

### 3. Change factors

This section identifies a number of potential ‘change’ factors or matters, which have emerged since the adoption of the RPS in 1994 and which have been taken into consideration when assessing whether any changes to the RPS are appropriate or necessary.

#### 3.1 Changing environmental issues, community attitudes and priorities

Regular monitoring of the state of the environment, a regional survey of environmental attitudes and community input into identifying community outcomes under the Local Government Act 2002 have provided valuable up-to-date information for the review of the RPS in terms of changing environmental issues and community attitudes and priorities.

The Council has put in place comprehensive, robust and scientifically based state of the environment monitoring programmes. These programmes monitor trends and change over time for different aspects of the environment and enable the Council (and the community) to ascertain the effectiveness of its policies and management programmes. The Council also undertakes many ‘one-off’ investigations and applied research projects to collect additional information on particular issues for which additional information is required.

Through the RPS key outcomes have been developed and agreed on by the community. These include objectives to maintain or improve water quality, reduce accelerated erosion, protect wetlands and our native flora and fauna, protect our heritage, landscape and amenity values and our coastal environment, and reduce risks from natural hazards, amongst others. Since the adoption of the RPS, the Council, district councils and others have implemented those methods and programmes identified in the RPS. Furthermore, Council monitoring indicates that, on most measures, these methods and programmes have been generally successful in achieving or working towards the outcomes sought. For example, state of the environment monitoring confirms that water quality in our rivers and streams remains high, despite increasing pressure in the last five to ten years, our soils are healthy and productive, we have excellent air quality and water quality in our coastal waters is also excellent.<sup>3</sup>

However, monitoring has identified a number of areas that are not new but will require ongoing attention. For example, the effects of continued intensification of Taranaki’s dairy industry on water abstractions, soil



*Intensive grazing can result in ‘pugging’ of pasture, which in turn can damage soil structure and reduce pasture productivity*

<sup>3</sup> Taranaki Regional Council: ‘Taranaki – Our Place, Our Future’. February 2003

compaction and nutrient run-off from pasture with effects on shallow groundwater and water quality in the lower reaches of rivers and streams. These pressures are expected to intensify with continued growth of the agricultural sector. There is also increasing subdivision and urban development pressures being felt in our coastal areas.

In the last 10 years, the maintenance and protection of New Zealand's indigenous biodiversity has become the subject of increasing importance and concern as has the threat to our environment from pests and weeds. There have been significant changes in the way in which greenhouse gas and climate change issues are managed. These and other issues are addressed in more detail later in this report.

Community attitudes are a significant influence on what and how much progress is made in achieving the outcomes sought in the RPS. In 2001, as part of its state of the environment reporting, the Council undertook a telephone survey of general environmental attitudes in Taranaki.<sup>4</sup> This survey provided an indication of the Taranaki public's attitudes, perceptions and awareness of the environment. In brief, the vast majority of respondents (92%) rated the overall quality of Taranaki's environment as good or excellent. The most frequently raised issues were those relating to water (85% of respondents), followed by pests and weeds (67%). There was then a significant drop down to other issues – erosion (38%), waste management (37%), air (29%) and hazardous substances (25%).

Community attitudes and priorities on the environment were also evaluated as part of the findings from the recently completed survey of community outcomes under the Local Government Act 2002 (see section 3.4.2 below). In a survey of community social, economic, environmental and cultural aspirations, or outcomes, four out of the top ten factors listed by people as being most important to them and their quality of life in Taranaki were matters related to the biophysical environment. Respondents ranked protection of fresh water quality (81%), coastal water (74%), natural character of the coast (73%) and native bush and wildlife (70%) very highly. Significantly, however, these environmental considerations were not considered to be in the 'top ten' areas needing increased effort over the next decade. This indicates that although Taranaki residents consider that the natural environment is very important, they are reasonably happy with the current level of effort that is being taken to protect, maintain and enhance it.

Another indicator of community attitudes and priorities concerning the environment is the large number of important voluntary industry-led initiatives that contribute towards achieving RPS objectives. These initiatives have increased in number and strength over the last 10 years in response to a complex mix of signals involving overseas market demands and consumer pressures, economic imperatives as well as the regulatory environment.

Of particular significance in recent times, is the Dairying and Clean Streams Accord – a national agreement among the dairy industry (Fonterra), regional councils, the Ministry for the Environment and the Ministry of Agriculture and Forestry, which aims to reduce the environmental impacts of dairy farming in New Zealand. The Accord sets out principles and priorities for action as well as performance targets in five key areas. The Accord is to be implemented at the local level through the *Regional*

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<sup>4</sup> Taranaki Regional Council: 'Environmental Attitudes of Taranaki's Residents'. January 2001.

*Action Plan for Taranaki*, which was released in May 2004. The five key targets in the Regional Action Plan are:

- dairy cattle are excluded from waterways by fencing stream margins or other means (90% of dairy farms to have a property plan by 2010, with 50% implemented by 2010 and 90% by 2015);
- farm races to be bridged or culverted where stock regularly cross a watercourse (50% of regular crossing to have bridges or culverts by 2007, 90% by 2015);
- farm dairy effluent is appropriately treated and discharged (100% compliance with regional plans by 2004);
- nutrient management systems are in place to manage nutrient inputs and outputs (100% of dairy farms to have systems in place by 2007); and
- existing regionally significant or important wetlands are fenced and their natural water regimes protected (50% of regionally significant wetlands to be fenced by 2005, 90% by 2007).

The Accord has significant implications for the Council and for the review of the RPS. Through implementation of the Accord the dairy farming community will make a significant contribution towards meeting RPS objectives for maintaining and enhancing water quality in our rivers and streams and protecting regionally significant wetlands. It will also act as a significant impetus to the timeframes for implementing the Council's Riparian Management Programme. Changes in the Council's management approach will also need to be reflected in the next RPS in that action is required on a much wider front within a shorter timeframe and there will no longer be a need to identify priority catchments for riparian management.

Another example of an industry-led initiative contributing to RPS outcomes is 'Project Green'. In 2001, the Ministry of Agriculture and Forestry, the Business Council for Sustainable Development and Richmond as the lead meat company initiated Project Green. Project Green involves the development of a minimum voluntary New Zealand standard for sustainable production on sheep, beef, deer and goat farms. The standards address food safety, animal welfare and sustainable resource management.

Other industry initiatives of note to emerge since the adoption of the RPS include the Agrichemical Users Code of Practice, Code of Practice for Fertiliser Use, Forestry Code of Practice and codes of practice for pig farming, poultry and egg production, fruit and vegetable growing and wine growing.

## **3.2 Regional and district council experiences in implementing the RPS**

### **3.2.1 Taranaki Regional Council experiences**

After ten years experience with the implementation of the RPS, the RPS has stood the test of time well. There have been no Environment Court proceedings, which have raised issues relating to the lawfulness or appropriateness of the RPS.

An interim review report<sup>5</sup> prepared in 1999 to analyse progress in implementing methods of implementation listed in the RPS noted no difficulties in implementing the 362 methods<sup>6</sup> identified in the RPS (Table 1). By 1999, the Council had implemented or was in the process of implementing 95% of the 303 strategies, programmes and other actions identified in the RPS for action by the Council.

**Table 1:** Summary of interim progress in implementing methods

Method	Number	% actioned
Information & advice	122	97%
Regulation (inc regional plans)	128	94%
Works & services	57	93%
Economic incentives	13	92%
Advocacy & promotion	42	100%
<b>Total</b>	<b>362</b>	<b>95%</b>

Since 1999, further progress has been made on implementing strategies and programmes identified in the RPS such as the development of a regional waste management strategy, the collection of redundant agrichemicals, and the preparation of additional guidelines. Consequently, all of the listed programmes and actions, in whole or in part, have been or are being implemented by the Council.

As part of this review into the effectiveness of the RPS, Council staff were interviewed<sup>7</sup> to discuss the Council's experiences in the use of and implementation of the RPS and any difficulties in implementing the provisions of the RPS.

In brief, Council staff did not highlight any areas where substantial or fundamental change to the RPS was considered necessary or appropriate or where policies and methods were not being implemented. Council planning staff found the issues and policy framework to have been very helpful during the preparation of regional plans. Council Consent staff noted that the inclusion of the Memorandum of Understanding and Code of Conduct, which had been developed jointly by the Council and tangata whenua, had been particularly helpful in relation to the resource consents process. Some areas were highlighted as needing to be updated to take into account the subsequent development of other Council policies, plans and strategies or other change factors such as central government legislation on hazardous substances and climate change.

In 1994, when adopting the RPS, the Council contemplated the preparation of nine regional plans, which would address its range of resource management functions. However, in the process of preparing these plans it became clear that it would be more efficient and effective, and promote better integrated management, if fewer plans were prepared. Subsequently, four resource based plans were prepared – these being:

- *Regional Coastal Plan for Taranaki*, which became operative on 1 October 1997;

<sup>5</sup> Taranaki Regional Council: 'Report on Progress in implementing the Regional Policy Statement for Taranaki'. November 1999.

<sup>6</sup> The RPS contains a total of 362 methods of implementation – 303 methods of implementation are directed to the Taranaki Regional Council and 59 are identified for consideration by territorial authorities.

<sup>7</sup> Internal meeting held on 12 November 2003 involving Planning, Consents, Technical Services, Inspectorate and Operations representatives.

- *Regional Air Quality Plan for Taranaki*, which became operative on 7 April 1997;
- *Regional Fresh Water Plan for Taranaki*, which became operative on 8 October 2001; and
- *Regional Soil Plan for Taranaki*, which became operative on 8 October 2001.

Through the regional plans, the Council now has more specific and detailed policy frameworks in place that did not exist at the time that the RPS was developed. Therefore, it is possible that the next RPS does not need to be as detailed in some areas because the regional plans provide much of that detail.

References in the RPS to previous now historical statutory documents such as the Transitional Regional Plan and the Underground Water Bylaw are also identified as needing to be deleted. It was also noted that some of the 40 issues were sub issues of larger issues and that opportunities to aggregate the many issues should be explored.

### **3.2.2 District Council experiences**

The interim review of the RPS also analysed progress by the district councils to implement methods of implementation listed in the RPS for their consideration. At that time, district councils had implemented or were implementing 95% of the 59 methods of implementation listed for their consideration. The only methods that had not been implemented were provisions in district plans to reduce the discharge of greenhouse gases and promote energy efficient urban forms, subdivision or alignment, and consideration of transfer of functions to Iwi authorities.

Since the adoption of the RPS, Taranaki's three territorial authorities have notified or made operative their respective district plans.

In its meeting with district council staff to review the usefulness and relevance of the RPS, district council staff noted that the RPS was of most use when identifying issues and developing objectives and policies for inclusion in their district plans. The importance of integrated management was also highlighted. There were no provisions that were identified as having caused significant problems or difficulties in interpretation or implementation.

### **3.3 Case law**

At the time of preparing the RPS, the Resource Management Act was a relatively new piece of legislation and had introduced a substantial amount of new terminology and principles for which there was initially little case law. Hence early policy development under the Act (particularly regional policy statements) was undertaken in an environment that was new and uncertain.

Last year, the Council undertook a comprehensive review<sup>8</sup> of developments in case law relating to regional policy statements. The review did not identify any cases ruled on in the Environment Court or higher Courts that would require fundamental changes to the scope and content of the RPS. Cases have, however, emphasised the

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<sup>8</sup> *Taranaki Regional Council: 'Regional Policy Statement for Taranaki – A Review of Case Law and Changes to Legislation'. September 2003.*

importance of the RPS in the policy framework under the Act and its crucial role in achieving integrated management.

Cases have noted that the RPS is “...*the heart of resource management*” in each region (*North Shore City Council v Auckland Regional Council, A70/94*) and is a significant document because of its impact on other statutory instruments throughout the region (*Eco-Net v Tasman District Council W117/97*). However, in *Saint Columba’s Environmental House Group v Hawkes Bay Regional Council, W085/94* the Environment Court expressed reservations about including in regional policy statements provisions such as vision statements and principles not required by the Act. The Court suggested that there is a danger such statements could create ambiguity and uncertainty. Furthermore, regional councils are not empowered to include international agreements as part of their regional policy statement (*Proutist Universal v Nelson City Council, W121/96*).

In *Carter Holt Harvey Forest Limited v Tasman District Council, W7/98* the Environment Court noted that, in providing an overview of environmental issues of the region, “...*the regional policy statement is the primary instrument by which integrated management is to be achieved*”. In another case, the Court stated that the concept of integrated management implies that management decisions that might otherwise be made by territorial authorities may be constrained in the interests of integration (*Application by North Shore City Council (1995) NZRMA 74*).

In the *Carter Holt Harvey Forest Limited v Tasman District Council* case, the Environment Court noted that the whole approach of the Resource Management Act is issue driven “...*so issues need to be carefully and appropriately defined*”. However, the Court emphasised that “...*the regional policy statement is not the document in which the finer controls on resource use are developed, these being left to other relevant planning instruments*”. This emphasises the higher level role of the RPS in developing an integrated strategic framework for resource management in the region. This does not preclude the stating (in a regional policy statement) of methods of implementation under other legislation such as regional pest management strategies under the Biosecurity Act (*Royal Forest and Bird Protection Society of New Zealand v Northland Regional Council, A33/98*).

The purpose of the RPS is ultimately to achieve the purpose of the Act itself. There have been a considerable number of cases that have dealt with the purpose and principles of the Act.<sup>9</sup> These will need to be considered in the review of the RPS.

### **3.4 Changes to legislation**

#### **3.4.1 Amendments to the Resource Management Act**

Since the RPS was adopted, the Resource Management Act has been amended a number of times – more recently in 2003 with the enactment of the Resource Management Amendment Act 2003. Amendments of particular note include:

- a new section 6(f) [Matters of national importance] whereby the protection of historic heritage is now a matter of national importance;

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<sup>9</sup> *Taranaki Regional Council: ‘Review of the Regional Policy Statement for Taranaki – A Review of Case Law and Changes to Legislation’. September 2003.*

- new functions for indigenous biodiversity (see below);
- a new section 61(2A) [Matters to be considered by regional councils], which states that local authorities, when preparing or changing regional policy statements, must now “...take into account” Iwi planning documents;
- a new section 62 [Contents of regional policy statements], which, amongst other things, requires the RPS to state “...the resource management issues of significance to Iwi authorities and ...the local authority responsible ... for specifying the methods for the control of the use of land ... to maintain indigenous biological diversity”;
- a new section 62(3), which requires the RPS to “...give effect to a national policy statement or New Zealand coastal policy statement” (rather than simply not being inconsistent with them);
- a new section 32 – consideration of alternatives, benefits and costs; and
- new section 94 providing for the limited notification of resource consent applications.

Earlier amendments to the Resource Management Act had introduced controls on dumping and incineration of waste in the coastal marine area and the enactment of the Marine Pollution Regulations controlling the discharge of sewage from boats.

#### **Resource management issues of significance to Iwi authorities**

Prior to the Resource Management Amendment Act 2003, section 62(1)(b) of the Act provided that a regional policy statement state “...matters of resource management significance to Iwi authorities”. This has been amended to provide for “...the resource management issues of significance to Iwi authorities in the region”. This brings the wording of the subsection in line with section 62(1)(a) [significant resource management issues for the region] and makes it clear that significant resource management issues for Iwi should be stated as issues and accordingly, that objectives, policies and methods should flow from those (prior to the amendment, it was unclear where matters of resource management significance to Iwi sat in the RPS hierarchy).

It is proposed that resource management issues of significance to Iwi authorities be contained in a stand-alone section in the RPS to provide greater clarity and focus on these issues and more convenient referencing. Currently these issues are scattered throughout the RPS.

#### **New responsibilities for indigenous biodiversity**

Significantly, the Resource Management Amendment Act 2003 amends section 30 [Functions of regional councils] and 31 [Functions of territorial authorities] of the parent Act to include indigenous biodiversity within the ambit of local government functions.

In relation to regional council functions, under section 30(1)(c) the Council’s functions are broadened to include:

- the control of the use of land for the purpose of “...the maintenance and enhancement of ecosystems in waterbodies and coastal waters”; and
- “...the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity”.

In relation to district council functions, under section 31(1)(b)(iii) of the Resource Management Act the councils are responsible for “...*the control of any actual or potential effects of the use, development and protection of land, including for the purpose of ...the maintenance of indigenous biodiversity*”.

Given the regional and district councils’ new responsibilities, relevant policies and methods in the RPS will need to be carefully reconsidered. In particular, this review needs to:

- determine the local authority responsible, either in whole or in part, for specifying the objectives, policies and methods for the control of the use of land in relation to the maintenance of indigenous biodiversity;
- recognise the contribution of all key players in maintaining and enhancing indigenous biodiversity and existing programmes and initiatives;
- identify gaps, barriers and opportunities to the maintenance of indigenous biodiversity in the Taranaki region; and
- ensure appropriate policies and mechanisms for the maintenance of indigenous biodiversity are included in the RPS.

It is proposed that the maintenance of indigenous biodiversity be explicitly recognised as a stand-alone issue in the RPS with appropriate policies and methods that address the terrestrial, freshwater and marine aspects of indigenous biodiversity.

#### **Climate change and energy efficiency responsibilities**

In the past there has been considerable uncertainty under the Resource Management Act regarding the role of regional councils in addressing climate change issues. However, the Government has confirmed that climate change is an international issue and therefore should be dealt with at a national level.

The Government does not see Resource Management Act controls on discharges as being appropriate for managing greenhouse gas emissions. Climate change is being addressed by the Government and the international community through the Kyoto Protocol, which sets targets to reduce greenhouse gas emissions. The Government has put in place a programme whereby emission units are awarded to projects that will bring about a net reduction in greenhouse gas emissions. The Government has also developed foundation policies such as the National Energy Efficiency and Conservation Strategy, the New Zealand Transport Strategy and the New Zealand Waste Strategy. In addition to these, the Government has instigated Negotiated Greenhouse Agreements with major emitting industries and intends to introduce emission charges from 2007. Government funded research in agriculture is taking place – particularly on options for reducing methane emissions from farm animals.

The enactment of the Resource Management (Energy and Climate Change) Amendment Act 2004 confirms the Government’s position by redefining and making more explicit the roles and responsibilities of regional councils in respect of greenhouse gas emissions and climate change response. In particular, the Act removes the ability of councils to apply controls on dischargers of greenhouse gases for climate change purposes. However, the Act, by amending section 7 [Other matters] of the Resource Management Act, includes new obligations for local authorities to consider the efficiency of the end use of energy, the effects of climate change and the benefits to be derived from the use and development of renewable

energy when exercising their functions and powers under the Act. The Government's Climate Change Office has produced guidelines to help local government prepare for and adapt to climate change.

In light of the new Act it will be necessary to amend the RPS issues, objectives and policies in relation to climate change in their current form. Climate change policies and methods may still apply as part of issues relating to air quality, energy efficiency and natural hazards.

#### **Aquaculture reform**

The Government, through the Ministry for the Environment and the Ministry of Fisheries, is currently considering proposals to promulgate legislation for the purpose of promoting better integration between coastal planning, aquaculture development and fisheries management. Central government already has in place a nation-wide moratorium on the granting of coastal consents for further marine farming proposals under the Resource Management (Aquaculture Moratorium) Amendment Act until 31 December 2004. Amendments to the Act are proposed under which regional councils will have greater powers to manage and control aquaculture development within defined areas and where development approvals within these areas will be streamlined by providing a single-permit process.

#### **3.4.2 Enactment of the Local Government Act 2002**

In 2002, the Government passed the Local Government Act 2002. Under the new Act, local authorities have acquired new broad powers and assumed new obligations to their communities. The new Act signals a strong commitment to the principles of sustainable development with regional and district councils now having a leading role in promoting the social, economic, environmental and cultural well-being of their communities.

As part of an adjusted accountability, local authorities must identify community outcomes and must monitor and report back to the community on progress in achieving these outcomes. The purposes of the identification of community outcomes are to:

- provide opportunities for communities to discuss their desired outcomes in terms of the present and future, social, economic, environmental and cultural well-being of the community;
- allow communities to discuss the relative importance and priorities of identified outcomes;
- provide scope to measure progress towards the achievement community outcomes;
- promote the better co-ordination and application of community resources; and
- inform and guide the setting of priorities in relation to the activities of the local authority and other organisations.

From May 2003 to February 2004, the Council and the three district councils worked together to consult with the people of Taranaki to identify the things that the community thinks are important for its well-being. As a result the Taranaki community identified the following seven broad community outcomes for the region, which are included in the Council's *2004/2014 Long Term Council Community Plan*:

- **Connected Taranaki** – a region that delivers accessible and integrated infrastructure, transport and communications systems, which meet the needs of residents, business and visitors.
- **Prosperous Taranaki** – a region that boasts a sustainable, resilient and innovative economy that prospers within the natural and social environment.
- **Secure and healthy Taranaki** – a region that provides a safe, healthy and friendly place to live, work or visit.
- **Skilled Taranaki** – a region that values and supports learning so that all people can play a full and active role in its social, cultural and economic life.
- **Sustainable Taranaki** – a region that appreciates its natural environment and its physical and human resources in planning, delivery and protection.
- **Together Taranaki** – a region that is caring and inclusive, works together, and enables people to have a strong and distinctive sense of identity.
- **Vibrant Taranaki** – a region that provides high quality and diverse cultural and recreational experiences, and encourages independence and creativity.

The *2004/2014 Long Term Council Community Plan* identifies activities and programmes for achieving these community outcomes that can also be incorporated into the RPS where these are relevant to the purpose of the RPS.

### 3.4.3 Other statutes

Other statutes of relevance to this review of the RPS that have been passed or amended since the RPS became operative are as follows:

- **Hazardous Substances and New Organisms Act 1996:** This Act provides for the protection of the environment and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms.
- **Energy Efficiency and Conservation Act 2001:** This Act promotes energy efficiency, energy conservation and renewable energy within the context of a sustainable energy future. The Act establishes the Energy Efficiency and Conservation Authority with responsibilities for preparing the National Energy and Conservation Strategy.
- **Civil Defence Emergency Management Act 2002:** This Act contains provisions relating to the declaration of national and local emergencies and powers in relation to civil defence emergency management. It also establishes a new framework for promoting a comprehensive, integrated and coordinated approach to the management of all hazards.
- **Land Transport Management Act 2003:** This Act changes the purposes, roles and funding framework of land transport agencies and is designed to reform the land transport funding system. The purpose of the Act is to contribute to achieving an integrated, safe, responsive and sustainable land transport system. The Act amends the purposes of regional land transport strategies prepared by the Council to be in line with the purpose of the Act. Such strategies must take into account a number of matters including how they will ensure environmental sustainability.
- **Treaty settlement legislation:** Since the RPS was made operative, the Crown has signed deeds of settlement with Ngati Ruanui and Ngati Tama regarding the

settlement of historical Treaty of Waitangi claims. The Ngati Ruanui Claims Settlement Act 2003 and the Ngati Tama Claims Settlement Act 2003 include statutory acknowledgements for areas of particular cultural, spiritual, historical and traditional association to those Iwi. The settlement legislation requires information on statutory acknowledgements to be included in the RPS.

The Crown is processing Treaty of Waitangi settlements with other Taranaki Iwi. At this time, it is not clear when different settlements with individual Iwi will be reached. However, the Council, when preparing the next RPS, will endeavour to take into account any progress on Treaty of Waitangi settlements as they occur.

- **Building Bill 2003:** This Bill provides for the repeal of the Building Act 1991 and for the introduction of a new regulatory framework for building work, building practitioners and for the certification and accreditation of building products. The Bill contains proposals for the Council to classify and regulate dams within the region.

### **3.5 Changes or reviews of Government policies**

#### **3.5.1 National environmental standards**

The Ministry for the Environment is in the process of preparing national environmental standards under the Resource Management Act to:

- prohibit the burning of tyres and oil in the open, landfill fires, road tar seal burning, high temperature hazardous wastes incinerators, school and hospital incinerators, and the burning of coated wire to recover metals;
- require landfill gas collection and destruction;
- set standards for emissions from new coal and wood burning appliances installed in homes in urban areas, based on particle emission rates;
- set national concentration limits in relation to priority contaminants – these being carbon monoxide, particles, nitrogen oxide, ozone and sulphur dioxide; and
- set national standards to improve the protection of drinking water sources.

At this time, it is not clear what changes, if any, will be made to the RPS arising from the preparation of national environmental standards. However, the Council, when preparing the next RPS, will endeavour to take into account any changes signalled by Government.

#### **3.5.2 New Zealand Coastal Policy Statement**

The Department of Conservation has commenced its review of the *New Zealand Coastal Policy Statement*. However, the review process still needs to go through the full procedures under the Act including the preparation of a proposed change, establishment of a Board of Inquiry, public submissions and hearings etc.

The purpose of the *New Zealand Coastal Policy Statement* (which was made operative in 1994) is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

At this time, it is not clear what changes, if any, will be made to the RPS arising from the review of the *New Zealand Coastal Policy Statement*. However, the Taranaki Regional Council, when preparing the next RPS, will endeavour to take into account

any changes signalled by the Department of Conservation as they arise. Of note is that the recent amendments to the Resource Management Act (see section 3.4.1 above) mean that the next RPS must "...give effect to a .... *New Zealand coastal policy statement*", rather than simply not being inconsistent with it.

### **3.5.3 New Zealand Biodiversity Strategy**

Released in March 2000, the New Zealand Biodiversity Strategy *Our Chance to Turn the Tide* sets out a 20-year plan to halt the decline of New Zealand's indigenous biodiversity. As such it sets out a comprehensive range of actions to initiate or improve progress on in order to achieve its goal.

The Government has set aside a New Zealand Biodiversity funding package to implement a number of initiatives. This includes financial assistance to projects that improve the condition of biodiversity on private land and the extent of formally protected natural areas. Existing national programmes that have had increased funding to assist landowners and increase the extent of formally protected areas are the Nature Heritage Fund, Nga Whenua Rahui and the QEII National Trust covenanting programme.

The New Zealand Biodiversity Strategy also recommended the preparation of a national policy statement for biodiversity under the Resource Management Act. Under section 62(3) of the Resource Management Act the next RPS must give effect to the National Policy Statement.

### **3.5.4 Kyoto Protocol and foundation policies**

In October 2002, the Government announced its confirmed policy package on climate change, setting out its policies for meeting New Zealand's greenhouse gas reduction target under the Kyoto Protocol. The policies include price-based and non priced-based measures to enable New Zealand to meet its international agreements under the Kyoto Protocol. There are already a number of policies that support the Government's climate change objectives. These include:

- **The National Energy Efficiency and Conservation Strategy:** This Strategy was prepared as a requirement of the Energy Efficiency and Conservation Act 2001. Its purpose is to promote energy efficiency, energy conservation and renewable energy and move New Zealand towards a sustainable energy future. The strategy's overall plan is to improve New Zealand's energy efficiency by at least 20% by 2012 and to increase the supply of renewable energy by 30 petajoules by 2012.
- **New Zealand Transport Strategy:** This Strategy defines the Government's vision of an affordable, integrated, safe, responsive and sustainable transport system by 2010. One of its aims is to ensure environmental sustainability and contribute to reducing greenhouse gas emissions from the transport sector.
- **New Zealand Waste Strategy:** This Strategy deals with all forms of waste whether solid, liquid or gas. Its emphasis is on minimising waste and managing it better. The Strategy sets a new direction including national targets and an action plan for reducing and better managing waste. The Council, New Plymouth, Stratford and South Taranaki district councils have prepared a regional waste strategy to help implement the New Zealand Waste Strategy.

### 3.5.5 Other Government reviews, strategies and initiatives

In addition to the above there are a number of other Government reviews, strategies and initiatives that may have a bearing on the RPS. These include:

- **Review of Resource Management Act:** The Government has commenced a review of the Resource Management Act. The review focuses on five key areas for improving the Act. These being achieving the right balance between national and local interests, improving the design and process for local policy formulation, improving the consent decision making process, allocation of natural resources and measures for building capacity and promoting best practice and implementation. It is expected that proposed amendments to the Act arising from this review will be introduced in late 2004.
- **Government foreshore and seabed proposals:** The Government has prepared the Foreshore and Seabed Bill. The Bill, amongst other things, proposes to vest ownership of the public foreshore and seabed of New Zealand with the Crown and create new jurisdictions in the Maori Land Court to establish Maori ancestral connection and customary rights to the foreshore and seabed in particular areas.

Issues related to coastal use and access, Treaty of Waitangi and matters of significance to Iwi are currently addressed in the RPS but may need to be amended having regard to the final outcome on these proposals.

- **Oceans policy:** Currently, there are 14 government departments involved in the marine environment, with at least 18 pieces of domestic legislation governing the ocean and various other marine policy initiatives. To promote better integrated management of the marine environment, central government established a Ministerial Group and the Oceans Policy Secretariat to oversee the development of an Oceans Policy. In particular, central government is seeking to develop an Oceans Policy that will provide a clear statement of what New Zealanders, individually and collectively, value about the sea and coastline and what relative priority should be attached to different options at different times and in different places.

Amongst the matters to be addressed is provision of public access, use and enjoyment of both the ocean and the coastal environment. The objective of the Oceans Policy is to safeguard these values against unreasonable erosion by other activities.

- **New Zealand Sustainable Development Strategy:** The Government has agreed to a sustainable programme of action. This programme of action establishes a set of operating principles for policy development that requires government to take into account the economic, social, environmental and cultural consequences of its decisions and to ensure the wellbeing of current and future generations. The programme of action focuses on the practical application of the sustainable development approach to certain key issues – these being quality and allocation of freshwater, energy, sustainable cities and child and youth development.
- **Review of the Marine Reserves Act 1971:** The Government is currently reviewing the Marine Reserves Act in order to streamline the process for establishing marine reserves and increase the number of marine reserves.
- **Review into public access to the outdoors:** In 2003, the Government reviewed the extent and nature of the problems of access to waterways and public land.

The review<sup>10</sup> concluded that public access in New Zealand is becoming increasingly restricted to the detriment of many New Zealanders and recommended the development of a national broad strategy to promote better public access to the outdoors. Public access to waterways and the coast are significant issues already identified in the RPS. However, subsequent policy development by the Government in response to its findings may need to be taken into account in the next RPS.

The Council, when preparing the next RPS, will endeavour to take these and other Government reviews, strategies and initiatives into account where they are relevant to the purpose of the RPS.

### 3.6 Best practice

As noted earlier, the RPS was the first regional policy statement to be adopted in New Zealand and policy development was undertaken in an environment that was new.

Since the adoption of the RPS other regional councils have prepared their regional policy statements. Consequently there are now a number of examples that might provide useful models to follow in relation to the form, content and structure of regional policy statements. There have also been various reviews by the Ministry for the Environment, local government and planning professionals evaluating the overall quality of policy instruments such as regional policy statements and suggesting where improvements could be made.<sup>11 12 13 14 15</sup> These reviews have highlighted the following as good practice:

- Regional policy statements should clearly state their purpose and mandate and explain the relationship between regional policy statements and other plans and policies.
- Regional policy statements should be user friendly. They should not be too lengthy, detailed or complex and should contain a table of contents, index, users' guide, glossary and cross-referencing to aid understanding and improve accessibility to readers.
- Provisions in the regional policy statements should be based on sound issues identification. The focus should be on identifying a smaller number of genuinely significant issues for the region. Often sub-issues can be 'bundled' under a single key issue. Issues must be resource management issues and must not lie outside the scope of the Resource Management Act.

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<sup>10</sup> Land Access Ministerial Reference Group: 'Walking Access in the New Zealand Outdoors'. Report to the Minister for Rural Affairs. August 2003.

<sup>11</sup> Berke, P, Crawford, J, Dixon, J and Erickson, N: 'Plan Quality in District Councils'. Planning Quarterly, number 138. September 2000.

<sup>12</sup> Erickson, N, Berke, P, Crawford, J, and Dixon, J: 'Planning for Sustainability: New Zealand Under the Resource Management Act'. ISBN 0473 098148. 2003.

<sup>13</sup> Erickson, N, Crawford, J, Berke, P, and Dixon, J: 'Resource Management, Plan Quality and Governance - A. Report to Government'. 2001.

<sup>14</sup> Hawkes Bay Regional Council, Taranaki Regional Council, Manawatu-Wanganui Regional Council, Otago Regional Council and Southland Regional Council: 'Regional Policy Statements and Regional Plans - A Guide to their Purpose, Scope and Content'. March 1998.

<sup>15</sup> Willis, G: 'Drafting Issues, Objectives, Policies and Methods in Regional Policy Statements and District Plans'. Report prepared for the Ministry for the Environment. ISBN 0-478-18902-8. July 2003.

- Regional policy statements should show clear links between issues and the objectives, policies and methods that address those issues.
- Objectives and policies should provide explicit, clear guidance to decision-makers about what is relevant and important.
- Objectives and policies determine what methods of implementation are to be used, not the other way round.
- Procedural issues such as cross-boundary issues and monitoring need to be addressed but do not need to be part of the objectives and policies framework.
- Objectives should state the aim or the purpose or target for the issue being addressed. They can either be open (setting a general direction) or closed (a finite statement) and should add value to the Resource Management Act rather than merely repeat the Act.
- Policies are statements of a course or general plan of action and can be either substantive (what is to be done) or procedural (how and by whom) and be inflexible or flexible, broad or narrow. Policies should not simply state methods.
- Environmental results anticipated should specify what is expected to happen from the combined effect of the objectives, policies and methods. They link to future monitoring and should therefore be capable of being measured.
- In drafting issues, objectives, policies etc it is important to be succinct and not include excessive or unnecessary detail or long lists (as this reduces clarity and focus). It is also important to be clear. Explanations of issues and policies etc should use simple language that should not need 'expert' interpretation. Definitions for terms should be provided when needed.
- Avoid duplication (adopt a structure that avoids repetition).
- Be fact based (grounded on accurate information).
- Be set in the local context (clearly addresses local or regional activities, resources and effects etc).

Advice on improving the quality of regional policy statements from this and other reviews will be taken into consideration when drafting the next RPS. There is an opportunity to combine some issues in the RPS, move the discussion of the issues closer to the objectives, policies and methods and recognise the linkages with regional plans and other strategies by avoiding duplication of policies and methods detailed in those other documents. Other changes proposed to the next RPS are to have separate stand-alone sections in the RPS dealing with issues that cross a number of environmental media. It is proposed to have separate stand-alone issues in the next RPS dealing with indigenous biodiversity, waste management, natural hazards, landscape, heritage and amenity values and the built environment, and resource management issues of significance to Iwi.

### 3.7 Summary of key changes

Key 'change' factors that have emerged over the lifespan of the RPS include:

- State of the environment monitoring, surveys of environmental attitudes and other investigations confirm that current RPS methods and programmes have been generally successful in achieving the environmental outcomes sought. However, some issues have been flagged for ongoing attention.
- A number of voluntary industry and community initiatives have contributed significantly to achieving the environmental outcomes sought in the RPS or will continue to do so in the future eg, the Dairying and Clean Streams Accord.
- Efficient implementation of the RPS: the Council and the three district councils have implemented or are implementing all listed programmes and actions in the RPS (95% of the methods were implemented in the first five-years of the RPS).
- Case law: a review of case law did not identify any cases ruled on by the Environment Court or higher Courts that require fundamental changes to the Council's RPS. Cases have, however, emphasised the importance of the RPS in the policy framework under the Act and its crucial role in achieving integrated management.
- Significant changes have been made to the Resource Management Act. There are new Council obligations for indigenous biodiversity and to consider the efficient use of energy, the effects of climate change and benefits derived from renewable energy. The Council is precluded from applying controls on greenhouse gas emissions for climate change purposes.
- The preparation of national environmental standards and aquaculture reform.
- Enactment of the Local Government Act 2002 and the identification of community outcomes for the future well-being of the region and districts.
- Enactment of other statutes including Hazardous Substances and New Organisms Act, the Energy Efficiency and Conservation Act and the Civil Defence Emergency Management Act.
- Progress by the Government on settling Treaty of Waitangi claims.
- New Government policies, strategies or reviews including the New Zealand Coastal Policy Statement, Biodiversity Strategy and the Kyoto Protocol.
- Advances in good practice in terms of the form, content and structure of regional policy statements. For the next RPS it is proposed to have fewer issues but there will be separate stand-alone issues dealing with indigenous biodiversity, waste management, natural hazards, landscape, heritage and amenity values and the built environment, and resource management issues of significance to Iwi.