards, in addition to being a negative impact on coastal amenity or a navigational safety risk. The Council's existing work programme “Coastal Management Project – Responding to Climate Change” will address these type of issues which will inform the development of the TEP.

3.3.2 Hazardous Substances

The introduction to Chapter 23 indicates that the hazardous substance section was aimed at addressing a limited number of activities and that concerns were more future-focused than addressing current issues:

The presence of hazardous substances in the coastal marine area is limited to fuel and cargo in vessels transiting the area and minor vessel refuelling installations at the District's ports. Possible sources are in waste or effluent requiring disposal, or future undersea resource investigation or extraction processes. Hazardous substances in the coastal marine area are a possible future issue, and this chapter provides general contingency measures (TRMP, p.23/1).

The objective and policies are largely implemented via rules in the TRMP (Chapter 25). The rule set 25.4 includes permitted, discretionary, non-complying and prohibited activities as shown in Table 8 below. No non-regulatory methods for managing hazardous substances in the CMA are included in the TRMP.

Table 8: Summary of Rule-Set for Hazardous Facilities in the CMA

Chapter 25 Rules Hazardous Facilities	Description
25.4.2.1 – Permitted Activities	<ul style="list-style-type: none"> • A facility that <ul style="list-style-type: none"> ◦ does not contravene any other applicable rule in Chapter 25; and ◦ has a total quantity ratio in accordance with Schedule 16.7A not exceeding 0.02.
25.4.2.2 – Discretionary Activity	<ul style="list-style-type: none"> • A facility that does not comply with the permitted activity rule conditions provided that: <ul style="list-style-type: none"> ◦ the activity does not involve the manufacture or processing of any hazardous substance; and ◦ the activity complies with conditions (c) to (p) in rule 16.7.2.1.
25.4.2.3 – Prohibited Activity	<ul style="list-style-type: none"> • Any hazardous facility involving the manufacture or processing of hazardous substances.
25.4.3.1 – Non-Complying Activity	<ul style="list-style-type: none"> • The transport or use of radioactive material or the use of irradiating apparatus for research or medical purposes, undertaken in compliance with the Radiation Protection Act 1965.
25.4.3.2 – Prohibited Activity	<ul style="list-style-type: none"> • The generation of, or generation of energy from, radioactive material. • The transport or use of radioactive material which is not irradiating apparatus, for educational or research purposes.

Consent staff advise that they cannot recall having a resource consent application under Chapters 23 and 25 hazardous substance provisions. This is backed up by resource consent data which shows that applications were received for discharge of contaminants to the CMA under Chapter 35 of the TRMP (addressed in a separate s35 report), but not under Chapter 23 provisions. It was touched on in relation to fuel storage at a fish processing site in Motueka, but this was not subject to Chapter 23 considerations. The reason being that activities requiring consent for hazardous substances are located above mean high water spring and are therefore subject to the land use (as opposed to CMA) provisions.

Land-based hazardous substance provisions are located in Chapter 5 ‘Site Amenity Affects’ and Chapter 16 (rule set 16.7.1–16.7.3). The objective is the reduction of risks to public health and safety, property and the environment, arising from hazardous substances. Policies address similar activities to Chapter 23, i.e. the storage, use, transportation, discharge, and accidental spillage of hazardous substances, and use of site contingency plans. They also prohibit radioactive material.

In considering the effectiveness and efficiency of the hazardous substance provisions, the s35 report for Chapter 5 concluded that the TRMP was on track to achieving its objective:

There is a high level of protection against the potential adverse effects arising from hazardous substances. The Council has rules and consent processes that enable a high level of confidence. The policies in Section 5.5.3 are now well supported by the National Environment Standard for Contaminated Soils, as well as the requirements of the HSNO Act. There are now overlapping layers of regulation which are effective, but perhaps not efficient.

Due to duplications of regulation there are significant requirements on industries and users of hazardous substances. In light of recent amendments to the RMA that remove the requirement for Council's to regulate hazardous substance storage and use, it will be necessary to reassess and rationalise the controls that are retained in the TRMP so that they remain appropriate and efficient.

It is anticipated that the policies that remain will be more environmentally effects-based and focus less on the process and requirements for storage and use of substances. Those latter matters will be better dealt with under the HSNO Act. As a result it is anticipated that the hazardous substance policies may be better integrated into the discharges chapter.

Council staff consulted as part of the Chapter 23 review felt that the hazardous substance provisions might be better dealt with as a contaminant discharge, in light of the new legislative regime.

Duplication between Chapters

As with the natural hazard provisions, there is a degree of duplication between policies in the regional and district chapters of the plan dealing with hazardous substances. Of the five policies in Chapter 23 three are very similar to policies in Chapter 5 (Table 9 below).

Table 9: Duplication of Hazardous Substance Policies between Chapters 23 and 5

Chapter 23 Policies	Corresponding Chapter 5 Policies
23.2.3.1 Facilities for storage, use of transport	Similar to 5.5.3.2
23.2.3.4 Contingency plans for accidental discharge	Similar to 5.5.3.6
23.2.3.5 Generation of radioactive material or energy	Similar to 5.5.3.10

This reflects the challenge of integrating TRMP provisions between district and regional chapters, and across the CMA - land boundary. As with the natural hazard provisions, it is something that will need to be addressed in the updated TRMP. Including hazardous substances in the chapter dealing with contaminant discharges is one potential way of achieving this.

Additional Matters

Staff questioned whether there were any risks associated with a number of old dump sites located near the coast, e.g. Robinson Road, Mariri. These are above mean high water springs, but might have the potential to discharge hazardous substances into the CMA. The risks associated with sea level rise and the increasing frequency and severity of storm events means it is prudent to monitor the sites to ensure they cannot contaminate the environment.

3.4 Effectiveness and Efficiency

This section provides an analysis of the efficiency and effectiveness of the TRMP. It focuses on the achievement of objectives contained within the Plan. The analysis draws on the information in earlier chapters, as well as environmental data, council records, experienced plan users, as well as public and stakeholder opinion.

3.4.1 Natural Hazards

Objective	Analysis	Rating of Achievement
<p>Objective 23.1.2</p> <p>Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes.</p> <p>Policy set 23.1.3.1 – 23.1.3.8</p>	<p>Given the lack of implementation of Chapter 23 provisions and duplication with Chapter 13, the findings of the s35 review for Chapter 13 (summarised as themes) has been relied on to assess the effectiveness and efficiency of Objective 23.1.2. For the reasons detailed below, it is concluded that the objective has been partially achieved.</p> <p><i>Coastal subdivision, use or development and the need for coastal protection works</i></p> <p>The general rule framework gives effect to the relevant policies, including specific rules for new buildings in the Coastal Environment Area and Coastal Risk Area. However, it is noted that there are some locations on the coast where the current zoning enables residential development despite the land being subject to hazard risks, as a result of newer hazards information becoming available. This will need to be addressed through the TRMP plan review.</p> <p><i>Developments or activities that interfere with natural coastal processes</i></p> <p>The relevant policies provide clear direction that in all other circumstances, developments or other activities should be avoided. There is alignment with the intent of the NZCPS, which has played a key role as a material consideration in consenting decisions (particularly Policies 25-27). A recent example was that the NZCPS was cited by an independent hearing commissioner in refusing a resource consent for a seawall at Pakawau. Where policy provisions fall short is in relation to coastal protection structures which are deemed permitted activities. An unintended consequence of PC22 was that coastal protection structures, outside the Coastal Risk Area, are not included in the definition of a ‘building’ and therefore can be constructed without consent provided it is above MHWS, on private land and the associated land disturbance does not exceed 1,000m² in any 12-month period.</p> <p>A number of these have been constructed along the district’s coastline and the Council has no control over these structures which ultimately through their inherent purpose and design, interfere with natural coastal processes.</p> <p><i>Criteria for coastal protection works</i></p> <p>The relevant policies support maintenance and/or the need for protection works to mitigate natural hazard risk only under particular circumstances.</p> <p>The Coastal Asset Management Plan states that Council’s approach is to maintain existing Council-owned coastal protection works, but will not provide any increased levels of protection to properties. Historically, a number of factors were considered when determining the use of soft or hard erosion</p>	<p>Partial achievement</p>

Objective	Analysis	Rating of Achievement
	<p>protection, including physical practicalities of the site/location and the likely need for ongoing maintenance and costs.</p> <p>Through the plan review, consideration should be given to if there is a need to focus the policy intent to give a preference to public infrastructure protection and not private interests.</p>	

3.4.2 Hazardous Substances

Objective	Analysis	Rating of Achievement
<p>Objective 23.2.2 A coastal marine area in which public safety, people's property, and the environment, are free of adverse effects from hazardous substances.</p> <p>Policy set 23.2.3.1 – 23.2.3.5</p>	<p>There have been a lack of activities requiring consent for hazardous substances under Chapters 23 and 25. This means that the provisions in these chapters are untested. Given this lack of pressure on the CMA, the conclusion reached is that the TRMP objective is 'on-track to achieve'. This is consistent with the finding for the hazardous substance provisions in Chapters 5 and 16 of the District Plan (covered in a separate s35 report).</p> <p>It seems inefficient to have separate hazardous substance provisions for land use activities and those in the CMA. Efficiencies would be gained, therefore, by combining the provisions in one section of the TRMP that deals with activities across the CMA-land boundary. Efficiencies can also be gained by removing provisions that duplicate the requirements of the HSNO and HWS Acts with respect to regulation of hazardous substances. The general view of council staff is that the most appropriate place for hazardous substances to be addressed is in the contaminant discharges chapter.</p>	<p>On track to achieve</p>

Appendix 1: Iwi Management Plan Provisions relating to Natural Hazards and Hazardous Substances

Examples of provisions from Te Tau Ihu Iwi Management Plans relevant to the matters addressed in Chapter 23 are shown below. For the full text please refer the individual plans.

Natural Hazard and Hazardous Substances Issues

Cumulative effects of land use practices can result in the deterioration of cultural coastal values, including natural and human induced erosion.

Mining and quarrying in the coastal environment has the potential to reduce the life supporting capacity of coastal ecosystems, including increased erosion and coastal instability as a result of extraction.

Hazardous substance can be dangerous to the health of the natural environment and to ngā tangata (people). New organisms, (plant, animal or micro- organisms), have the potential to compete with, attack, breed or harm indigenous biodiversity.

Activities leading to a reduction in the water quality of marine and coastal environments are of great concern, including: a) the discharge of contaminants into marine environments from stormwater and sewerage systems; b) septic tanks; c) trade waste; d) hospital and hospice waste; and e) agricultural run-off.

The siting of waste disposal facilities or dumping of waste in close proximity to coastal environments is of concern and risks contamination of highly valued ecosystems and associated mahinga mataitai.

The discharge of hazardous substances has the potential to desecrate or destroy tangata whenua values associated with the sea, including indigenous flora and fauna, waahi tapu (sacred places) and mahinga kai (food gathering places).

Mining and quarrying in the coastal environment has the potential to reduce the life supporting capacity of coastal ecosystems, e.g. heavy metal/ contaminant run off into coastal waters.

Commercial activities on the surface of coastal water pose a risk of one-off coastal disasters such as oil spills.

Desired Outcomes

Recognition of the role of tangata whenua as rangatira and kaitiaki of nga taonga tuku iho.

Tangata whenua, as kaitiaki, will be effective in ensuring that the mauri or essential life principle of the natural world within the rohe is maintained and enhanced.

The coastal marine environment is managed in an integrated way, recognising the interconnected nature of inland areas with the coastal environments.

Coastal waters are healthy and maintained to a level sufficient to preserve the mauri (life force) of the water body.

The mauri or life supporting capacity of indigenous habitats which support indigenous species is protected.

The integrity of coastal marine habitats will be a priority outcome for the community and all the managers of the rohe.

The health of wāhi tapu and wāhi taonga is paramount in relation to the use of hazardous substances or introduction of new organisms.

Mining and extractive operations within or adjacent to the coastal environment do not compromise the mauri of coastal waters and ecosystems.

Culturally significant coastal areas and landscapes, and nursery and spawning areas, are protected from mining and extraction activities.

Tangata whenua are able to access healthy kai moana from coastal marine environments.