

TOPIC – Effects on Disturbance, Structures Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values.	TRMP Chapter 21
---	------------------------

ISSUES

The chapter is concerned with a wide range of key issues, including effects of use or development in the CMA on natural character, landscapes, seascapes and amenity values, the protection of coastal marine habitats and ecosystems, modification or interference with natural coastal processes, allowing for appropriate use and development in the CMA while protecting cultural heritage values, including tangata whenua interests, and providing for public access to the CMA.

Given the large number of matters covered in Chapter 21, there are many corresponding objectives and policies in the NZ Coastal Policy Statement 2010 (NZCPS) that need to be given effect to so a substantive review and update is required. A number of the issues dealt with in this chapter, such as natural character, heritage, coastal habitats and ecosystems and natural coastal processes, cross the land-CMA boundary established in the RMA.

The NZCPS 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 CMA and land. A key focus in updating the TRMP is ensuring it has an integrated objective-policy-rule framework to meet this requirement. The NZCPS also requires Council to strategically plan and provide for activities in appropriate locations. As part of this strategic plan, a review of the provisions for marine facilities within the district is required as well as for other activities.

MANDATORY STATUTORY REQUIREMENTS

Since the TRMP was first proposed there have been a number substantive changes to the legislation and national guidance. These changes include changes to Part 2 of the RMA 1991, the New Zealand Coastal Policy Statement (NZCPS) and the Marine and Coastal Area (Takutai Moana) Act 2011. The RMA seeks integrated management with other relevant policy documents and following the drafting of the TRMP, a number of new policy documents have been written. The TRMP needs to be reviewed in conjunction with these documents e.g. Iwi management plans and the Abel Tasman Scenic Foreshore Reserve Management Plan.

The TRMP is required to be amended to give effect to the policies in the NZCPS regarding the extent and characteristics of the coastal environments, activities in the coastal environments, Indigenous biological diversity, preservation of natural character and features and landscapes, restoration of natural character, identification and protection of historic heritage, public open space and walking access. Recent case law has determined that where plans do not give effect to the NZCPS then increasing reliance should be made on the policy in the NZCPS in determining outcomes for the CMA. The effect of this is that the TRMP coastal plan is becoming increasingly marginalised in the management of the coast.

The Environment Court has also expressed a reluctance for Council to undertake any further coastal plan changes until the NZCPS is given effect to, especially the requirement to strategically plan for activities within the coastal environment. While the issues addressed in then TRMP coastal plan are not likely to be substantially different from when first drafted, recent legislative changes mean the coastal plan requires a significant review.

The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) and supporting changes to the RMA 1991 require protection to be given to customary rights through coastal plans. The effects of structures or disturbance of the foreshore and seabed on approved customary marine title areas may need to be included as a consideration under the TRMP provisions. Under MACA there is also a requirement for Council to establish and maintain a record of ownership of coastal structures within the district — Council only holds partial ownership information.

RECOMMENDATIONS

1. Review the provisions against new baseline information (e.g. landscape, natural character, etc.) and amend to give effect to the objectives and policies in the NZCPS.
2. Review the policy framework to ensure an integrated objective-policy-rule framework that considered activities and their effects across the CMA-land boundary.
3. Develop a policy framework consistent with the NZCPS and, in conjunction with Iwi and Heritage New Zealand, identify important areas and sites with heritage values and provide protection for those sites.
4. Undertake strategic planning for the coastal environment to provide greater certainty for activities and identify areas where activities and use are appropriate.