

**ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON
WEDNESDAY 16 MARCH 2016 AT MEMORIAL HALL SUPPER ROOM,
ESPLANADE, KAIKOURA.**

AGENDA

- 1. Apologies***
- 2. Matters of Importance to be raised as Urgent Business***
- 3. Environmental Services Report*** ***page 9***
 - *Building***
 - *Resource Planning***
 - *Resource Consent Update List***
 - *District & Environmental Planning***
 - *Environmental Services Budget Report*** ***page 15***
- 4. Submission on Resource Legislation Amendment Bill*** ***page 16***
- 5. Submission on Marine Protected Areas Consultation Document*** ***page 28***
- 6. Urgent Business***

- **Building**

There were 8 Building Consents with a combined construction value of \$953,000 issued during February 2016. These consents were for:

- 2 farm sheds
- 1 relocated garage
- 1 museum fit out
- 1 farm shed alterations
- 1 marquee
- 1 dwelling
- 1 solid fuel heater

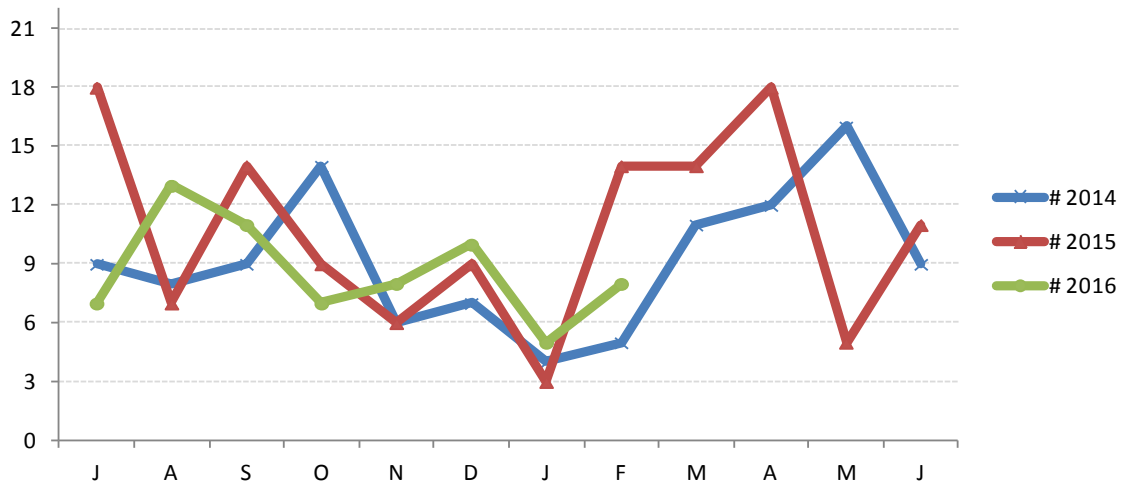
We currently have 12 consents being processed.

16 Land Information Memorandums and 2 Code Compliance Certificates were issued in the month of February 2016.

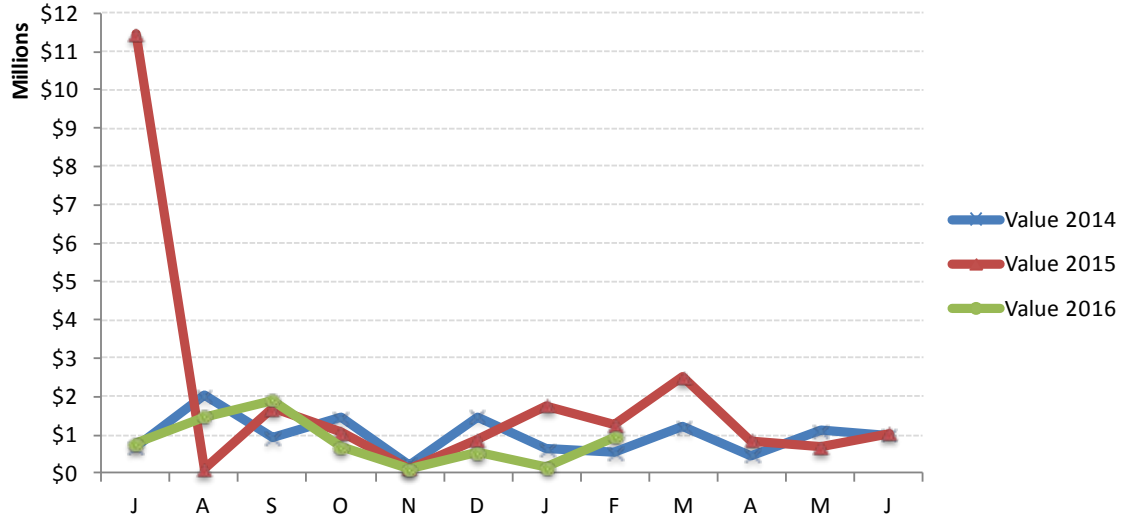
Kaikoura's two biggest projects are progressing well. The Hospital looks set to reach Code Compliance stage during March all being well. The museum fit out began during February, and the Building Control Officers are continuing to visit the Civic Building regularly.

Prepared by	Jacqui Marsden, Building Technical Support Officer
Authorised by	Angela Oosthuizen, Chief Executive Officer

of Building Consents Issued



Value of Building Consents Issued



- **Resource Planning**

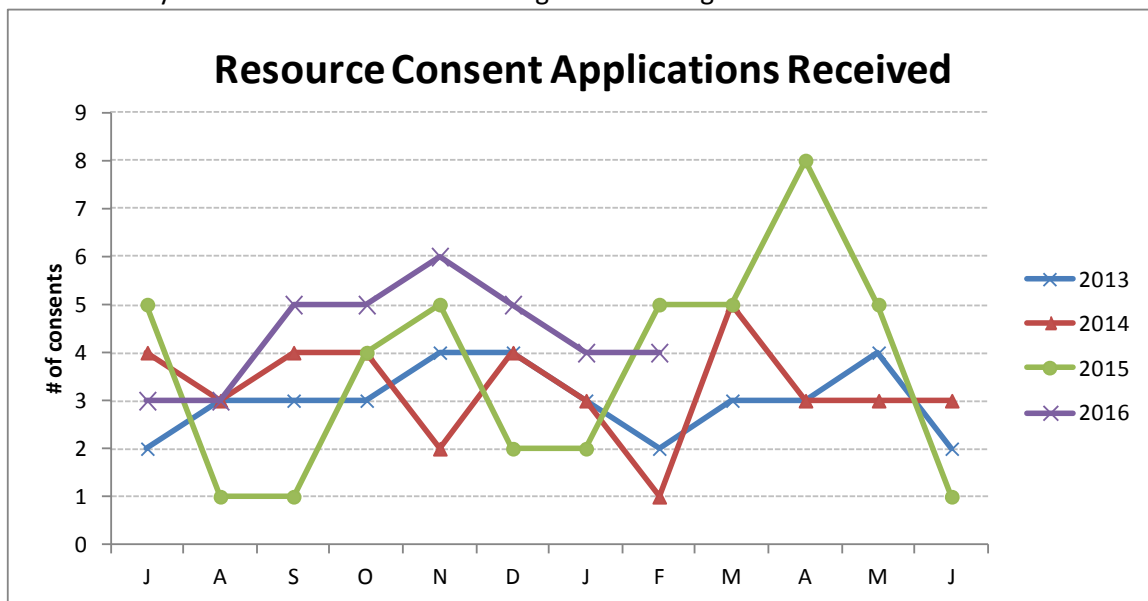
Resource Consent update: From 6 February 2016 to 6 March 2016

Three (3) subdivision consent applications, one (1) land use consent application and one (1) Signs permit application were received in this reporting period.

All applications were considered to be for minor consent.

Gartly (1387) visitor accommodation consent is currently being notified on a limited basis.

RJ Ross Family Trust subdivision consent will go to a hearing for decision on the 29th March 2016.



Prepared by	Lukas Aebli, Planning Officer
Authorised by	Angela Oosthuizen, Chief Executive Officer

● Resource Consent List Update

Resource Consent Update from 6 February 2016 to 6 March 2016

Resource consent decisions issued:

Type of consent	Applicant	Address of activity	Number of Lots / Guests
Sign	Cargill	40 West End	
Land Use	I Ling	13 Kotuku Road	
Land Use	Hook & Sinclair	Valley Road	
Subdivision and Land Use	Dr Heins Classics	213 Beach Road	3
Visitor's Accommodation	Lensan Trust	119a South Bay Parade	9
Land Use	Banyon	7 Kotuku Road	

Active consent applications currently in progress:

Type of consent	Applicant	Address of activity	Number of Lots / Guests
Land Use	N Gold	14 Ingles Drive	
Subdivision	J POOLEY	4 Mill Road	2
Subdivision	R J Ross Family Trust	1 Shearwater Drive	4
Visitor's Accommodation	C J Roberts Holding	12 Moa Road	6

Consent application currently being notified:

Type of consent	Applicant	Address of activity	Number of Lots / Guests
Visitor's Accommodation - Limited Not.	J Gartly	18 Whitby Place	8

Consent applications awaiting receipt of further information requested from applicant or on hold:

Type of consent	Applicant	Address of activity	Number of Lots / Guests
Subdivision	Thomas	Inland Road	2
Land Use - Road setback	Kirk	26 Moa Road	
Land Use - Earthworks in Arch Site	KDC	Global for District	
Visitor Accommodation	Hammett	61 South Bay	12
Visitor Accommodation	Page	128 Torquay Street	
Land Use - Earthworks in Arch Site	Slee & Bolt	42A Avoca Street	
Visitor Accommodation	Brown	39 Kotuku Road	8
Subdivision and Land Use	Macfarlane and Steward	The Store, Kekerengu	5
Subdivision	J B TROLOVE	4977 SHWY 1, Kekerengu	3
Subdivision	Parsons	1234 SHWY 1, Mangaumanu	2

• District & Environmental Planning

National Legislation

Resource Legislation Amendment Bill

A full submission follows this report for endorsement by the Committee

Canterbury Regional Council

Natural Resources Regional Plan – Air Section

Decisions are now awaited. It is still anticipated that Kaikoura will remain outside of the special requirements of the Clean Air Zone.

Land and Water Regional Plan – Plan Change 4

Hearing date has been delayed to 17 March 2016.

Canterbury is Tourism Business Friendly

A report has been drafted based on the findings of the survey results from Regional Tourism Office and District Tourism Office and a number of tourism providers.

Current recommendations relate to three areas:

1. Freedom camping, the need for a strategic approach for Canterbury
2. Liquor licensing, the need for additional research on duplication of licenses
3. Signage, ensuring that Regional and District Tourism Offices have the opportunity for input into signage regulation.

Harbour Safety Improvements

The consent application is still in preparation, key aspects are:

- Ocel have recalculated the volume of rock to be removed, it is now anticipated the volume will require increasing from 250m³ to 500m³. Update the impact to the project is currently being obtained, along with details on the impact of noise.
- The ecological assessment has been obtained, this will inform the Cultural Impact Assessment. The ecological assessment has identified:
 - The proposed areas to be disturbed are small and the ecology of these patches is not unique to the shipping channel
 - Time of the work is important and should occur between 1 September 2016 to 31 January 2017.
 - Additional work is required to address the impact of noise, and blue penguins.
- The Cultural Impact Assessment is intended to be completed by mid May.

Marine Protected Areas

A full submission follows this report Council for endorsement by the Committee.

Waste Management

Innovative Waste and Kaikoura District Council staff are working with the Seafest organisers to launch Zero Waste Events within our District. Events traditionally have a large waste component; staff are hoping to address this issue and also to show case this as part of events in our District.

Staff are currently working on the outcomes from the Waste Audit which will review our Zero Waste Management Plan for Kaikoura.

Food Act

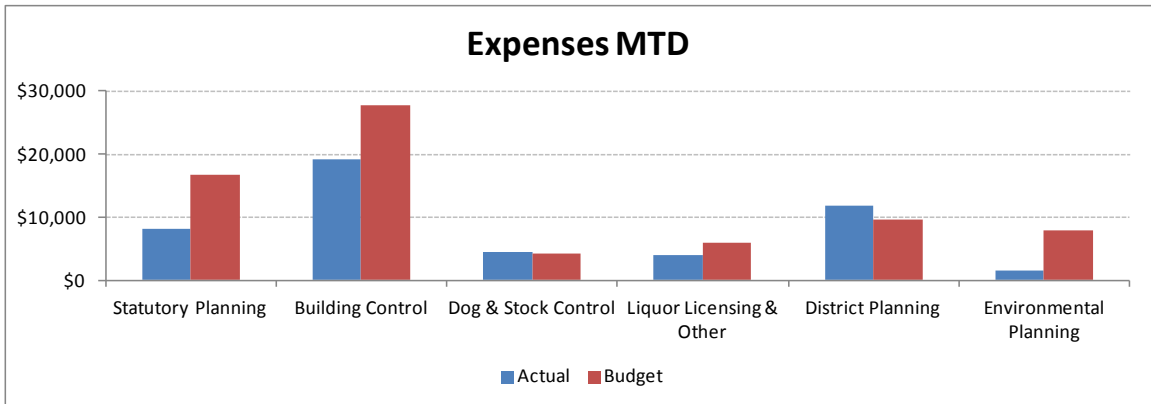
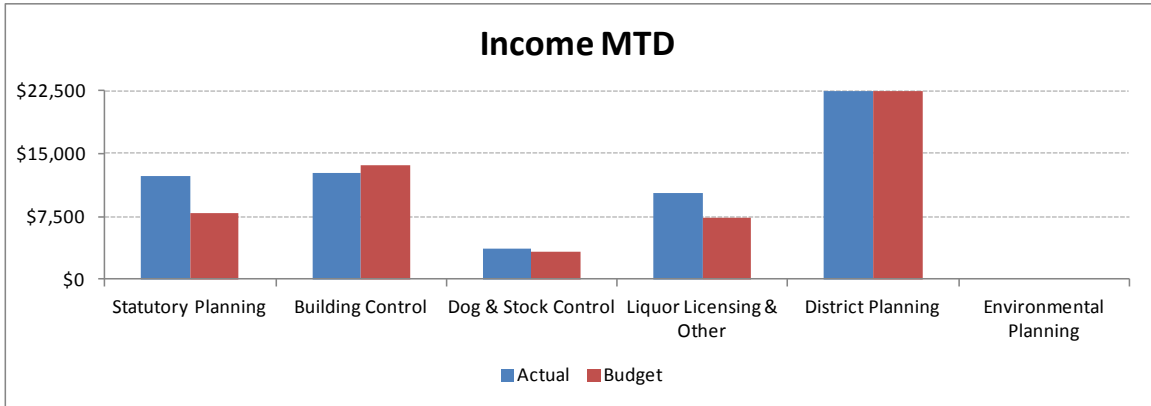
Changes to the Food Act are being implemented.

Hutton's Hub

Promotion around the awareness of the Hutton's Shearwater crash landing on our streets and around the residential areas is currently occurring. Mayor Gray opened the Hutton's Hub for the drop off area for any stranded seabirds that are found on the land. Councillors are encouraged to get involved and help spread the word to save any stranded birds.

Prepared by	Matt Hoggard & Rachel Vaughan, District Planners
Authorised by	Angela Oosthuizen, Chief Executive Officer

Environmental Services Budget Report



Submission to Local Government and Environment Select Committee on the Resource Legislation Amendment Bill

Purpose

The purpose of this report is to outline Council's submission to the Local Government and Environment Select Committee on the Resource Legislation Amendment Bill (the Bill) and the proposed changes to the Resource Management Act 1991 (the RMA)

Background

The Government has indicated that it is committed to ensuring the RMA provides greater certainty for communities to plan for, and meet, their area's needs in a way that reduces costs and delays. This is why resource management reform is one of Government's key priorities. RMA reform is focused on taking away much of the uncertainty, time and cost from the RMA and creating a system that enables growth while ensuring important environmental standards are maintained.

The first phase of RMA reforms resulted in the Resource Management (Simplifying and Streamlining) Amendment Act 2009 and the Resource Management Amendment Act 2013.

The Resource Management (Simplifying and Streamlining) Amendment Act 2009 intended to:

- streamline and simplify the RMA
- improve how councils process resource consents
- set up a system that allows nationally significant consent applications to be dealt with more quickly.

In February 2013, the Government released a discussion document setting out further proposals on improving New Zealand's resource management system. These proposals have been considered and some are being progressed as part of the Resource Legislation Amendment Bill in 2015.

Current Situation

Staff have considered the proposed changes to the Resource Legislation Amendment Bill (the Bill) and the proposed changes to the Resource Management Act 1991 (the RMA). The issue to staff is that some of the proposals may not have a positive effect on how the RMA is administered and it is considered that some of the proposals are contrary to the Purpose and Principles of the Act. There is also the issue of increased cost to Councils to implement the changes. Administration of RMA processes is a requirement under the statute, there is a risk to Councils if direction is given from Ministers to change and update plans to address perceived problems.

The main issues that have been raised in the submission are:

- Changes to Section 30 & 31 functions - Council oppose this amendment as zoning land for additional development is deemed to be Territorial Authority function. The amendment should be changed to address issues that are specific to regional Council functions. Council support the removal of the function of Hazardous substances.
- Fixing of charges is potentially problematic in that setting of fees makes it difficult for the Council to cost recover if actual fees are higher than anticipated. This may result in fees being set too high, and the applicant paying more than they would if the charge was set on a cost recovery basis. Alternatively, if the charge is set too low, this means the general ratepayer will be funding the charges for the activity, which is unfair.
- Amendments to Part 5 – National Policy Statements should outline direction and guidance, which are then assimilated into rules at a Community level. The changes to allow methods or requirements are opposed. This section is contrary to the Purpose and Principles of the Resource Management Act.

- National Planning Template provisions are opposed. This idea was originally mooted to give consistency in plans. National Planning Templates should not be used to override local community planning. This is contrary to the Purpose and Principles of the Resource Management Act but also does not sit alongside the proposed subpart 4 which allows for localised collaborative planning. The Act outlines local communities should make decisions, but this will be impossible if national direction is already set through NPS and NPT.
- Changes to Section 34A Support the intention of Section but believe the wording is problematic. Kaikoura District Council has a successful model in which where an independent hearings commissioner is required, an additional commissioner with tikanga Maori and a qualified Community representative are appointed to sit alongside the hearings commissioner.
- The changes to Section 104 for environmental offset is premature and not well thought out. The provision does not fully explore the concept of environmental offsetting, nor does it consider when effects are so detrimental to the environment that offsetting is not appropriate.
- Changes to Section 108 seems to change the status of all activities to restricted discretionary and will make it difficult for conditions to be imposed on resource consent.
- Changes to Section 87 take away the ability of the consent authority to assess adverse effects of an activity.

The submissions were due to the Select Committee on Monday 14 March. The submission was lodged before this date. Given this meeting is after the date submissions close, the Committee can endorse the submission and it will remain with the Ministry.

Recommendation

It is recommended, that Council;

- 1. *Receive the report***
- 2. *Endorse the submission which was lodged with the Local Government and Environment Select Committee.***

Prepared by	Rachel Vaughan, District Planner
Authorised by	Angela Oosthuizen, Chief Executive Officer

To the:
Local Government and Environment Committee

Submission on Resource Management Reform Bill

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KAIKOURA

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Contact: Rachel Vaughan

Rachel Vaughan on behalf of Kaikoura District Council is willing to appear before the Committee in regard to this submission.

The Kaikoura District Council thanks the Committee for the opportunity to make this submission.

About Kaikoura District - as background to our position

1. Kaikoura District is the smallest local authority in Mainland New Zealand. The Kaikoura District spans from the Haumuri Bluffs in the south to the Kekerengu valley in the north, covering 2,048 square kilometres of diverse landscape. Kaikoura District is located between the Pacific Ocean and the Inland Kaikoura Range. The Kaikoura District has wonderful environmental diversity and which ranges from sea level to snow capped mountain of 2,885 metres. The spectacular coastline provides excellent fishing, sporting and recreation for Kaikoura's residents and visitors. The Kaikoura Canyon, at around 1,300 metres deep, provides the natural habitat for the sperm whale, and is also host to over 200 species of marine life. The Kaikoura coastline also experiences a large number of migratory and visiting whale and dolphin species close to shore. The regular visitors include Southern Right Whale, Orca, Humpback, Sperm Whale and Dusky and Hector Dolphin Species.
2. Historically the District has thrived in the fishing, farming and forestry industries. Today Kaikoura is a world-class tourism destination, yet still maintains its fishing and farming heritage. The District boasts award-winning restaurants, cafés and accommodation facilities, wineries and modern small boat facilities. Kaikoura has evolved in a way which is as unique as the landscape. Nowhere else in New Zealand has such a diversity of habitats and land forms, and the development of Kaikoura is similar.

3. The vision for the district is described in the Long Term Council Community Plan as:
*“The Kaikoura community displays responsible custodianship of its unique natural, social, cultural and environmental resources by ensuring the sustainable utilisation and management of these resources.
It is a community that treasures the present small-scale town atmosphere and retains and enhances this coastal village character.”*
4. The Kaikoura Community is entwined with the natural environment and the future of the community depends on it. The Kaikoura District Council is a lead agency for environmental sustainability and uses a voluntary environmental certification scheme to measure the Community’s environmental impact. The Community has been collecting environmental impact data since 1999, and has achieved Environmental Certification every year since 2004. Being a small council the “silos” which are often found in large organisations are easily removed and our size also ensures that Kaikoura District Council is well connected to the community.
5. This Community environment could easily be eroded by the imposition of a national planning regime. Currently, Kaikoura has no large planning issues. There is land zoned for residential expansion and land zoned for commercial development. The Council is currently working with a landowner to develop an industrial area for the town. Kaikoura’s water and sewer infrastructure has recently been updated and has capacity for expansion.
6. Kaikoura District Council works closely with the Te Runanga o Kaikoura on a shared governance model. This has been an informal arrangement in place for many years in response to the fact the Maori were underrepresented in the democratic process. As a result the Council invite Te Runanga o Kaikoura to appoint members on Council decision making Committees including the District Planning Committee and the Committee that make decisions on resource consents and designations. The Council meet the costs of training and capacity building. When an independent Commissioner is required, a member appointed by Te Runanga o Kaikoura will sit with that independent Commissioner.
7. Kaikoura is also a member Council of the Canterbury collaborative planning processes. The collaborative planning brings together joint committees of both Environment Canterbury and the Canterbury territorial local authorities. This collaboration goes across all sectors of local government in Canterbury but has been particularly useful in compiling the Canterbury Regional Policy Statement and the Canterbury Growth Strategy. Other collaborations include the Canterbury Water Management Strategy and the Te Korowai o Te Tai o Marokura Kaikoura Coastal Marine Guardians Forum.

Resource Legislation Amendment Bill

Government Bill

101—1

Contents

	Section	Comment	Outcome Sought
4	Section 2 amended (Interpretation)	Support the amendments for Interpretation	Retain
5	Section 6 amended (Matters of national importance)	Support Natural Hazard Risk should be a matter of national importance	Retain
6	Section 12 amended (Restrictions on use of coastal marine area)	Support – removal of abandoned structures in the coastal marine area. Inquiry process is already outlined in the Marine and Coastal Area (Takutai Moana) Act 2011	Retain
7	Section 14 amended (Restrictions relating to water)	Support No net change to intention	Retain
8	Procedural principles	Support Procedural principles intended to support good practice	Retain
9	Section 24 amended (Functions of Minister for the Environment)	Provisional support Outlines ministers responsibilities in regard to approval of national planning templates, however the use of the National Planning Templates as currently proposed is not supported	Remove reference to National planning template
10	Section 29 amended (Delegation of functions by Ministers)	Provisional support Outlines ministers responsibilities in regard to approval of national planning templates	Remove reference to National planning template
11	Section 30 amended (Functions of regional councils under this Act)	11 (1) Council oppose this amendment as zoning land for additional development is deemed to be Territorial Authority function. The amendment should be changed to address issues that are specific to regional Council functions. (2) & (3) Council support the removal of the function of Hazardous substances	Amend Section 11 to read: (ba) the preparation of objectives and policies in relation to any actual or potential effects of the

Section	Comment	Outcome Sought	
	(4) & (5) This is an interpretation provision in regard to the term <i>development capacity</i> . Interpretation of the term is important and support is given to this provision	use, development, or protection of land to ensure that there is sufficient development capacity in relation to residential and business land to meet the expected long-term demands of the region	
12	Section 31 amended (Functions of territorial authorities under this Act)	(1) Council support this amendment as zoning land for additional development should be a Territorial Authority function. The amendment should be changed to address issues that are specific to regional Council functions. (2) Council support the removal of the function of Hazardous substances	Retain
13	Section 32 amended (Requirements for preparing and publishing evaluation reports)	13 (1) Support in part, a working group of territorial authorities should be formed to help form the national planning template (2) Support (3) Support	Amend
14	Section 32AA amended (Requirements for undertaking and publishing further evaluations)	Provisional Support	
15	Section 32A amended (Failure to carry out evaluation)	Provisional Support	
16	Section 34A amended (Delegation of powers and functions to employees and other	Support the intention of Section but believe the wording is problematic. Kaikoura District Council has a successful model in which where an independent hearings commissioner is required, an additional commissioner with tikanga Maori and a qualified Community representative are appointed to sit alongside the hearings	Change proposed Section 15 to read: 1A) If a local authority is considering appointing an independent hearings commissioner to exercise a

Section	Comment	Outcome Sought	
persons)	commissioner.	<p>delegated power to conduct a hearing under Part 1 of Schedule 1,—</p> <p>(a) the local authority must consult with tangata whenua, through relevant iwi authorities, on appointment of an appropriate hearings panel to sit alongside the independent commissioner.</p> <p>(b) The panel must comprise of at least one commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū.</p>	
17	<p>New section 34B inserted (Consent authority may fix fee payable to hearings commissioner)</p>	<p>Section 34B is potentially problematic in that setting of fees makes it difficult for the council to cost recover if actual fees are higher than anticipated. This may result in fees being set too high, and the applicant paying more than they would if the charge was set on a cost recovery basis. Alternatively, if the charge is set too low, this means the general ratepayer will be funding the charges for the activity, which is unfair. Set on a cost recovery basis</p>	Delete provision
18	<p>Section 35 amended (Duty to gather information, monitor, and keep records)</p>	<p>The amended section is based on customer satisfaction. This is difficult to gauge as many members of the public are resentful that consent is required regardless of the service they receive</p>	Delete provision
19	<p>Section 35A amended (Duty to keep records about iwi and hapu)</p>	Support	Retain
20	<p>Section 36 amended (Administrative charges)</p>	<p>Support in part (2)</p> <p>Oppose (4) as is potentially problematic in that setting of fees makes it difficult for the council to cost recover if actual fees are higher than anticipated. This may result in fees being set too high, and the applicant paying more than they would if the charge was set on a cost recovery basis. Alternatively, if the charge is set too low, this means the</p>	<p>Retain subsection (2)</p> <p>Delete subsection (4)</p>

Section	Comment	Outcome Sought
21	New sections 36AAA and 36AAB inserted	general ratepayer will be funding the charges for the activity, which is unfair.
21	New sections 36AAA and 36AAB inserted	Oppose as is potentially problematic in that setting of fees makes it difficult for the council to cost recover if actual fees are higher than anticipated. This may result in fees being set too high, and the applicant paying more than they would if the charge was set on a cost recovery basis. Alternatively, if the charge is set too low, this means the general ratepayer will be funding the charges for the activity, which is unfair.
25	Section 43 amended (Regulations prescribing national environmental standards)	Support
26	Section 43A amended (Contents of national environmental standards)	Support Allows for charging of functions
27	Section 43B amended (Relationship between national environmental standards and rules or consents)	Support gives clarity to the hierarchy of rules
28	Section 44 amended (Restriction on power to make national environmental standards)	Support gives clarity to the provision
29	New section 45A	Oppose the new section is not conducive to Communities meeting their own specific
		Delete

	Section	Comment	Outcome Sought
	inserted (Contents of national policy statements)	needs. National Policy Statements should outline direction and guidance, which are then assimilated into rules at a Community level. The changes to allow methods or requirements is opposed. This section is contrary to the Purpose and Principles of the Resource Management Act.	
30	Section 46A amended (Minister chooses process)	Support gives clarity to the provision	Retain
31	Section 48 amended (Public notification of proposed national policy statement and inquiry)	Oppose the ability of National direction to be able to be given to local Communities. This section is contrary to the Purpose and Principles of the Resource Management Act.	Delete
58B-J	National planning template – Purpose, contents, preparation, Approval, publication, amending,	National Planning National Planning Template provisions are opposed. This idea was originally mooted to give consistency in plans. National Planning Templates should not be used to override local community planning. This is contrary to the Purpose and Principles of the Resource Management Act but also does not sit alongside the proposed subpart 4 which allows for localised collaborative planning. The Act outlines local communities should make decisions, but this will be impossible if national direction is already set through this provision. National Planning Template provisions are opposed. The mechanisms will not enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The mechanisms suggest a national directive, to enable national planning. Often those requiring certainty within planning documents are not those that live within the Community, therefore it is more unfair that the burden to amend the District Plan is imposed on the ratepayer. Most members of the local community are happy to come into the Council and have an officer direct them on Resource Management requirements. The burden is particularly onerous given the	Remove reference to National Planning Template

Section	Comment	Outcome Sought	
	timeframes to amend and publish documents to provide for national Planning Templates. This is simply a burden that small local Communities should not have to pay for.		
58H	Local authority recognition of national planning template	The provisions around the local authority recognition of the national planning template are opposed. The provisions are very onerous for local authorities as the cost of amending District Plans can be high. The cost creates a burden on the local community as the cost is passed onto the ratepayer, as there is no other way to fund amending District Plans. Additional cost burdens are strictly opposed as the whole idea of a national planning template is to create certainty for users of a District Plan. Often those requiring certainty are not those that live within the Community, therefore it is more unfair that the burden to amend the District Plan is imposed on the ratepayer.	Remove reference to National Planning Template
58I	First national planning template to be made within 2 years and template to be kept in force at all times	National Planning Templates to be made within 2 years is opposed. This creates more burden on the local authority and the ratepayers within the local authority area as Plans must be available within 1 years of the template coming into force	Remove reference to National Planning Template
58J	Obligation to publish planning documents	This provision is especially opposed. Those requiring certainty within Planning Documents are not those that live within the Community, therefore it is more unfair that the burden to amend the District Plan is imposed on the ratepayer. The burden is particularly onerous given the timeframes to amend and publish documents to provide for national Planning Templates. This is simply a burden that small local Communities should not have to pay for.	Remove reference to National Planning Template
58K	Purpose of iwi participation arrangements	These provisions are supported in entirety	Retain
58N	Time frame for concluding iwi	Concluding is not the right term in this context. Should it be implementing the arrangement?	Amend

	Section	Comment	Outcome Sought
	participation arrangement		
41	Section 65 amended (Preparation and change of other regional plans)	Support change to provisions to address natural hazard risk	Retain
51	Section 80 amended (Combined regional and district documents)	This provisions are supported as provide clarity to preparation of documents. However, requirements may already be implicit within the Act	Retain
52	New subparts 4 and 5 of Part 5 and new subpart 6 heading in Part 5 inserted	It is unclear how these provisions will affect Community input into Plan preparation. There are no clear criteria for Ministerial decisions to assess effects on Communities or other aspects of the environment. It would appear more work is required to ensure the provisions do not undermine the purpose of the Act	Delete
62	Section 104 amended (Consideration of applications)	The change to Section 104 for to allow for environmental offset seems premature and ill conceived. The provision does not fully explore the concept of environmental offsetting, nor does it consider when effects are so detrimental to the environment that environmental offsetting is not appropriate.	Delete
105	New sections 360D and 360E inserted	Opposed - This is contrary to the Purpose and Principles of the Resource Management Act but also does not sit alongside the proposed subpart 4 which allows for localised collaborative planning. The Act outlines local communities should make decisions, but this will be impossible if national direction is already set through this provision. The restriction on rules will not enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety.	
122	New sections 87BA and 87BB inserted	Changes to Section 87BA and Section 87BB take away the ability of the consent authority to assess adverse effects of an activity.	Delete provisions
133	Section 106 amended (Consent	Support	Retain

Section	Comment	Outcome Sought
authority may refuse subdivision consent in certain circumstances)	<p>Collaboration has been used in Kaikoura to achieve a balance across all sectors of environment users. This balance was reached after many years of discussions, education and research. Collaboration should be based on sound research, education and meaningful input from all stakeholders to ensure people and communities can provide for their wellbeing. The provisions suggest driven collaboration to achieve a set end point.</p>	
<p>Schedule 1 Amendments to Schedule 1 of Resource Management Act 1991</p>		

Submission on Marine Protected Areas Consultation Document

Purpose

The purpose of this report is to outline Council's submission to the Marine Protected Areas Consultation Document. The Government is seeking feedback on its proposed changes to the way we provide for and manage marine protected areas in New Zealand.

Background

The Government is seeking feedback on a Consultation Document discussing the way the marine environment is protected and managed. Given the involvement of Council in the Te Korowai forum and the impact the marine and coastal environment on Kaikoura's economy, the consultation document was read and the submission was prepared.

Current Situation

The Kaikoura Community formed a group to address issues in the Kaikoura Coastal Environment, this group is called Te Korowai o Te Tai o Marokura/Kaikoura Marine Guardians. In August 2014, Kaikōura (Te Tai o Marokura) Marine Management Act 2014 received royal assent. This legislation gave effect to the Kaikoura Marine Strategy. The purpose of the Act is to:

- (a) *Recognise the local, national, and international importance of the coast and sea around Kaikōura (Te Tai o Marokura) as a consequence of its unique coastal and marine environment and distinctive biological diversity and cultural heritage:*
- (b) *Provide measures to assist the preservation, protection, and sustainable and integrated management of the coastal and marine environment and biological diversity of Te Tai o Marokura:*
- (c) *Acknowledge the importance of kaitiakitanga and local leadership:*
- (d) *Establish an advisory committee to provide advice regarding biosecurity, conservation, and fisheries matters within a marine management area:*
- (e) *Establish, within Te Tai o Marokura,—*
 - (i) *a marine reserve:*
 - (ii) *a whale sanctuary:*
 - (iii) *a New Zealand fur seal sanctuary:*
 - (iv) *various mātaimai reserves and taiāpure-local fisheries:*
- (f) *Amend the Fisheries (Amateur Fishing) Regulations 2013 to provide specific regulation of amateur fishing in the marine management area.*

It is not clear through the consultation document how the purpose of the Act will be upheld. The submission was prepared on the basis of retaining Kaikoura's special marine environment and the work the Community has done towards this.

The submission was due to the Ministry on Friday 11 March. The submission was lodged before this date. Given this meeting is after the date submissions close, the Committee can endorse the submission and it will remain with the Ministry.

Recommendation:

It is recommended, that Council;

- 1. Receive the report***
- 2. Endorse the submission which was lodged with the Ministry for the Environment.***

Prepared by	Rachel Vaughan, District Planner
Authorised by	Angela Oosthuizen, Chief Executive Officer

A New Marine Protected Areas Act

SUBMISSION FORM

Contact information

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Submitter type
Local government

Please select an overall stance*

Support in part

Section 2: The need for a new approach to marine protection

1. Do you agree there is a need for reform of New Zealand's approach to marine protection?

Yes

Kaikoura District is the smallest local authority in Mainland New Zealand. The Kaikoura District spans from the Haumuri Bluffs in the south to the Kekerengu valley in the north, covering 2,048 square kilometres of diverse landscape. Kaikoura District is located between the Pacific Ocean and the Inland Kaikoura Range. The Kaikoura District has wonderful environmental diversity and which ranges from sea level to snow capped mountain of 2,885 metres. The spectacular coastline provides excellent fishing, sporting and recreation for Kaikoura's residents and visitors.

The Kaikoura Canyon, at around 1,300 metres deep, provides the natural habitat for the sperm whale, and is also host to over 200 species of marine life. The Kaikoura coastline also experiences a large number of migratory and visiting whale and dolphin species close to shore. The regular visitors include Southern Right Whale, Orca, Humpback, Sperm Whale and Dusky and Hector Dolphin Species.

Historically the District has thrived in the fishing, farming and forestry industries. Today Kaikoura is a world-class tourism destination, yet still maintains its fishing and farming heritage. The District boasts award-winning restaurants, cafés and accommodation facilities, wineries and modern small boat facilities.

Kaikoura's vision is to display responsible custodianship of its unique natural, social, cultural and built environmental resources, by ensuring the sustainable utilisation and management of these resources.

To strategically progress toward sustainability, members of the Community need a shared understanding of what sustainability is, and a compass to frame and guide decision-making and planning. In 2000, the Kaikoura District Council adopted the principles of Agenda 21, to guide its progress toward sustainability. This meant gaining an awareness of sustainability, and gaining a deeper understanding to plan toward a sustainable society. The commitment covers all aspects of

sustainability, where the ultimate goals are social and environmental sustainability, and a vibrant economy is the means to ensure that we achieve these goals. As we strive toward social and environmental sustainability and a healthy economy in the long-term, we recognize that there will be short-term tradeoffs along the way. These tradeoffs must also be managed to ensure that critical aspects are not compromised.

Kaikoura District Council works closely with the Te Runanga o Kaikoura on a shared governance model. The Kaikoura Community formed a group to address issues in the Kaikoura Coastal Environment, this group is called Te Korowai o Te Tai o Marokura/Kaikoura Marine Guardians. In August 2014, Kaikōura (Te Tai o Marokura) Marine Management Act 2014 received royal assent. This legislation gave effect to the Kaikoura Marine Strategy.

Given that Kaikoura had a need for special legislation to recognise the range of mechanisms that would meet the needs of the Kaikoura Community, there may be a need for reform of New Zealand's approach to marine protection. Kaikoura's approach to marine management has been one of collaboration. The collaboration was to achieve a balance across all sectors of marine environment users. This balance was reached after many years of discussions, education and research. No information is given in the discussion document about the measures used to consider an appropriate balance between the competing aspects in the marine environment across the whole of New Zealand. There is simply not enough background information in the document to ascertain if a reform is necessary. The scope for protecting an area certainly should be extended from the single purpose of scientific study, however not enough is known around the other mechanisms proposed including how a balance with economic activity will be reached.

The document states that the Government wants New Zealand's marine management system to achieve an appropriate balance. Also, that the Government believes this balance is achieved when important representative ecosystems are identified and protected, and the sustainable management of our resources for recreational, cultural or economic benefits is facilitated and optimised. However, a footnote states that New Zealand has committed to establishing a representative network of marine protected areas. There is a difference in quantifying establishment of a representative network of marine protected areas and protecting our marine environment. If the premise for the reform is simply providing for a representative network of marine protected areas, it is not considered that additional background information is required to fully inform a reform.

2. Are there any significant issues that haven't been identified?

The internationally significant marine ecosystems around New Zealand, and the whales and other wildlife that depend on this habitat and resources, are of crucial importance to the Kaikōura community, as is reflected in the Kaikōura Marine Strategy. These ecosystems are particularly vulnerable to impacts from activities in adjacent areas. Sound and vibration are impacts that require consideration, and are an effect of economic activities, including shipping and ecotourism. Activities in areas adjacent to protected areas should be recognised and addressed in the legislation.

The environmental impact of realising any economic opportunities should be researched and identified. This should include the environmental impact on the existing protected areas and wider ocean environment. Impacts on coastal communities should also be considered, and the ability of those communities to provide for their wellbeing. Some of the impacts from economic opportunities may have long term or irreversible effects on the social, environmental and economic wellbeing of New Zealand. These impacts need to be considered across notional ocean boundaries, as well as in existing protected areas. The effect of development of some areas may have wide reaching effects which cannot be managed through boundaries. The cross boundary effects and risks of certain activities should be considered.

New Zealand has a large range of migratory species; spatial allocation does not always consider the effects on migratory marine species. Effects on migratory species should also be considered.

3. Are there any parts of the existing approach to marine protection that should be retained?

Why?

Preservation of marine reserve areas is set out in Section 3 of the current Marine Reserves Act 1971. The intention of Section 3 should be retained in any new legislation to allow for the full protection of appropriate areas of the marine environment.

A suggested amendment to Section 3 of the Marine Reserves Act 1971 for retention in the new Bill is outlined below:

(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the purposes of:

- a. scientific study of marine life, or
- b. to recognise the local, national, and international importance of the coast and sea, or
- c. to assist in the preservation, protection, and sustainable and integrated management of the coastal and marine environment and biological diversity, or
- d. ongoing education of future generations, or
- e. protection of unique fishery, habitat, physical or biological system or ecosystem, or
- f. the preservation of migratory paths, habitats or ecosystems, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.

Section 3: The proposal: a new approach to marine protection

4. Do you support the outlined objectives of the new MPA Act?

Support in part is given for the objectives.

The first objective does not embrace a holistic approach to sustainable management of the marine environment. A representative and adaptable network of marine protected areas will not ultimately protect or define what makes New Zealand unique, nor will it create a holistic sustainable approach to managing our oceans.

Objective 4 is supported as collaboration, research and education is the key to making informed decisions about the environment. It is unclear from the documentation how these objectives will be incorporated into the Act. No legislative background or impact document has been provided and this makes it difficult to make meaningful comment. Objectives are not usually incorporated into legislation once enacted.

5. Are there additional objectives that should be included in marine protection reform?

Recognition of the internationally significant marine ecosystems around New Zealand, and the contribution these ecosystems make to whales and other wildlife that depend on this habitat and resources. These ecosystems are of crucial importance internationally and nationally to our society. The unique solutions developed for Fiordland and Kaikoura should be supported to recognise the input and contribution of the local community. The solutions should be protected and enhanced rather than undermined by the new legislation.

A new objective is suggested:

Decisions on the marine environment are based on sound research, education and meaningful collaboration from all stakeholders to ensure people and communities can provide for their wellbeing.

Existing collaborative solutions on management of the marine environment that have been developed should be supported and protected.

6. Are the four categories proposed for marine protection an appropriate way to achieve a representative and adaptable network of marine protected areas (objectives 1, 2, 5 and 6)?

The four categories could be an appropriate way to achieve protection. However, representative is not a holistic approach to managing our marine environment. A representative and adaptable network of marine protected areas will not ultimately protect or define what makes New Zealand unique, nor will it create a sustainable approach to managing our oceans. If you consider a parallel to New Zealand's national park network on land, the marine environment needs holistic, proper and real protection of unique species and ecosystem and interactions between areas. Not just identification of tracts of particular species, but representation of what is uniquely New Zealand. The options outlined in the act do not allow for customary management, local management or temporary closures. The Act does not anticipate local management, nor does it anticipate the impact from future economic interests in an area.

If the options outlined in table 1 in the consultation document were applied in an area of interest to you, what impact would that have on your existing or future activities?

The options should include sound research, background and collaboration. Different solutions may exist for different areas. All decisions should take account of local communities and how they interact with the Marine Environment.

Does the approach take account of the way the fishing sector operates?

The fishing sector operates in different ways throughout the New Zealand marine environment. The different operation reflects the different environments and ecosystems throughout New Zealand. Assessing each site, research and gathering background information about the area and the Community that use the area is the only way to make supported sustainable and meaningful decisions.

Does the approach take account of the way the oil, gas and minerals sector operates?

The oil, gas and minerals sector is like any other interest. There are different environments throughout New Zealand and how these impact local communities and current users should be identified. No new activities in the marine environment should prevent people and Communities from providing for their needs. The only way to assess meaningful interaction of different sectors is to research and gather information on the particular marine environment. The presence of resources does not necessarily make it appropriate to use an area. All aspects of the use should be considered and weighted against negative impacts.

Are there other economic interests that haven't been covered?

The economic interests that haven't been covered are the impact that the proposed changes have on local communities. Marine management at a national level can impact local fisherman and the contribution this has to local communities. All aspects of marine management look to have been assessed on a larger scale. The Te Korowai process for Kaikoura has illustrated the importance of local management, and the negative impact large scale corporations can have on local communities. For example, factory fishing and trawling have impacts on the sea bed, fish migration, recruitment and breeding. This in turn impacts the local fishery, which can impact small local operators. In addition, the activity can have negative impacts on the local recreational fishery, which may contribute to the local economic climate.

Is the new MPA Act likely to have the intended effect that decisions about environmental protection and economic growth are made in a planned and integrated way (objective 2)?

It is very difficult to assess the effect of the MPA Act without seeing the content of the bill. From initial reading, the proposal does promote best practice in marine management. However, it is important that implementation considers that local collaboration works best when:

- it is driven by runanga and the local community,
- adequate time is afforded to the process,
- there is no overriding economic agenda,
- it provides for the ability of the local community to provide for the needs,
- national economic goals are considered secondary to the needs of the local community and the natural environment,
- interaction of different marine environments are considered.

Section 4: How it will work: a new process for establishing marine protected areas

12. What do you think would be the best process for initiating MPA proposals in areas where multiple categories of protection may be needed?

Involvement of the local community in collaborative processes is the best method for initiating proposals. This will involve a long term approach to gathering background information, research and uses prior to making any decisions on management approaches in certain areas. These processes cannot be rushed and should not be undermined by other sectors that seek a rapid outcome.

13. Are the proposed marine protected areas decision-making processes (collaborative process and board of inquiry process) the best way of achieving our objectives (2, 3, 4 and 5)?

Collaborative planning should be in an informed, non-confrontational environment. All stakeholders should be involved and comfortable with the process.

14. What are the advantages and disadvantages of having two different decision-making processes? Is one of the processes preferable to the other, or are there alternative decision-making processes that would better achieve the desired outcomes (objectives 2, 4 and 5)?

See above.

Do you agree with the proposed review arrangements?

Agree in part. Planning and review should link closely to sound collaborative process, which includes the following:

- it is driven by runanga and the local community,
- adequate time is afforded to the process,
- there is no overriding economic agenda,
- it provides for the ability of the local community to provide for the needs,
- national economic goals are considered secondary to the needs of the local community and the natural environment,
- interaction of different marine environments are considered.

If new information or interests arise, time should be taken to explore the background and effects of that use and to inform existing stakeholders. The needs of the local communities and existing users should be considered.

Are there any additional approaches that should be considered for reviewing MPAs?

See above.

Are the proposed decision-making processes sufficient to ensure customary interests, rights and values are appropriately taken into account, Treaty of Waitangi principles are met, and decisions are consistent with the Crown's historical Treaty settlement obligations (objectives 3 and 4)?

It is unclear from the document how these will be implemented within the Bill.

Section 6: Implementation

Do you agree with the proposed arrangements for transitioning existing MPAs?

Concern is held for the integrity of the process that occurred in Kaikoura. Kaikōura (Te Tai o Marokura) Marine Management Act 2014 was implementation of years of work, collaboration and understanding for the Kaikoura Community.

What would be required to ensure the integrity of current protected areas is maintained while achieving the objectives of the new MPA Act (section 3.1)?

Support for real and meaningful collaborative processes, including allow adequate time for research and understanding.

Are the proposed approaches sufficient to ensure communities are involved in managing MPAs? Are there alternative approaches that would better ensure community involvement in managing MPAs?

It is unclear from the document how involvement of Communities will occur in reality.

Do you agree with managing commercial tourism activities in MPAs in a similar way to how they are managed on public conservation land?

Commercial tourism has an effect on species and environments. The activities need to be assessed holistically.