



Enfocus

Oceans Management at the Local Level

Research Report for the Oceans Policy
Secretariat

May 2003

Document reference: C:\Enfocus\Enfocus Project Files\Oceans Policy\Local Government Research\Final Draft of Oceans and LG Report with OS comments.doc

Date of this version: 29/05/2003 5:19 p.m.

Report status: Final, incorporating client comments

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Executive Summary

This report presents the results of a survey of 13 local authorities and 3 Department of Conservation conservancies. The research aimed to identify the issues facing local government and others at the sub-national level in managing the oceans under existing legislative and policy frameworks. Specifically, it sought to explore experiences of management agencies in dealing with key issues and through that exploration identify barriers to, and success factors for, effective oceans management. It was hoped that this research would assist central government agencies to design an oceans policy that best meets the needs of those operating at the sub-national level. The main findings are as follows:

Strategic Issues

- There does not appear to be a strong strategic focus on “oceans” at the sub national level. By and large, local authorities, and key players within those organisations, seem focused and fully occupied on the exercise of their specific, individual functions with integration hampered by the perennial difficulties of achieving alignment across and within organisations.
- Some mechanisms exist to improve intra-organisation integration and to promote inter-organisation alignment and co-ordination but there is little evidence that these mechanisms are employed aggressively in the case of oceans management. This may be a reflection of oceans issues seldom rating as *high* priority by local authorities interviewed. In general, relationships with relevant central agencies are not strong.
- The general lack of a strategic focus might also be reflected by the fact that there was little consistency in the way respondents identified key issues. This might be partly explained by regional variation in environmental conditions and pressures. However, it seems likely that the results also indicated that the identification of issues was highly personal reflecting experiences and functional purpose of individual respondents and their organisations rather than any strategic analysis.
- The issues most commonly identified by local government were coastal water quality (as affected by land based discharges) and coastal erosion. The issues identified by conservancies included threats to marine mammals and human harvest of species/populations. As noted above, the response seemed to suggest respondents viewed issues through the lens of their own responsibility.
- It might also be relevant that respondents foresaw the Local Government Act 2003 as having little or no effect on the future of oceans management at the local level.

Tools and processes

- The main methods identified by local authorities were either regulatory methods (plans and consents) under the Resource Management Act (RMA) or infrastructural strategies and subsequent provision (e.g. sewerage and storm water schemes) in the case of territorial authorities.
- Mention was also made of other tools such as funding schemes and support for community-based groups but in most cases these appeared to be of clear secondary importance and often generic in nature rather than focused specifically on oceans matters. Some exceptions to this trend were apparent – most notably in Southland. The conservancies noted, in particular, advocacy work and involvement in statutory processes.

Other barriers

- The questionnaire was designed in anticipation that there may well be barriers to be identified in, for example, an absence of political will or understanding; or particular legal impediments highlighted by case law. However, such anticipated barriers were seldom born out by the survey results. Instead, the effectiveness of local government's *environmental* performance seemed limited firstly, by the strategic limitations discussed above; and secondly, by the inherent and fundamental problem of providing for use *and* development in an environment where the accommodation of one objective inevitably comes at the expense of the other¹. This was particularly acute in areas of strong growth and was attributable to:
 - The inability (both technically and politically) to fully avoid, remedy or mitigate effects of activities and the consequences of this when those effects accumulate in the environment; and/or
 - Historical problems associated with decisions and actions taken decades ago.

Some of the problems (particularly sedimentation and storm water quality) are clearly pervasive and largely intractable. Importantly those managing these issues considered they were effective but still noted that the environment would be worse in 20 years. This rather suggests that effectiveness can, and perhaps needs to be, defined in many ways.

- The issue of what being “effective” means is at the core of much of this analysis. One of the barriers to effective implementation is not knowing

¹ This conundrum seemed to be seen as more intense in the marine environment than it is on land perhaps because the terrestrial environment is already highly (and visibly) modified by comparison, opportunities for mitigation more limited and because of the “public” nature of oceans

what a “good” decision would be. This has two dimensions. First, it involves knowing how much the environment should be protected and how much it should “yield” to accommodate other interests. Second, it involves deciding which competing use should be favoured. Competing uses, making trade-offs and establishing the “right balance” in a consistent and transparent way were matters that appeared to be taxing practitioners more than any others. Clearly many practitioners are struggling to apply the RMA’s formula in the marine context.

- Despite the inherent difficulties and uncertainties outlined above, most respondents supported the RMA framework and, aside perhaps from supporting greater integration with other statutes, saw little justification for substantial change. While most supported and valued coastal plans many referred to the ponderous nature of the process and (implicitly) questioned how suited the mechanism was for adaptive management. A number of specific methods employed at the regional level seemed designed, at least in part, to circumvent the lengthy and litigious RMA processes.
- While most respondents had little difficulty in identifying a range of environmental issues, they generally had a less instinctive understanding of economic and social issues. This seemed linked to their experience of working under the RMA where they have perhaps been encouraged to focus on environmental (i.e. bio-physical) outcomes.
- Responses on the effectiveness of the New Zealand Coastal Policy Statement (NZCPS) showed that most were ambivalent about the mechanism. Very few took an extreme view of its effectiveness either positively or negatively. Most believed its effectiveness was limited by its generality (in some places). It was in this context, that several questioned the value of the restricted coastal activity mechanism and of the Department of Conservation’s (DoC) regulatory role in the coast more generally.

Implications for the Oceans Policy

- As indicated above, in most cases respondents believed that existing instruments and practices under the RMA were sound and were improving. (However, some certainly noted issues with the interface of the RMA with other statutes and the management regimes overseen by other (central) agencies.) There was much uncertainty about respective roles and responsibilities under the Biosecurity Act. The regime aside, no problems were highlighted with other statutory functions.
- Drawing threads from different parts of this report it is possible to say that an oceans policy could add value if it could:
 - Encourage sub national players to place greater priority on oceans issues and develop internal mechanisms to concentrate and co-ordinate effort across respective organisations.

- Provide a framework for functionaries under relevant statutes to collaborate on responses to issues and adhere to similar decision-making principles.
 - Provide guidance on measures of acceptable performance and the means of reconciling competing interests.
 - Clarify roles of agencies and linkages between agencies (particularly in respect of the Biosecurity Act).
- When asked directly, respondents themselves (perhaps understandably) had no clear idea of what an oceans policy might do or how it might take effect. However many did note that it needed to:
- strengthen integration between the exercise of various functions;
 - ensure terrestrial and oceans environments are treated more consistently; and
 - provide guidance around expected outcomes.
- There was a strong message from some that it should not:
- impose nation-wide solutions even if issues are of national importance;
 - Require reworking of regional coastal plans; or
 - Reduce the flexibility and “localness” of coastal management.

1 Introduction

1.1 Purpose of the Report

This report records the findings of research carried out in relation to the management of the oceans at the sub-national level.

The research was commissioned by the Oceans Secretariat to identify oceans management issues and problems relevant to work carried out by local government and the Department of Conservation (DoC) conservancy staff.

The purpose of the report is:

- To obtain an overview of:
 - the management functions of agencies involved in coastal and marine issues at the regional and district levels.
 - the key coastal and marine issues confronting practitioners at the regional and district levels
 - the tools and processes that are being used to address coastal and marine issues at the regional and local levels
- To gain a better understanding of the barriers to more effective responses to identified coastal and marine issues.
- To gather hard information about how particular issues are manifesting themselves and how existing responses are or are not achieving results (including specific case studies).
- To obtain advice from practitioners (working on issues relevant to oceans policy development) on how the Oceans Policy might promote better practices and outcomes for the future.

1.2 Background

This report was commissioned as a contribution to the development of an oceans policy for New Zealand (“the Oceans Policy”). The Oceans Policy aims to promote *sustainable development* of the oceans by ensuring management decisions balance a range of values including economic, social, cultural and environmental values.

In doing so the Oceans Policy will address three key problems with the physical reality of the marine environment:

- Inability to manage the marine environment in a way that is consistent with the physical reality of the marine environment
- Conflict between activity-specific management regimes



- Gaps in the management regimes – activities for which there is no management regime.

To date the development of the Oceans Policy has involved establishing a *vision* for the oceans (stage 1); a review of existing policies and statutes², and identification of desired outcomes and issues to be resolved in order to achieve the desired outcomes³ (stage 2).

Considerable consultation and analysis has been undertaken during stage 2 of the policy process to sharpen the focus on the key issues to be addressed by the Oceans Policy. This research complements that work.

Landward of 12nm off shore, many “oceans” management functions are conducted by local authorities operating (in particular) under the Resource Management Act, the Local Government Act and the Maritime Transport Act⁴. Thus, this research focuses on the management actions and attitudes of *local government*. The Department of Conservation has a role in RMA processes and in other regulatory, policy and operational matters at the sub-national (conservancy) level and is included in the research for that reason.

1.3 Research Methodology

Fifteen organisations (“the respondents”) took part in a survey during March and April 2003. These included 3 Department of Conservation conservancies, 5 regional councils, 6 territorial councils, 1 unitary authority (see Appendix 1 for details).

The respondents were selected in close consultation with the Oceans Policy Secretariat. They represent (a) a wide geographic spread, (b) range of different oceans/coastal environments; (c) and variety in terms of low and high development/use pressure; and (d) and range in terms of council size, resources and capacity. The individuals interviewed were all persons experienced in dealing with coastal and marine issues at the local or regional level.

Face to face interviews were undertaken with representatives of 13 of these organisations. Two others contributed by completing written questionnaires.

Where face to face interviews were conducted, the respondents were sent a written questionnaire (see Appendix 4) in advance to help them prepare for the interview. The questionnaire was peer reviewed in advance by Nicola Shorten, Greater Wellington and Jane Johnston, Local Government New Zealand.

² See “Oceans Policy Stocktake”, November 2002, Enfocus Ltd et al.

³ See Stage two working documents: Papers 1-11 published by the Oceans Policy Secretariat at <http://www.oceans.govt.nz/resources/stg2Doc.html>

⁴ Central government agencies also have role in maritime transport (MSA); in Biosecurity (DoC and MFish); in marine mammals and marine reserves (DoC); and in Fisheries management (MFish and others).

Respondents were asked to answer the questionnaire based on their own technical and political understanding of the issues. They were also invited to involve others if they considered that necessary to fully answer the questionnaire.

The same interviewer undertook all interviews. Comments were noted by hand on interview sheets. Interviews were also recorded on audio-tape and later reviewed to fill out written notes.

Comments and responses were given on the understanding that they would not be attributable to particular individuals or organisations. Several respondents did, however, advise that they were happy to be identified and this report does so where identification assists the reader to better understand the points made.

Because of the small size of the survey sample results are not provided as percentages⁵.

2 General Comments

2.1 A word on terminology

The terms “oceans policy” or “oceans management” are not ones that have any resonance at local authority level. The ocean is not something that most local authority practitioners would recognise within their sphere of control. Local authorities are dominated by RMA functions and RMA terminology and hence the terms “the coast” or “the coastal marine area” are most familiar.

To recognise that familiarity but to encourage respondents to think outside RMA coastal issues the survey employed the term “coastal *and* marine” in referring to responsibilities, issues and responses. That terminology is used in this report.

Before proceeding, it is worth noting that clarification of terminology was raised by several respondents. Most made clear that their interest in oceans was limited to the land water interface and near shore zone. This interest was apparent in the answers and underpins some of the general findings that follow.

2.2 Nature of respondents

The names of respondents and individual interviewees are provided in Appendix 1. The position that these individuals hold within the organisations varies depending on the organisation. As a rule, the smaller the organisation the more senior the respondent interviewed was within the organisation. In all cases the interview(s) included the individual tasked, within their organisation, of providing *policy* advice on coastal issues under the RMA.

⁵ The size of the survey may appear limited and thus the results might be considered in a “scientific” sense to have a significant margin of error. However, the author’s opinion (based on previous experience and experience with the 13 interviews), is that a larger number of interviews of people in similar positions would not have yielded significantly different results from those reported in this report.

All of the regional council and DoC interviewees included the designated senior (or sole) coastal planner. In some cases the relevant manager or director within the regional council was also present. At the Auckland Regional Council several technical specialists were involved in the interview. That was, however, the exception. In no case were councils' biosecurity experts present, nor in any case were any harbour masters interviewed. In only one case was a regional on-site commander (ROSC) with responsibility for oil spill recovery present at an interview.

Interviewees from territorial authorities tended to be drawn from a variety of levels within their organisations. In smaller authorities they tended to be the district planning managers. In larger organisations they were senior policy planners/analysts with particular responsibility for coastal issues.

2.3 Lack of a strategic approach to oceans management

The above background is provided to help explain, and perhaps qualify one of the most pervasive findings of this research. It is a finding not necessarily drawn from the answers to the formal questions but from the way in which, and the limits to which, respondents were able to answer the questions.

In summary, that finding is simply that there is a very obvious gap at the sub national governance levels of a *strategic* approach to, or understanding of, oceans issues. By that I mean that nothing in this research indicated that there exists a collective local response based on holistic and collaborative thinking about the oceans and the impacts and pressures on them. Knowledge about oceans issues and management seems specific to particular functions or areas of responsibility with little evidence of capacity built on cross-organisational or inter-organisational information sharing and co-ordination.

2.3.1 Intra-organisation issues

Many times the interviewer received the reply that "you would need to ask so and so". This meant that to fully and accurately answer the questionnaire the interviewer would have needed to involve many individuals within each organisation. It should be hastily added that this problem is a common organisational phenomenon and certainly not specific to oceans. Organisations tend to be structured according to roles (policy, regulatory, operations etc) and/or according to specific legislative mandate (RMA, Biosecurity, Maritime Transport etc). These structures no doubt have their strengths but they do not appear conducive to co-ordinated cross organisational response to issues requiring multiple and integrated responses.

Interestingly, but perhaps not surprisingly the most "strategic" answers (i.e. answers that drew on knowledge from across organisations/functions) tended to come from interviewees from smaller authorities⁶. This did seem to contradict the widely held view that there exists a direct relationship between local authority

⁶ There were, however, notable exceptions to this general trend.

size and sophistication with which management issues are understood and addressed.

2.3.2 Inter-organisation issues

In some cases, respondents seemed to have difficulty seeing the connections to what others might be doing or the values others held in the oceans. There seemed to be an almost subconscious tendency not to think about issues that the organisation had no direct control over.

In most cases there seemed to be poor relationships with Government agencies having management responsibilities in the coast/oceans. No agency reported a close working relationship with the Ministry of Fisheries (MFish) and few indicated a strong working relationship with DoC.

It was not apparent that MFish and DoC had a close working relationship at the regional level.

2.3.3 General issues with strategic management

In most (but certainly not all) cases, where interviewees did not defer to someone else in the organisation, their responses indicated that they viewed the issues through the lens of their own functions or area of responsibility. But more significantly perhaps, the limited nature of many responses indicated that they had not thought about many of the questions before in a strategic sense.

Questions like “what are the *three* key issues” and “what has the organisation had done about these issues” and “how successful have you been” seemed surprisingly taxing for many. The apparent unfamiliarity of thinking at a broad level about outcomes, risks, priorities and results across the activity of the organisation was noticeable.

These observations are in no way intended as criticisms of those individuals interviewed as part of this research, or indeed others working at the sub-national level. The comments are certainly not intended to suggest that those interviewed are *incapable* of taking a strategic approach to oceans management, only that many appeared not to be doing so⁷.

Most seem focused on respective roles and were no doubt fully occupied with their particular responsibilities without having to worry about what others may or may not be doing.

It did, however, strike the interviewer as an issue of considerable import given that the sum of the parts may not produce the “whole” that is sought.

⁷ It should be noted that some interviewees clearly demonstrated a strong ability to think and act strategically

It is worth noting when considering the results of this research that for the reasons given, respondents often expressed considerable uncertainty about some of their answers.

2.4 Variation in quality of responses

Some respondents were particularly diligent in seeking input from all those in the organisation that had an interest or were involved in oceans issues. Others were less so. Thus depth of responses and the reliability of those responses (in terms of reflecting a corporate as opposed to an individual view) is variable.

2.5 Scope of Management Responsibilities at the Local Level

2.5.1 Resource Management Act

All respondents noted their responsibilities under the Resource Management Act (RMA) and most claimed they undertook policy, regulatory, funding, service delivery and operational activities in (or affecting) the coast under an RMA mandate.

These activities typically included the following:

- Development and implementation of regional policy statements, regional coastal plans, other regional plans (including, in particular, water and land plans).

For territorial authorities the policy and regulatory interest was largely restricted to coastal development (largely subdivision and “set back” yards). Regional councils’ policy/regulatory interest spanned their functions set out in section 30 of the RMA⁸, principally:

- Occupation of coastal space
 - Discharges to the coastal environment
 - Discharges that may find their way into the coastal environment
 - Natural hazards
- Provision of information and advice usually in an ad hoc manner but sometimes on a formal/regular basis as participants in community fora.
 - Establishment and operation of environmental initiative-type funds. None of the funds mentioned were aimed exclusively at coastal or marine issues but several respondents referred to funds available for *any* qualifying community

⁸ ARC advised that 22% of resource consents they issued related to coastal activities.

environmental initiative. These are typically relatively modest ranging from \$20-\$100,000 per annum⁹.

- Coastal protection works (although respondents tended to be unsure whether these were undertaken under the RMA or the LGA).

2.5.2 The Local Government Act

Respondents described their activities under the LGA as being either:

- Provision of works, such as coastal protection, infrastructure provision (particularly utilities such as sewerage and stormwater schemes) or recreational facilities (e.g. boat ramps);
- Provision of parks and reserves on the land water interface (including large regional parks in Auckland's Long Bay and Tawharanui);
- Making and enforcing of by laws for navigation and safety - originally promulgated under the Harbours Act (regional councils only);
- Making of by laws controlling use and activity down to MLWS - i.e. on beaches (territorial authorities); or
- Appointment of harbour masters and enforcement officers (regional councils only).

The Southland conservancy noted that the Department of Conservation is the territorial authority and regional council for the Sub Antarctic Islands.

2.5.3 Biosecurity Act

There seemed to be considerable uncertainty about the role of regional councils in marine biosecurity. Most regional council respondents who offered a view on this question noted that as far as they were aware the council's involvement was extremely limited with MFish and/or DoC said to have the key role.

Those who were familiar with their Regional Pest Management Strategies (RPMSs) noted that they did not deal with marine pests and took a "historical" approach to the identification of pests. This was explained as an approach that looked at pest threats to primary production rather than environmental threats.

The only marine-relevant pests identified as addressed in any way by local government were plant pests associated with estuarine areas such as *Spartina* and *Manchurian Rice Grass*.

No territorial authority respondent claimed to be aware they were doing anything oceans-relevant under the Biosecurity Act.

⁹ ARC advised that their Environmental Initiatives Fund contained \$100,000 per annum of which up to \$50,000 was allocated to coastal projects.

The Southland Conservancy noted its involvement in *Undaria* but claimed this involvement was “by default” as other agencies chose not to be involved.

2.5.4 Maritime Transport Act

Regional councils all noted their responsibilities as Tier 2 in oil spill response agencies (including the preparation of regional oil spill contingency plans) and their role in appointing ROSCs. At least one regional council also noted its responsibilities in approving Tier 1 oil spill contingency plans and as lead agency for Tier 3 responses (both under delegation from the Maritime Safety Authority).

Conservancies noted a relatively minor involvement as provider of advice (and at times operational assistance) once notified of marine oil spills¹⁰.

2.5.5 Hauraki Gulf Island Marine Park Act

Four of the respondents are participants on the Hauraki Gulf Forum. They simply described their role as “a participant” and information provider. None stated that they were doing anything substantive and some expressed a degree of scepticism about the effectiveness of the Act.

2.5.6 Marine Farming Act

The Marine Farming Act continues to authorise marine farms established prior to the RMA (pre-1991). DoC conservancies noted their continuing *concurrency* role when leases and licenses come up for renewal (and also the futility of the role as renewals are largely a formality).

At least one regional council indicated it has effectively “inherited” (by default) responsibility for leases and licenses under the Marine Farming Act. That respondent saw uncertainty in responsibility for these leases and licenses. MFish was understood not to be active in monitoring or compliance. Public expectations are such that the regional council has simply assumed responsibility.

2.5.7 Conservation Act

Obviously DoC indicated a role under the Conservation Act but noted its limited relevance due to the Act’s jurisdiction excluding the water column above the seabed.

The role under the Conservation Act is largely limited to advocacy and as a provider of limited funding.

2.5.8 Marine Reserves Act

Most local authorities described their role under the Marine Reserves Act as being an advocate (or not, as the case may be).

DoC conservancies indicated their various roles in creating reserves but also the links to other parts of the DoC management structure.

¹⁰ The Department of Conservation and a number of other agencies must be advised of oil spills under the Maritime Transport Act.

2.5.9 Others

Both (some) local authorities and conservancies pointed to the Reserves Act as authorising activity relevant to coastal management. These comments referred to the creation and management of coastal reserves and preparation of management plans such as Wellington City's South Coast Management Plan.

One regional council respondent also pointed to the Soil Conservation and Rivers Control Act as continuing to authorise works relevant to arresting coastal sedimentation.

3 Specific Findings

3.1 Oceans Management within Organisations and Organisational Responses

Question 3 asked respondents how many and which groups within their organisations had a role in coastal and marine-related functions.

All regional council respondents advised that basically all parts of the organisation had a role in coastal and marine management. These typically included regulatory services, policy groups, compliance and enforcement, information services and operational services.

Territorial authorities also reported a wide range of groups within their organisation with an interest in or potential effect on coastal and marine issues. These typically included: works departments (roading etc), property services (including parks), regulatory and policy groups and infrastructure entities (like those providing water and waste water services).

3.1.1 Internal co-ordination

Question 4 asked what mechanisms existed to co-ordinate these various groups. There was little consistency in the way question 4 was answered but responses may be loosely grouped as follows:

- *Organisational structures and processes*

These included:

- Regular meetings of senior management and the committee structure of politicians.
- The practice of assembling project teams drawn "horizontally" from across the organisation to address specific issues.
- Annual planning processes

- *Instrumental mechanisms*

These include statutory documents such as the regional policy statement, district plan or management plans.



- *Informal Arrangements*

Several of the smaller authorities in particular indicated that they were sufficiently small that problems of co-ordination (or rather un-coordination) seldom arose and that mechanisms are as informal as discussions over lunch breaks.

No examples were given of how any of these mechanisms were applied to oceans management. They tended to be suggested as theoretical ways in which co-ordination might be achieved. No respondent indicated that the mechanisms were used specifically in the coastal or marine management context.

3.1.2 External co-ordination

Question 5 asked how respondents co-ordinated their management responses with relevant external agencies. There was a wide range of responses to this question. Some respondents identified a large number of mechanisms most of which were issue-specific rather than focusing on coastal and marine management per se. Other respondents identified very few mechanisms at all.

Typically regional council respondents identified the national coastal planners group and regionally based planning forums. Some said that meetings with DoC were the only regular external liaison. Others said that they did not have regular meetings with DoC but had reasonably good informal contact through their own personal or professional networks.

Most regions noted good liaison with the territorial authorities of their regions. Auckland RC pointed to their practice of having each director “buddied” to one territorial authority. Southland RC pointed to a “shared services committee” where the regional and the territorial authorities were working to ensure services were delivered most efficiently. The same respondent pointed to a regional state of the coastal environment programme involving TAs, MSA, DoC and iwi.

Wellington City noted a memorandum of understanding with Greater Wellington to clarify responsibilities and to better allocate certain tasks. That was the only specific instrumental mechanism raised in responses. A far more typical response was that there was not enough external liaison on coastal/marine issues or that it was ad hoc and/or reliant on personal contacts.

Only one respondent claimed to have had any recent contact with MFish.

3.2 Key Issues and Responses

Question 6 of the questionnaire asked respondents to identify the three most significant coastal or marine issues facing the district/region/conservancy.

Respondents were not prompted but encouraged to think broadly about issues.



The full table of responses is provided as Appendix 3¹¹. Key findings are set out below.

3.2.1 Issues identified by territorial authorities

Four of the six territorial authorities identified coastal erosion as one of the 3 most significant issues for their district.

Five of the six territorial authorities identified water quality (including sewage and stormwater discharges) as one of the 3 key issues. This concern seemed associated with the councils' infrastructure and assets management responsibilities.

The other concern typically raised by territorial authorities related to matters of amenity. This was usually associated with coastal subdivision and/or marine farming (including the land-based operations associated with marine farms).

3.2.2 Issues identified by regional councils and unitary authorities

Four of the six regional councils interviewed identified water quality as one of the 3 key issues for their region.

Occupation (including marine farming) was identified by three regional councils and related to concerns about managing competing uses and preserving natural character. Coastal hazards/erosion was also identified by three of the regional councils with several asserting that the issue was not well dealt with by territorial authorities. Two identified sedimentation as one of the 3 most significant issues.

Most other issues identified tended to be region-specific such as the "rate and scale of urban growth" (Auckland); and "managing the carrying capacity of sensitive marine environments" (Southland referring to Fiordland).

3.2.3 Issues identified by the Department of Conservation

All three Department of Conservation conservancies surveyed approached the identification of key issues a little differently than did local authorities. Conservancies were the only respondents who identified "threats to marine mammals", and "human harvest and over use" as key issues. Two of the three conservancies interviewed also identified marine pests as a key issue. One of the three identified sedimentation.

This response does not correspond well with the local authority responses which is interesting when one considers that in all cases the conservancies interviewed covered the same (or similar) geographic areas as the local authorities interviewed.

¹¹ It should be noted that the way respondents described issues varied greatly. The table in Appendix 3 uses a number of categories but some interpretation was required to compare and collate responses.

Conservancies tended to bundle the exercise of local authority functions together as “an issue”.

3.2.4 Overview findings on key issues

There was little consistency in the issues rated as “one of the three most significant” in the responses obtained. That result is not unexpected since the significance of issues will vary around the country reflecting different physical environments and different pressures.

What may be significant is that there is no consistency in the rating of issues even within the same geographic area. Perhaps the clearest trend is that respondents’ answers were heavily influenced by the scope of their own functions. In other words, respondents’ frame of reference for thinking about issues seems to be defined by what they themselves are responsible for.

To some extent that is understandable. Respondents answered questions based on *their* knowledge which is inevitably defined by their experiences. However, it would seem to suggest that there is little *strategic* thinking about oceans issues at the sub-national level.

The extent to which the range of issues facing oceans are known and understood by those operating under specific statutory authority at the sub-national level could not be determined by answers to this question alone. However, nothing in the results indicate that the local authority respondents thought broadly about the threats to, and pressures on, oceans. Department of Conservation responses seemed to indicate a wider ranging view of the issues faced.

3.3 Technical and Political Assessments of Issues

Question 7 prompted respondents to think about ten issues that were considered likely to be manifest to some extent in all districts/regions/conservancies. They were asked to rank issues based on a “technical” assessment of actual and potential impact/risk.

The purpose of the question was threefold. First, it sought to reveal respondents’ assessment of the key significance of issues they identified (in question 6) in relation to issues they may not have recognised in answering question 6.

Second, it sought to discover what respondents believed were the issues of the future.

Third, answers would provide a basis to assess whether there is a difference between the assessments of technical staff and emphasis of politicians.

Before considering the results, it is important to note that a number of respondents noted that whether something was “high” or “low” impact depends upon what specific part of the region or district is considered. Many noted, for example, that there were “hotspots” of sedimentation or pollution but at the regional or district scale the impact was low. For the purpose of reporting,



results are recorded as if we are considering the presence of hotspots rather than an overall assessment of the region or district overall. Thus, in some cases, the results might be said to be more damning than might be considered fair and accurate by the respondents.

3.3.1 Overall trends in issue rating

Table 1 in Appendix 4 shows a wide spread in the way in which both the actual and potential impact of issues was adjudged by respondents.

It is difficult to distinguish any clear patterns or trends from the wide spread in results obtained. The spread of results indicates that issues are considered to have different levels of impact depending on where you are in the country. Such a result should be expected given the variable rates of development and use pressure experienced in New Zealand.

That said Tables 2-4 do show that many respondents recognised sedimentation and human harvest/over-use as current high impact activities.

Interestingly, public access tended to be rated as having low significance and few respondents considered that would change dramatically in the future.

3.3.2 Relationship between answers to question 6 and question 7

In most cases, respondents' answers to question 7 bore little relationship to their answers to question 6 (their 3 key issues). That is, very often in answering question 7 respondents rated some issues as high or higher than the issues they had identified in answering question 6 as the three most significant.

This would seem to suggest that respondents answered question 6 based on their own functions and area of interest (even though they were encouraged by the interviewer to think more broadly). It might also indicate that respondents needed prompting before they thought to consider issues outside their own sphere of influence.

3.3.3 Perceptions of emerging issues

There was a relatively strong level of consensus on the potential impact of issues. Most tended to interpret this question as "issues for the future".

A clear majority (9) rated *marine pests* as an issue of high potential impact. This is despite the fact that the majority currently rated the impact of marine pests as low.

Other issues to receive a "potentially high impact" rating by a clear majority include: sedimentation, loss of natural character/seascape, human harvest and point and non point source pollution.

3.4 Alignment of political interest with technical assessment

Question 8 asked respondents to rank the same issues in terms of *political* emphasis. Of the 12 local government responses, five might be considered to reflect a *high* degree of correlation between technical assessment of the impact of

issues and the political emphasis given to those issues. The remaining seven had a *reasonable* correlation between the two data sets.

No respondent registered a clear divergence between technical and political understanding and priorities. High correlation was, however, more common in the case of territorial authorities than it was with regional councils. Only one regional council registered a high correlation.

There was no strong pattern in the issues typically under-emphasised or over-emphasised by politicians (as opposed to the technical assessment). However, sedimentation was considered to be de-emphasised at the political level by three respondents (including two regional councils). Human harvest/over-use was said to be de-emphasised at the political level by some authorities and over-emphasised by others.

These results would seem to suggest that in most cases a lack of political understanding and sympathy is unlikely to be a major obstacle to resolving coastal and marine issues. The issue of sedimentation may be an exception but given the small sample size of the survey further work would be required before a firm conclusion could be drawn.

3.5 Issues not addressed

Question 10 asked how comprehensively respondent organisations addressed coastal and marine issues. Question 11 asked what issues (if any) were not addressed.

Most respondents claimed that all or most issues were addressed (by which they meant most issues that they had a mandate to address were addressed) but it was a question of degree as to how much effort they received. Some admitted some issues only got superficial attention.

Few issues were specified but those specified included:

- Biosecurity (including funding for biosecurity)
- Sea level rise
- Human harvest
- Pressure from cruise ships
- Damage to reefs
- Fisheries issues

Several noted a need to take a more terrestrial land-use planning approach that spatially zoned for use, development and protection. This was explained as contrasting with the approach historically adopted by regional councils that tended not to delimit rules enabling or restricting uses according to spatially defined areas. The proposed move to defined *Aquaculture Management Areas* was given as an example of a land use planning approach being applied to the marine context.



Few respondents specified why these issues weren't addressed but several made the point about priorities and limited time and resources. One noted that the council's regional coastal plan was not even operative and staff were still struggling with references to the Environment Court. Another respondent noted a lack of political will to act on activities perceived to be generating wealth for the region.

3.6 Effectiveness of specific initiatives

Respondents were asked to identify the methods they used to address the key issues identified and to rate the effectiveness of these methods. A wide range of initiatives was highlighted; a summary follows.

3.6.1 Territorial authority initiatives

The risk of coastal hazards (erosion) was the most commonly identified key issue of territorial authority respondents. All these respondents reported district plan rules (setback requirements and controls on further subdivision) as a principal method. Most rated these methods as "effective" but noted that they were ineffective at dealing with historical problems. One noted that they were only partially effective because set backs were routinely challenged and subsequently reduced.

Several also identified physical protection works as a method noting that this was effective (at least in the short term). One respondent also noted the taking of esplanade reserves. Another mentioned the provision of financial assistance for a coast care group. This later initiative was a joint initiative with the regional council and considered effective.

One reported the use of energy dissipation devices at storm water outlets (including retention ponds) but reported these as "not effective at all" as they tended to be designed for the average flow.

All but one territorial authority noted discharges and/or water quality as one of the key issues for the district. All the methods reported were either provision of physical works or upgrades and/or various forms of discharge or environmental monitoring.

Several were implementing or developing storm water strategies to promote on site treatment and/or separate from sewers. Most of this activity (including moves to reticulate areas currently using septic tanks) appeared to be driven by regional council requirements. But some did appear at least partially community driven. Some respondents reported extracting significant financial contributions from existing households/users to pay for upgrades. Most considered these initiatives to be effective although in some cases it was too early to say whether the strategies will achieve intended results.

Coastal development was the third most common issue raised by territorial councils. Methods identified were coastal protection zones and/or rules requiring assessment and consents of new buildings. These were generally only considered "partially effective".

3.6.2 Regional Council Initiatives

Water quality issues were the most commonly identified regional council issue.

All respondents referred to regulatory methods (rules) in coastal plans and in variously named regional plans dealing with discharges. Some such as Environment Southland's rule controlling the number of surface water activities on Doubtful Sound might be described as innovative. A number such as the ARC noted the move to catchment/systems- based consents to improve the ability to control the quality and volume of discharge. Respondents generally rated these either "partially successful" or "too early to say".

Two respondents referred to involvement with community based groups (such as landcare and streamcare groups). Environment Waikato noted its Clean Streams programme to provide assistance for the fencing of riparian areas¹². ARC mentioned the promotion of environmental management systems/cleaner production.

One of the more innovative methods identified by the survey was Environment Southland's *Cruise Ship Agreement*. This is an agreement between Cruise New Zealand and Environment Southland that seeks to enhance the environmental performance of ships visiting the region. In some cases the standard of environmental performance achieved through the agreement is higher than could be achieved through regulatory means. (For example, the discharge restrictions are more stringent than those of the national marine pollution regulations.) Under the agreement, Environment Southland also receives payment on a per ship visit basis. This revenue is used to fund a range of marine environmental projects. The incentive to be part of the agreement is provided by the regional coastal plan that provides for surface water activities by signatories of the agreement as permitted activities.

Several respondents mentioned various monitoring programmes and education. One also mentioned the Marine Pollution regulations.

Respondents generally did not rate the non regulatory methods and the general impression conveyed (in most cases) was that little was known about the extent or effectiveness of the initiatives.

3.6.3 Department of Conservation initiatives

Conservancy responses indicate that they rely heavily on advocacy and submissions on plans and policy statements. However other initiatives include:

- Partnership agreement with MFish (in relation to human harvest).
- Involvement in liaison meetings, working groups and special interest stakeholder fora (such as the Guardians of Fiordland Fisheries and Marine Environment).

¹² This will provide of \$10 million of assistance over 10 years

- Statutory roles under other legislation (e.g. the Marine Reserves Act and the Marine Mammals Protection Act).

3.7 Coastal and marine issues as an organisational priority

Question 9 asked what level of priority coastal and marine issues received within their organisations. Fourteen respondents answered this question¹³. Only one (Marlborough District Council) identified coastal and marine issues as a *high* priority for the council. Eight respondents (3 territorial authorities, 4 regional councils¹⁴ and 1 DoC conservancy) identified coastal and marine issues as a *medium* priority.

Five respondents (3 territorial authorities, 1 regional council¹⁵ and one DoC conservancy) identified coastal and marine issues as a *low* priority.

3.8 Anticipated state of coastal and marine environment

Question 40 asked what respondents thought the state of coastal and near coastal waters and ecosystems will be like in 20 years.

The full record of answers is set out in Table 1 of Appendix 4. In short, answers were relatively evenly spread across each of the three categories of response. There was no discernible difference in the attitudes of territorial authorities as opposed to regional councils but the three DoC responses were more pessimistic than the average.

In at least one instance the DoC conservancy response directly opposed the response from the relevant regional council (which considered the environment would be better).

Perhaps the one clear pattern that may be found in the response is the correlation between rates of growth and development and pessimism about the future state of the environment. This was evidenced in, for example, respondents from Auckland, Waitakere and Western Bay of Plenty and Waikato (referring specifically to pressure on the Coromandel) all suggesting the environment would be worse. Whereas, respondents from Westland, West Coast and Southland suggested the environment would be better.

It should be noted that many respondents prefaced their replies by stating their view that much depended on “the economy” or “future development pressure”. One noted that there had been some gains but these were negated by impacts of new development.

¹³ The Auckland DoC conservancy did not complete this question.

¹⁴ One regional council qualified this response by indicating that coastal and marine issues received less than 5% of the organisation’s budget.

¹⁵ This regional council indicated that it was close to being “not a priority at all”.

3.8.1 Analysis of responses on the future state of the oceans

The pattern of response and the prefacing comments both point to an interesting observation. Respondents clearly do not believe that the existing regulatory arrangements (principally the RMA) will ensure protection of the environment in the face of strong growth and development. This rather challenges that orthodox (or theoretical) view that the RMA can deliver both the pursuit of well-being *and* environmental quality.

This point was also illustrated by respondents who commented that the answer to whether the environment will be better or worse rather depends on “what environment you want”. They argued that an environment may be different but not necessarily worse – depending on what environmental attributes you value most.

The concern that the RMA cannot deliver the utopian duet of *use and protection* is confirmed by other questions.

The conundrum of providing for economic use while protecting the environment seemed to be seen as more intense in the marine environment than it is on land. The reasons for this were not explicitly researched in this survey but perhaps relate to the terrestrial environment being already highly (and visibly) modified by comparison, the opportunities for mitigation being more limited and because of the “public” nature of oceans.

The specific reasons for failing to achieve environmental betterment that may be derived from responses include:

- The inability (both technically and politically) to fully avoid, remedy or mitigate effects of activities and the consequences of this when those effects accumulate in the environment; and/or
- Historical problems associated with decisions and actions taken decades ago.

Some of the problems (particularly sedimentation and storm water quality) are perceived as pervasive and largely intractable.

Several also noted that with enough patience and deep enough pockets it is possible for resource users to achieve anything under the RMA – even where community expectations for protection are well articulated. Challenges to policies and plan provisions were said to result in, at worst, capitulation and at best compromise on behalf of local authorities.

3.9 Examples of achievements and failures

Question 30 asked respondents to provide examples of improved environmental outcomes resulting from decisions or actions of their organisations. Question 31 asked respondents to provide examples of continuing environmental problems despite the efforts of respondent authorities. These case studies are reported individually by regional respondent.

Auckland Regional Council

Positive:

The ARC reported that the drive to separate sewage and stormwater *should* improve bacterial quality of stormwater reaching the receiving waters. It was noted however that such improvement has yet to occur and will only occur over a lengthy time horizon.

Negative:

It was further noted that while the bacterial quality should improve, heavy metals (including copper, zinc and lead) will continue to accumulate in the harbour sediments and that all management efforts are doing is slowing the rate of degradation. This raised questions about whether the enormous cost of infrastructural improvements yielded a good return on investment as they might be argued to be buying only a few years of time.

Environment Waikato

Positive:

Marine farming in the Hauraki Gulf is now managed within a defined zone (Wilson's Bay). Environment Waikato has moved from generic rules to (in effect) a defined aquaculture management area, with aquaculture prohibited elsewhere. It is accepted as a blunt instrument but it has concentrated marine farms and protected other parts of the Gulf from "ribbon marine farm development".

Negative:

No example of a poor outcome could be provided.

Environment Bay of Plenty

Positive:

Environment BOP claimed good success in improving water quality in Tauranga Harbour. The Council's dairy policy of the early 1990s shifted dairy shed discharges onto land (having previously been mostly discharges to waterways). More recently, Council's emphasis has moved to improving on-site effluent systems and has targeted coastal and lakes settlements. New rules require septic tanks to be cleaned out every 3 years and inspected. If they don't pass the inspection they are required to apply for resource consent. The strategy has involved strong compliance and enforcement effort. Some dramatic results have been achieved.

Negative:

They report less success with solving sedimentation in Tauranga harbour. Considerable effort has been expended raising standards in consents and on enforcement and but there has yet to be any noticeable improvement. While it is still early (and there will always be a long lag time) it is feared that efforts might



be too late. Mangroves have colonised large areas stabilising sediment and reducing the potential to flush away sediment through natural processes. This has led to heated and polarised debate over whether mangroves should be removed. While removal has been successful in places (in terms of improved flushing of sediment), some argue that conservation values are lost.

Marlborough District Council

Positive:

The key success identified by Marlborough respondents was the reduction achieved in the effects of ship wake. This issue goes back to the landmark 1995 case involving, contemporaneously a declaration and enforcement proceedings before the Environment Court. Those proceedings confirmed the ability in law for the Council to control the vessels but found that there was no case to do so in this instance (with the ecology considered to be able to find a new “equilibrium”).

With even faster ships using the Sounds post this decision the Council introduced a by law under the Local Government Act for the purposes of maintaining (or restoring) navigation and safety. This by law was based on social impact research that found that the community had significantly altered its use of the Sounds because of concerns over safety. The by law was able to be introduced quickly by comparison to rules under the RMA; it was also subject to reduced opportunities for challenge. The by law is based on a complicated formula that seeks to control wave height at the shore that translates to a simple speed limitation. This effectively limits speed to 18 knots. (The approach has since been included in the Proposed Marlborough District Plan by way of a variation.)

Ecological survey work has been undertaken since the introduction of the by law and while it is too early to be certain of success there are certainly encouraging signs of recovery in the benthic ecology.

Negative:

The comment was made that they probably don’t know enough to say what hasn’t worked but one example of a worsening environmental issue is the collapse of the blue cod fishery in the Sounds. It was noted, of course, that this was not an issue that the Council was responsible for (although it does advocate on fisheries issues). Concern was expressed over the recreational fishers’ take – said to be ten times the commercial take.

West Coast Regional Council

Positive:

The West Coast Regional Council respondents considered it was probably too soon to claim successes. They pointed to municipal discharges consents and dairy shed consents as initiatives that they expect would lead to some improvement in some areas. But they noted that evidence is only anecdotal at this stage.

Negative:

No example of a poor outcome could be provided.

Environment Southland

Positive:

Environment Southland (ES) reported improved water quality in Half Moon Bay (Stewart Island). A date was set in the RCP for improving water quality in the Bay after monitoring indicated that quality was poor. That target date has been met. Although ES acknowledged that improvement was not a result of their actions alone, the Regional Council did take a stand that provided the impetus for the development of a community sewage scheme and improvements to the landfill.

The Cruise Ship Agreement referred to earlier in the report is also attributed with improving air quality in Fiordland. Previously ES received regular complaints about smoky discharges from ships in the fiords. The Agreement placed an obligation on ships to minimise air discharges and from all accounts this seems to have been effective. It was noted this outcome could not have been achieved through regulatory means since discharges are part of the normal operation of a ship.

Negative:

No obvious issues are known to have got worse although it was noted that a new programme of monitoring for estuaries is expected to show deterioration.

Territorial Authorities

The responses of territorial authorities are not reported individually because of the similarity of responses. Four of the six territorial respondents referred to the development of specific community sewage schemes as examples of actions leading to improved environmental outcomes. Several reported coastal erosion (and risk) as issues that may have become worse. One referred to stormwater quality.

3.10 Economic, social and cultural outcomes

Questions 44-52 asked a series of questions about economic, social and cultural outcomes. In many ways these questions proved to be the most problematic for respondents.

The respondents clearly were not used to thinking about such outcomes, at least not explicitly. This may be explained by the fact that all respondents were RMA practitioners who have seemingly been heavily influenced by a decade of advice from government agencies that their task under the RMA is to focus on bio-physical outcomes and let the social and economic matters largely look after themselves. If that has been the message of recent years it has undoubtedly been effective.

Nevertheless, some interesting results were gathered.

3.10.1 Economic Issues

All regional council respondents claimed their organisation was “very aware” of the need to provide for the sustainable use and development of the oceans.

The response from territorial authorities was more mixed with only one claiming to be very aware with others either claiming to be “peripherally aware” or “somewhat aware”.

The conservancy responses were also mixed with one claiming to be “very aware” and the other two only “peripherally aware”.

Answers to the other questions about compliance costs, business certainty and efficient allocation of ocean space and resources were heavily influenced by the respondents understanding of the questions.

Some respondents were clearly unsure of how to answer these questions and the data gathered is not considered robust. Of those who answered these questions most considered that they provided adequate opportunity for the use of the oceans, that they provided sufficient business certainty and that compliance costs imposed were reasonable. Most acknowledged that their allocation of marine space did not necessarily lead to efficient resource use (although only a small number were able to answer that question). The reason given was that oceans space is not priced.

An associated issue raised by several respondents in this context relates to the calculation of coastal occupation charges. This is one issue where coastal planners do seem to have caucused but have not been able to agree on a common approach. The debate seems to be between those who favour a rate based on lost “community value” (through some form of contingent valuation) and those who favour a rate based on adjacent land value. It was suggested that clarity around the most appropriate approach would hasten the introduction of coastal occupation charges and should (in theory) lead to more economically efficient use of space and revenue to spend on coastal programmes.

It should be noted that some respondents took the contrary view on economic impacts/consequences of their management. In particular a number admitted that business certainty was not great as most activities in the coast were discretionary. Others added (in this and other contexts) that the RMA provides no real certainty for anyone since an applicant who is persistent enough and is prepared to spend what it takes will almost inevitably achieve what they want.

Several local authority respondents suggested that DoC added little value to the regulatory process generally and specifically added unnecessary costs to the processing of RCAs. Examples were given of DoC asking regional councils what to put in submissions and who should be the Minister’s representative on hearing panels. Examples were also given of considerable delays obtaining the Minister’s

agreement to decisions and errors in the Minister's decisions subsequently resulting in compliance difficulties.

Most acknowledged the difficulties for business and the difficulties in answering the questions in an objective and informed way given limited information.

3.10.2 Social Issues

Most respondents' perceptions of social issues were associated with amenity, natural character, recreation, provision of community infrastructure (like sewerage schemes) and participation in decision-making processes.

Answers to these questions were diverse. Respondents referred to issues as diverse as dealing with four-wheel drive vehicles on the beach to subsidising community sewage schemes. There seemed to be few consistent messages to be extracted from those remarks.

3.10.3 Cultural Issues

The cultural issues identified by respondents were essentially the generic issues associated with Maori involved in the process that have been raised many times in the context of the RMA. These include:

- Kaitiakitanga and defining the iwi management role
- Mandate disputes (knowing who is tangata whenua and who has manawhenua – or mana moana)
- Difficulty of obtaining the information required to make decisions (and the timeliness of its provision)
- Particular Maori interest in water quality (and discharges), kai moana and mahinga kai
- Difficulty of reconciling spiritual beliefs and science
- Treaty claims and the inevitability of ownership issues being conflated with RMA issues. (Particularly claims over ownership of the foreshore and seabed)

Respondents reported a range of mechanisms to involve Maori and resolve their concerns. These include memoranda of understanding, appointment of liaison officers, plan requirements for consultation, Maori regional representation committees, and iwi appointments to hearings panels.

Most (but not all) reported that significant attention is placed on Maori cultural values within their organisations.

3.11 Success and improvement in RMA practice

All but 2 of the 13 local authority respondents said they believed practice under the RMA was improving as the Act matured¹⁶. Interestingly, and perhaps significantly, both the councils who disagreed with that proposition were in the Auckland region.

This reaction might be related to the level of development pressure in Auckland and the practices adopted by authorities and individual practitioners to respond to that pressure. Certainly concern was expressed that determined resource users could find “loopholes” and that plans were becoming weaker. Concern was also expressed at the level of training and experience of many people undertaking functions (particularly in assessment of development proposals).

Two of the three conservancy responses (Auckland and Waikato) stated that they did not believe practice was improving. Comments were similar to the dissenting local authority views; namely that the system placed too much faith in inexperienced consultants and AEE preparation by applicants continues to be poor. Questions were also raised about councils’ commitment to monitoring.

Contrary views were, however, expressed by other respondents (in respect of their own regions/districts).

3.12 Success of the NZCPS

Of the six respondents exercising regional council functions, five claimed that the NZCPS was only “partially effective”. The sixth respondent said it was “effective - to the extent it had been reflected in the coastal plan”. No one claimed it was “very effective”, nor did anyone claim the NZCPS was “not effective at all”.

A greater range of responses was given by territorial authorities. Two territorial authority respondents thought the NZCPS was “effective”, two “partially effective” and two “not effective at all”.

Overall, those stating they believed the NZCPS was “partially effective” claimed the reason for this is that the NZCPS’s contents are mostly weak and/or vague. Some stated it only ranked as high as “partially effective” because of the way regional coastal plans had applied it. Others said it was now superseded by more specific and locally relevant regional coastal plans. Several commented that the NZCPS is only given perfunctory attention in the resource consent context because there is too great a gap between the generality of its policies and the matters needing guidance in the context of a specific proposal.

Several of the territorial authorities stated that effectiveness had been hindered by inadequate promotion and support by DoC.

¹⁶ ARC said “not necessarily”. Waitakere City said “no”.

Conservancies generally considered the NZCPS effective but also noted its effectiveness was hindered by some weak policies and poor implementation by local government.

Several regional councils questioned the value added by specification of restricted coastal activities (RCAs).

3.13 Success of Regional Coastal Plans

Question 56 asked how successful respondents considered regional coastal plans (RCPs) to be.

The results were mixed. Five respondents (3 region councils, 1 territorial authority, 1 DoC conservancy) stated that RCPs were “successful”. Seven respondents claimed that RCPs were only “partially successful”. One territorial authority considered the RCP “very successful” and one said it was “too early to say”.

Those who identified only partial success often said the RCP was successful in terms of some issues but not others. Several identified the partial nature of an RCP’s “reach” (including, but not limited to, the exclusion of fisheries issues). An example provided by one regional council related to a proposal for a water aerodrome where the regional council’s ability to control the activity was severely limited (to a consent for a pontoon). In that case, the RMA overlapped with the Civil Aviation Act.

Others pointed to the lack of integration with other RMA plans. Another regional council pointed out the RCP was dependent on the promulgation (and success) of other regional plans (that control discharges and land management). One territorial authority noted the need to have district plans and RCPs well integrated to achieve results. The same respondent noted that a proposal for an integrated Harbour plan (including both regional and district functions) had been considered but had foundered due to “politics”.

Several also noted that the biggest problem with regional coastal plans has been the time taken to develop them and get them operative. At least one suggested this resulted in inertia and a reluctance to update plans in the same way as district plans are.

3.14 Success of Regional Pest Management Strategies

Less than half the respondents were willing to answer question 61 in relation to the success of regional pest management strategies (RPMSs). In many cases the interviewer was directed to biosecurity personnel. Time constraints have meant that following up this question with biosecurity offices has not been possible at this point¹⁷.

¹⁷ It should be noted that in most cases those who did reply to question 61 had consulted their biosecurity staff and/or had a good understanding of their RPMS.

It may, however, be noteworthy that seven responses were received to this question (3 regional councils, 2 territorial authorities and 2 conservancies) and all noted that RPMSs had been “not successful at all” in coastal and marine biosecurity.

Further work would need to be undertaken to verify that finding but it would seem to be reliable given that few if any RPMSs focus on marine pests.

3.15 Relevance of case law

Respondents were asked whether there was any case law that was particularly influential on the way they undertake their functions. This question aimed to identify any constraints on good practice and the achievement of desirable outcomes that might have been imposed by the Courts’ interpretation of the law.

A number of respondents identified cases they considered significant to the exercise of their functions but there was certainly no strong message that major impediments existed that could be attributable to case law.

For the record respondents identified the following decisions:

- *AJ Hume and LL Hume v ARC, CA 262/01*
The case confirmed that public access must be maintained to “private” jetties.
- *Falkner v Gisborne District Council [1995] 3 NZLR 622*
The case rejected the argument that private citizens have a common law right to protect their properties from coastal erosion that over-rides RMA rules.
- *Aquamarine v Southland Regional Council, C126/97*
The case dismissed an appeal to allow freshwater to be taken from Deep Cove and transported by large tanker. The case has implications for the use of the marine area in terms of effects on natural character and risk to marine ecology from effects of low probability but potentially high impact.
- *“The Fast Ferries” declaration/enforcement proceedings*
Implications for the extent to which regional councils could control surface water activities.
- *Arrigato Investments Ltd v Rodney District Council and the Auckland Regional Council, A115/99 [and subsequent High Court and Court of Appeal decisions]*
Introduced the notion of “permitted baseline” being a level of effect anticipated by a plan and therefore discounted from consideration. Other implications for natural character and landscape values.

- *Pacific Investment Trust v BPDC*

The case has implications for landscape, with the Court stating that coastal landscape needed to be considered from the sea not just from the land.

- *Environment Bay of Plenty v Western Bay of Plenty District Council A141/2002 and A27/2002*

Relevant to local authorities' role in managing the risks of hazards and the appropriateness of regulatory regimes for doing so.

- *Challenger v Marlborough District Council*

The case found that regional coastal plans should provide for marine farming by way of defined zones or management areas. The idea was subsequently adopted as the Government's preferred policy option and proposed to be introduced to the RMA. Several councils indicated that they thought this case led to a solution to a problem that was not nationwide (even though it might be of national importance). The case is considered to have turned the "effects based" approach on its head when it (allegedly) worked well in most areas.

Some responses were less specific referring to, for example "the line of cases related to occupation charges". Or, "several recent cases involving our coastal plan".

3.16 Local Government Act 2002

Question 68 asked what the effect of the Local Government Act 2002 might be.

One (regional council) respondent thought that it would result in enhanced management of the coast as that was likely to be a strong community message. One (conservancy) respondent thought that coastal management is to decrease in importance as communities demand action on other issues.

Most other respondents did not see the LGA 2002 as having any effect and considered there would be no major change to the emphasis their organisation placed on coastal management. Two respondents did not know.

3.17 Information

Questions 67-70 focused on information. Like many other questions, these questions produced mixed results.

Three of the five regional council respondents claimed to have undertaken programme/case study monitoring, monitoring of plans and policies and state of the environment monitoring. Three admitted that they had yet to monitor the effectiveness of plans and policies but were involved in other forms of monitoring.

There was no real pattern to the answers given by district councils. Most had been involved in monitoring of some form or another but that form of monitoring (i.e. state of environment, plan effectiveness, resource consents or case studies) varied greatly and no trend was discernible. It may be worth noting that no territorial authority seemed to have undertaken all the three forms specified in the questionnaire.

All regional councils rated the state of information either “moderate” or “moderate” to “poor”. Several did indicate that there was good information on particular issues/sites. Territorial authorities gave similar responses.

Some respondents pointed to initiatives to share information. Most significant was Environment Southland’s collaborative approach with DoC, MSA, territorial authorities and iwi on an SOE report for the coast. Other councils pointed to less specific initiatives such as regional monitoring groups/meetings involving (variously) the regional council, TAs and DoC. Others simply indicated that information held was published or made available on the council’s website.

Most respondents appeared to answer these questions at a general rather than technical level. One or two did, however, raise technical issues about the quality of information and the comparability of data between local authorities. Several also raised the issue of Crown Research Institutes holding information that management agencies were unable to freely access.

Most respondents pointed out that time, cost and expertise constraints limited organisations’ ability to interpret data for decision-making purposes. One respondent stated that the main limitation is with the capability of available scientific methods. “Most methods used (particularly modelling) make assumptions and you can never be sure that the results of a study are correct. This was considered especially important when trying to predict out into the future.”

3.18 Role for Oceans Policy

Question 74 asked what respondents considered was the main problem with the way oceans are managed.

Again, there was no strong pattern or consistency to the responses. However, responses may be loosely grouped as follows:

- System issues
- Contextual issues
- Technical issues

3.18.1 System Issues

A number (mostly regional councils and conservancies) noted issues of fragmentation of responsibility. Associated with this was concern about arbitrary boundaries of responsibility. The separate management regime for fisheries and

the 12 NM limit were noted by several respondents. Some also noted the separate regimes for maritime transport and oil pollution.

Similarly, several noted the involvement of “too many agencies” and “not enough integration”. One referred to “patch protection”.

Several also noted “unclear responsibilities” of the various management agencies. This lack of clarity was particularly apparent in biosecurity.

Several regional council respondents also suggested that DoC had “too many hats”. The distinction between the Department of Conservation as an advocate, as a source of information and advice, as an operational agency *and* as a regulatory agency (what DoC conservancies referred to as the “MoC”¹⁸ role) was seen as less than clear by some.

3.18.2 Contextual issues

The principal contextual issue raised was the issue of disputed “ownership” of the coast which was suggested as a major complicating issue. It was claimed that issues of ownership often dominated consultation processes even when they are not germane to the issues under discussion.

At least one respondent noted that the coast and coastal waters are getting busier. There is more happening in these areas and more competition for space and resources. This is leading to more conflicts and more hard decisions to be made by management agencies. Balancing competing interests is difficult in the absence of clear decision-making principles or other allocation mechanisms.

Funding constraints on local authorities were also noted and at least one suggested that this may be aggravated (especially for regional councils) by the wider mandate of the LGA 2002. The issue of funding was also raised by those agencies whose rated base was small due to large DoC landholdings¹⁹.

Several (particularly territorial authorities) expressed concern about a lack of policy direction and sense of national prioritisation. It was felt that local authorities were often left to make the hard decisions and take the consequences without a clear national policy framework.

Also noted was the general lack of standards and the inconsistency of expectations between uses controlled by the RMA and fishing.

3.18.3 Technical Issues

Several respondents raised technical issues. These issues include matters relating to the biophysical environment but also to the workings and subtleties of existing legislation and practice under that legislation. They include:

¹⁸ That is, the function undertaken on behalf of the Minister of Conservation in the regulatory process (based around the Crown’s “ownership interest”)

¹⁹ The point was made by both Environment Southland and West Coast Regional Council.

- The limited understanding of ecosystem functioning and size of resources (and a lack of expertise within DoC to assist²⁰)
- The fact that most pollutants are from the land and once in the CMA are hard to control/remedy. This poses complex cause and effect relationships.
- In areas of strong population and economic growth oceans can only be managed to slow the rate of degradation, not stop or reverse degradation. Effects are long term and cumulative (such as contamination of sediments) and sustainable management must be defined to acknowledge that reality.
- The RMA does not allow you to look at the strategic implications and risks of an activities and focuses instead on the effects associated with the application site²¹.
- From a planning point of view it is difficult to maintain integrity of the plan in the face of strong development pressure.

From responses to this and other questions, it was also apparent that one of the barriers to effective implementation is not knowing what a “good” decision would be. This has two dimensions. First, it involves knowing how much the environment should be protected and how much it should “yield” to accommodate other interests. Second, it involves deciding which competing use should be favoured. Competing uses, making trade-offs and establishing the “right balance” in a consistent and transparent way were matters that appeared to be taxing practitioners more than any others.

3.18.4 Expectations of an oceans policy

Little specific feedback was received on what respondents want from an oceans policy. This is probably because most had difficulty envisaging where and how an oceans policy would fit within or around the existing statutory instruments. Responses given were at a fairly conceptual level. They included:

- Improving integration.
- Avoiding duplication of effort.
- Treating the oceans environment similar to the terrestrial environment.
- Providing for measurable [anticipated] outcomes.
- Greater certainty [of expectations].
- A common mission statement for all agencies with management functions.

²⁰ This point was made by a DoC conservancy.

²¹ The Aquamarine case was given as a notable exception.

Most respondents answered the final question (on what they would not want an oceans policy to do) by making one or all of the following points:

- Oceans policy should not upset progress to date by causing recently settled plans to be reviewed [due to cost and time recently expended].
- Oceans policy should not undermine coastal plans which have been put together with much local/regional input.
- Oceans policy should not undermine the local focus of management generally
- Oceans policy should not result in more bureaucracy or more complicated processes for local authorities.

3.19 Concluding Comments

A survey of this type inevitably yields a vast amount of information. It has not been possible to reproduce all of that information in this report. In the interests of brevity and comprehensibility it has been necessary to selectively use information taking care not to distort the overall messages.

Respondents generously gave of their time for this interview and are sincerely thanked for their contributions. If their individual comments and examples are not included in this report it is only because the author considered the points made were adequately illustrated by other contributions.

In many instances this report has hinted at trends and explanations for those trends without being able to be definitive about them. The sample size and the inconsistent nature of responses have made it difficult to decisively identify and analyse trends. Further research on specific points might usefully add to some of the tentative findings of this report.



Appendix 1 – List of Interviewees

Regional Councils

- Auckland Regional Council
Hugh Leersynder, Manager Coastal Environment
Louise Gobby, Strategic Policy Analyst, Policy Development.
Alan Moore, Coastal Resources Scientist, Coastal Environments
Dr Shane Kelly, Team Leader Marine Science, Environmental Research
Andrew Benson, Coastal Project Leader, Coastal Environments.
Dominic McCarthy, Environmental Quality Scientist, Environmental Research
- Environment Waikato
Rosalind Wilton, Programme Manager Coastal Policy
- Environment Bay of Plenty
Aileen Lawrie, Coastal Planner
- West Coast Regional Council
Colin Dall, Planning and Consents Manager
Lillie Sadler, Coastal Planner
Helen Rouse, Environmental Information Manager
- Environment Southland
Warren Tuckey, Director Environmental Management
Ken Swinney, Policy and Planning Manager
Deidre Francis, Senior Resource Planner

Territorial Authorities

- Waitakere City Council
Carol Bergquist, Senior Analyst, Environmental Policy
- Western Bay of Plenty District Council
Phillip Martelli, Manager Resource Management
John Bridgewater, Planner
John Sharpe, Policy Analyst Infrastructure and Environment
- Wellington City Council
Stephen Lamb, Parks Planner
- Banks Peninsula District Council
Jane Whyte, Environmental Services Manager
- Westland District Council
Richard Simpson, Manager Planning and Regulatory

- Southland District Council
Bruce Halligan, Manager Resource Planning

Unitary Authorities

- Marlborough District Council
Tania Bray, Strategic Planner
Linda Craighead, Strategic Planner

Department of Conservation

- Southland Conservancy
Bronwyn Archibald, Coastal Planner
- Waikato Conservancy
Vicky Carruthers, Community Relations Officer – Planning
John Gumbly, Technical Support Manager
- Auckland Conservancy
Marilyn Fullam, Coastal Planner

An Assessment of Local Authority and Department of Conservation Involvement in Oceans Management at the Regional and Local Levels

Interview Questions

Study Objectives

- To obtain an overview of:
 - the management functions of agencies involved in coastal and marine issues at the regional and district levels.
 - the key coastal and marine issues confronting practitioners at the regional and district levels
 - the tools and processes that are being used to address coastal and marine issues at the regional and local levels
- To gain a better understanding of the barriers to more effective responses to identified coastal and marine issues.
- To gather hard information about how particular issues are manifesting themselves and how existing responses are or are not achieving results (including specific case studies).
- To obtain advice from practitioners (working on issues relevant to oceans policy development) on how the Oceans Policy might promote better practices and outcomes for the future.

Interviewee Details

Organisation _____

Date of Interview _____

Names	Position



Management Functions

1. How would you characterise the management functions your organisation has in respect of coastal and marine issues?

Specifically, what does your organisation *do* under:

- The RMA
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

- The Biosecurity Act
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

- The Maritime Transport Act
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

- The Local Government Act
 - Policy
 - Regulation

- Funding (e.g. provider of grants)
- Service delivery (e.g. information provider)
- Operations (e.g. physical works)

Comment _____

- The Conservation Act
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

- The Marine Reserves Act
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

- The Marine Farming Act
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

- The Hauraki Gulf Marine Park Act
 - Policy

- Regulation
- Funding (e.g. provider of grants)
- Service delivery (e.g. information provider)
- Operations (e.g. physical works)

Comment _____

- Others?
 - Policy
 - Regulation
 - Funding (e.g. provider of grants)
 - Service delivery (e.g. information provider)
 - Operations (e.g. physical works)

Comment _____

2. Does your organisation undertake any functions under delegated or transferred authority that are relevant to coastal or marine issues?

Comment _____

Organisational response

- 3. How many and which groups within your organisation have a role in coastal and marine– related functions?

Comment _____

- 4. Are there any mechanisms to co-ordinate the exercise of management functions within your organisation? If so what are they?

Comment _____

- 5. Are there any mechanisms to co-ordinate the exercise of functions with other relevant organisations? If so what are they?

Comment _____

Issues

6. In terms of presenting *bio-physical problems*, what would you say are the (3) most significant coastal or marine issues you face?

A. _____

B. _____

C. _____

7. How would you rank the following issues in terms of the actual and potential impact on the coastal and marine environment:

- Land based point source pollution (i.e. discharges from a pipe or artificial waterway)

Actual: *High impact* *Medium Impact* *Low impact*

Potential: *High impact* *Medium Impact* *Low impact*

- Non point source pollution (i.e. discharges directly from land or via a natural watercourse - excluding sedimentation)

Actual: *High impact* *Medium Impact* *Low impact*

Potential: *High impact* *Medium Impact* *Low impact*

- Sedimentation

Actual: *High impact* *Medium Impact* *Low impact*

Potential: *High impact* *Medium Impact* *Low impact*

- Sea-based point source pollution (i.e. from boats and other vessels/installations)

Actual: *High impact* *Medium Impact* *Low impact*

Potential: *High impact* *Medium Impact* *Low impact*

- Ecological damage/degradation arising from marine pest incursions

Actual: *High impact* *Medium Impact* *Low impact*



High *Medium* *Low*

- Sedimentation

High *Medium* *Low*

- Sea-based point source pollution (i.e. from boats and other vessels/installations)

High *Medium* *Low*

- Coastal hazards (including erosion and risk to property and infrastructural assets)

High *Medium* *Low*

- Loss of public access to coastal areas (foreshore etc)

High *Medium* *Low*

- Loss of public access to the coastal/marine space

High *Medium* *Low*

- Loss of seascape/amenity values

High *Medium* *Low*

- Ecological damage/degradation arising from marine pest incursions

High *Medium* *Low*

- Loss of species and populations of marine biota from human harvest (including unauthorised harvest)

High *Medium* *Low*

9. How would you rate coastal and marine issues generally in terms of the issues addressed by your organisation?

High priority

Medium priority

Low priority

Not a priority at all

10. In your opinion, how comprehensively does your organisation address coastal and marine issues faced in the district/region/conservancy?

- all issues are addressed
- most but not all issues are addressed
- many issues are ignored/not addressed

Comment _____

11. What issues are not addressed (if any)?

Comment _____

12. Why do you think these issues are not addressed?

- Lack of a clear mandate
- Lack of political will
- Lack of expertise/capacity
- Lack of good information to underpin action
- Lack of financial resources
- Other?

Comment _____

Key Issues as identified

13. Returning to your 3 issues identified earlier, what policies, programmes or other methods²² do you have in place to deal with *Issue A*?

(i) _____

(ii) _____

(iii) _____

14. How effective do you consider these methods to be?

METHOD (i)

- Very Effective
- Effective
- Partially effective
- Not effective at all
- Too early to say
- Don't know

METHOD (ii)

- Very Effective
- Effective
- Partially effective
- Not effective at all
- Too early to say
- Don't know

METHOD (ii)

- Very Effective
- Effective
- Partially effective
- Not effective at all
- Too early to say
- Don't know

Comment _____

15. If the method(s) used are only partially effective or not effective at all why is this so?

- Lack of sufficient powers/unclear legal mandate
- Lack of enforcement
- Lack of in house capacity/expertise to support the programme
- Lack of co-ordination with other agencies
- Budgetary restrictions
- Other

²² For the purpose of this survey, any policy approach, programme of action or other method is referred to simply as a "method"

Comment _____

16. Were there other options considered in response to this issue? If so, why were they not adopted?

Comment _____

17. If you suggested that it too early to say, is this because:

- The method has only recently been introduced/implemented
- The method can only work over a long time scale
- Other

Comment _____

18. If the method has only recently been introduced why is this (i.e. what stopped earlier adoption/implementation of this method)?

- Lack of policy guidance of appropriate options
- Lack of political will
- Need/desire for consultation and constituency building
- Other
- Don't know

Comment _____

19. If you suggested that the method is *very effective* or *effective*, what makes it effective?

- Regulatory force/enforceability
- Adequately resourcing
- Public support
- Good inter-agency co-operation
- Other

Comment _____

20. What information do you rely on to answer this question?

- Formal monitoring information
- Ad hoc monitoring
- Media reports or other second hand accounts
- Instinct and intuition
- Knowledge of particular experience/case studies
- Other

21. If you based your answers to question 13 - 15 on personal knowledge of particular experiences/case studies could you share these with the interviewer?

Comment(Request any written material)

22. What policies, programmes or other methods do you have in place to deal with *Issue B* identified earlier?

(i) _____

(ii) _____

(iii) _____

23. How effective do you consider these methods to be?

- | METHOD (i) | METHOD (ii) | METHOD (iii) |
|---|---|---|
| <input type="checkbox"/> Very Effective | <input type="checkbox"/> Very Effective | <input type="checkbox"/> Very Effective |
| <input type="checkbox"/> Effective | <input type="checkbox"/> Effective | <input type="checkbox"/> Effective |
| <input type="checkbox"/> Partially effective | <input type="checkbox"/> Partially effective | <input type="checkbox"/> Partially effective |
| <input type="checkbox"/> Not effective at all | <input type="checkbox"/> Not effective at all | <input type="checkbox"/> Not effective at all |
| <input type="checkbox"/> Too early to say | <input type="checkbox"/> Too early to say | <input type="checkbox"/> Too early to say |
| <input type="checkbox"/> Don't know | <input type="checkbox"/> Don't know | <input type="checkbox"/> Don't know |

Comment _____

24. If the method(s) used are only partially effective or not effective at all why is this so?

- Lack of sufficient powers/unclear legal mandate
- Lack of enforcement
- Lack of in house capacity/expertise to support the programme
- Lack of co-ordination with other agencies
- Budgetary restrictions
- Other

25. Were there other, potentially more effective, options considered in response to this issue? If so, why were they not adopted?

Comment _____

26. If you suggested that it too early to say, is this because:

- The method has only recently been introduced/implemented
- The method can only work over a long time scale

27. If the method has only recently been introduced why is this (i.e. what stopped earlier adoption/implementation of this method)?

- Lack of policy guidance of appropriate options
- Lack of political will
- Need/desire for consultation and constituency building
- Other
- Don't know

28. If you suggested that the method is *very effective* or *effective*, what makes it effective?

- Regulatory force/enforceability
- Adequately resourcing
- Public support
- Good inter-agency co-operation
- Other

Comment _____

29. What information do you rely on to answer this question?

- Formal monitoring information/ surveys or other factual information
- Media reports, anecdotal or other second hand accounts
- Instinct and intuition
- Knowledge of particular experience/case studies

30. If you based your answers to question 22-24 on personal knowledge of particular experiences/case studies could you share these with the interviewer?

Comment _____

31. What policies, programmes or other methods do you have in place to deal with *Issue C* identified earlier?

(i) _____

(ii) _____

(iii) _____

32. How effective do you consider these methods to be?

METHOD (i)

METHOD (ii)

METHOD (iii)

Very Effective

Very Effective

Very Effective

Effective

Effective

Effective

Partially effective

Partially effective

Partially effective

Not effective at all

Not effective at all

Not effective at all

Too early to say

Too early to say

Too early to say

Don't know

Don't know

Don't know

Comment _____

33. If the method(s) used are only partially effective or not effective at all why is this so?

Lack of sufficient powers/unclear legal mandate

Lack of enforcement

Lack of in house capacity/expertise to support the programme

Lack of co-ordination with other agencies

Budgetary restrictions

Other

Comment _____

34. Were there other, potentially more effective, options considered in response to this issue? If so, why were they not adopted?

Comment _____

35. If you suggested that it too early to say, is this because:

- The method has only recently been introduced/implemented
- The method can only work over a long time scale
- Other

Comment _____

36. If the method has only recently been introduced why is this (i.e. what stopped earlier adoption/implementation of this method)?

- Lack of policy guidance of appropriate options
- Lack of political will
- Need/desire for consultation and constituency building
- Other
- Don't know

Comment _____

37. If you suggested that the method is *very effective* or *effective*, what makes it effective?

- Regulatory force/enforceability
- Adequately resourcing
- Public support
- Good inter-agency co-operation
- Other

Comment _____

38. What information do you rely on to answer this question?

- Formal monitoring information
- Ad hoc monitoring
- Media reports, anecdotal or other second hand accounts
- Instinct and intuition
- Knowledge of particular experience/case studies

39. If you based your answers to question 31-34 on personal knowledge of particular experiences/case studies could you share these with the interviewer?

Comment _____

Outcomes

ENVIRONMENTAL

40. What do you think the state of coastal and near coastal waters and ecosystems will be like in 20 years?

- Better
- Much the same
- Worse

41. To what extent do you believe that is because of actions (or difficulties faced) by your agency, other agencies or both?

Comment _____

42. Can you provide an example of an improved environmental outcome resulting from an action of your organisation?

Example _____

43. Can you provide an example where the environment is no better or worse despite the best endeavours of your organisation?

Example _____

ECONOMIC

44. How aware is your organisation of the need to provide for the sustainable use and development of the oceans?

- Very aware
- Somewhat aware
- Peripherally aware
- Economic use is not a consideration

Comment/ Why is this so?

45. Do you believe that your management of the coast and marine areas provides adequate *opportunity for the sustainable use and development* of ocean resources?

Comment

46. Do you believe that your management provides sufficient *business certainty* for uses and potential users of coastal and marine resources? How?

Example

47. Do you believe that ocean space and ocean resources are (able to be) efficiently allocated? (*Where, for the purposes of this question “efficient allocation” means ensuring that space/resources are allocated to the highest yielding activity*)



Example _____

48. Do you believe that compliance costs are kept as low as possible, given the need to assess impacts? What adds to compliance costs?

Example _____

SOCIAL

49. What are the main social issues associated with coastal and marine management?

Example _____

50. How does your organisation provide for social outcomes?

Examples _____

51. What are the major difficulties in recognising and providing for social values in the coast and marine environment?

Comment _____

52. Are there any issues that impact on the effectiveness of public participation in decisions on coastal and marine management?

Comment _____

CULTURAL

53. What are the main cultural issues associated with coastal and marine management?

Comment _____

54. How does your organisation provide for cultural outcomes?

Comment _____

55. How much importance is placed on Maori cultural values in coastal and marine management?

Comment _____

56. What are the major difficulties in recognising and providing for cultural values in the coast and marine environment?

Comment _____

Effectiveness of Statutory Instruments

57. How successful do you believe the NZCPS has been in improving outcomes and helping local authorities resolve issues under the RMA?

- Very effective
- Effective
- Partially effective
- Not effective at all

58. If you believe the NZCPS is partially effective (or less) do you say so because you believe:

- The instrument is of an NPS fundamentally weak/limited
- The contents of the NZCPS are weak
- Implementation by local authorities has been poor
- Implementation has not been sufficiently well promoted and supported by government agencies
- Other

Comment _____

59. How successful do you believe regional coastal plans are as instruments to address local and regional coastal issues?

- Very successful
- Successful
- Partially Successful
- Not successful at all

Comment _____

60. What is the main strength of regional coastal plans?

Comment _____

61. What is the main limitation on the effectiveness of regional coastal plans?

Comment _____

62. Do you believe practice and performance under the RMA is improving as the Act matures?

Comment _____

63. Is there any *case law* that has been particularly influential to the way your organisation undertakes its coastal management functions under the RMA?

Comment _____

64. How successful do you believe Regional Pest Management Strategies (RPMSs) are in addressing threats posed by marine pests?

- Very successful
- Successful
- Partially Successful
- Not successful at all

65. What is the main strength of RPMSs ?

Comment _____

66. What is the main limitation on the effectiveness of RMPs?

Comment _____

67. Do you believe practice and performance (by both central and local government) under the Biosecurity Act is improving as the Act matures?

Comment _____

68. What effect do you anticipate the new *Local Government Act 2002* will have on your organisation's management of the coastal and marine areas?

- Management will be enhanced
- No major change
- Coastal management is likely to decrease in importance

Comment _____

69. What challenges do you expect the new *Local Government Act 2002* to pose for your organisation's management of the coastal and marine areas, and how will you meet these?

Comment _____

Information

70. What formal monitoring has been undertaken in your district/region?

- Case studies of particular programmes
- Effectiveness of plans and policies
- State of the Environment

Comment _____

71. How would you rate the overall level of information about the coastal and marine areas of your region and the effectiveness of existing management?

- Good
- Moderate
- Poor

Comment _____

72. What mechanisms do you use to share coastal and marine information with others e.g. access to data-bases, State of the Environment Reports, reporting of national indicators?

Comment _____

73. What limitations are there on your council's ability to interpret data and information for decision-making purposes?

Comment _____

Oceans Policy

74. What is your organisation’s main problem with the way the oceans are managed at present at the local and regional levels?

75. How could a National Oceans Policy address this?

76. Are there other big ‘fixes’ that an Oceans Policy might put in place to address key problems at the local and regional levels?

77. What do you see as the main benefit of an Oceans Policy for coastal and marine management at the local and regional levels?

78. What do you see as the main limitation of an Oceans Policy on coastal and marine management at the local and regional levels?

79. Is there anything you do not want the Oceans Policy to do?

Appendix 3 – Responses to Question 7 (Key Issues)

The following table sets out the responses of interviewees when asked to specify the 3 key issues for their district/region/conservancy

Issues	Territorial Authorities	Regional Councils (including Marlborough DC)	Dept of Conservation
Coastal Erosion/Hazards	4	3	0
Wake from vessels	0	1	0
Sedimentation	0	2	1
Water quality generally	3	4	0
Sewage discharges	1	1	0
Stormwater discharges	1	0	0
Marine Pests	0	1	2
Human Harvest/over use	0	0	1
Threats to marine mammals	0	0	1
Potential for Marine reserves	1 (negative)	0	1 (positive)
Coastal development generally (TA and RC)	0	0	1
Coastal subdivision/land use change (TA functions)	2	1	0
Amenity (loss)	1	0	0
Habitat loss	1	1	0
Marine Farming	1	2	0
Occupation (incl.charges)	1	2	0
Visitor mgt/Carrying capacity	0	1	0
Inundation	1	0	0
Regional Council issues generally	0	0	1

Appendix 4 – Question 7 (Ranking of 10 issues)

The following tables set out the rankings (in terms of environmental impact) of ten issues specified in the questionnaire. The tables provide a break down of responses by respondent type.

Table 1 – All respondents

Issues	High	Medium	Low
Land based point source pollution	<i>Actual: 3</i> <i>Potential: 7</i>	<i>Actual: 8</i> <i>Potential: 4</i>	<i>Actual: 4</i> <i>Potential: 2</i>
Non point source pollution	<i>Actual: 4</i> <i>Potential: 7</i>	<i>Actual: 7</i> <i>Potential: 5</i>	<i>Actual: 3</i> <i>Potential: 1</i>
Sedimentation	<i>Actual: 6</i> <i>Potential: 8</i>	<i>Actual: 5</i> <i>Potential:</i>	<i>Actual: 4</i> <i>Potential: 4</i>
Sea-based pollution	<i>Actual: 1</i> <i>Potential: 5</i>	<i>Actual: 4</i> <i>Potential: 4</i>	<i>Actual: 9</i> <i>Potential: 2</i>
Marine Pests	<i>Actual: 3</i> <i>Potential: 9</i>	<i>Actual: 3</i> <i>Potential: 1</i>	<i>Actual: 7</i> <i>Potential: 1</i>
Human harvest 1 don't know	<i>Actual: 7</i> <i>Potential: 7</i>	<i>Actual: 3</i> <i>Potential: 2</i>	<i>Actual: 3</i> <i>Potential: 1</i>
Coastal hazards	<i>Actual: 3</i> <i>Potential: 6</i>	<i>Actual: 6</i> <i>Potential: 6</i>	<i>Actual: 6</i> <i>Potential: 1</i>
Public access to coast	<i>Actual: 1</i> <i>Potential: 3</i>	<i>Actual: 5</i> <i>Potential: 5</i>	<i>Actual: 9</i> <i>Potential: 5</i>
Public access to marine space	<i>Actual: 1</i> <i>Potential: 5</i>	<i>Actual: 5</i> <i>Potential: 5</i>	<i>Actual: 9</i> <i>Potential: 5</i>
Natural character/seascape/amenity	<i>Actual: 1</i> <i>Potential: 8</i>	<i>Actual: 8</i> <i>Potential: 2</i>	<i>Actual: 5</i> <i>Potential: 4</i>

Table 2 – Regional Councils

Issues	High	Medium	Low
Land based point source pollution	<i>Actual: 1</i> <i>Potential: 3</i>	<i>Actual: 3</i> <i>Potential: 1</i>	<i>Actual: 2</i> <i>Potential: 2</i>
Non point source pollution	<i>Actual: 2</i> <i>Potential: 5</i>	<i>Actual: 3</i> <i>Potential: 1</i>	<i>Actual: 1 (think)</i> <i>Potential: 0</i>
Sedimentation	<i>Actual: 3</i> <i>Potential: 4</i>	<i>Actual: 2</i> <i>Potential: 0</i>	<i>Actual: 1</i> <i>Potential: 2</i>
Sea-based pollution	<i>Actual: 0</i> <i>Potential: 2</i>	<i>Actual: 2</i> <i>Potential: 2</i>	<i>Actual: 4</i> <i>Potential: 2</i>
Marine Pests	<i>Actual: 0</i> <i>Potential: 5</i>	<i>Actual: 2</i> <i>Potential: 0</i>	<i>Actual: 3</i> <i>Potential: 0</i>
1 don't know			
Human harvest	<i>Actual: 4</i> <i>Potential: 4</i>	<i>Actual: 0</i> <i>Potential: 0</i>	<i>Actual: 1</i> <i>Potential: 1</i>
1 don't know			
Coastal hazards	<i>Actual: 1</i> <i>Potential: 4</i>	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 4</i> <i>Potential: 0</i>
Public access to coast	<i>Actual: 0</i> <i>Potential: 2</i>	<i>Actual: 3</i> <i>Potential: 3</i>	<i>Actual: 3</i> <i>Potential: 1</i>
Public access to marine space	<i>Actual: 0</i> <i>Potential: 3</i>	<i>Actual: 2</i> <i>Potential: 1</i>	<i>Actual: 4</i> <i>Potential: 2</i>
Natural character/seascape/amenity	<i>Actual: 0</i> <i>Potential: 4</i>	<i>Actual: 4</i> <i>Potential: 0</i>	<i>Actual: 2</i> <i>Potential: 2</i>

Table 3 – District Councils²³

Issues	High	Medium	Low
Land based point source pollution	<i>Actual: 1</i> <i>Potential: 3</i>	<i>Actual: 3</i> <i>Potential: 2</i>	<i>Actual: 2</i> <i>Potential: 0</i>
Non point source pollution	<i>Actual: 1</i> <i>Potential: 1</i>	<i>Actual: 2</i> <i>Potential: 3</i>	<i>Actual: 2</i> <i>Potential: 1</i>
Sedimentation	<i>Actual:</i> <i>Potential: 2</i>	<i>Actual: 3</i> <i>Potential: 0</i>	<i>Actual: 3</i> <i>Potential: 2</i>
Sea-based pollution	<i>Actual: 0</i> <i>Potential: 2</i>	<i>Actual: 2</i> <i>Potential: 1</i>	<i>Actual: 3</i> <i>Potential: 2</i>
Marine Pests	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 1</i> <i>Potential: 1</i>	<i>Actual: 3</i> <i>Potential: 1</i>
Human harvest 1 don't know	<i>Actual: 2</i> <i>Potential: 1</i>	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 2</i> <i>Potential: 0</i>
Coastal hazards	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 3</i> <i>Potential: 3</i>	<i>Actual: 2</i> <i>Potential: 0</i>
Public access to coast	<i>Actual: 1</i> <i>Potential: 1</i>	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 4</i> <i>Potential: 2</i>
Public access to marine space	<i>Actual: 0</i> <i>Potential: 2</i>	<i>Actual: 2</i> <i>Potential: 0</i>	<i>Actual: 3</i> <i>Potential: 3</i>
Natural character/seascape/amenity	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 3</i> <i>Potential: 2</i>

²³ The results in this table may not sum to 6 (the number of district councils interviewed) because several respondents provided “don’t know” answers to at least 1 question. One respondent provided no responses to the “potential” question.

Table 4 – Conservancies²⁴

Issues	High	Medium	Low
Land based point source pollution	<i>Actual: 1</i> <i>Potential: 1</i>	<i>Actual: 2</i> <i>Potential: 1</i>	<i>Actual: 0</i> <i>Potential: 0</i>
Non point source pollution	<i>Actual: 1</i> <i>Potential: 1</i>	<i>Actual: 2</i> <i>Potential: 1</i>	<i>Actual:</i> <i>Potential:</i>
Sedimentation	<i>Actual: 3</i> <i>Potential: 2</i>	<i>Actual: 0</i> <i>Potential: 0</i>	<i>Actual: 0</i> <i>Potential: 0</i>
Sea-based pollution	<i>Actual: 1</i> <i>Potential: 1</i>	<i>Actual: 0</i> <i>Potential: 1</i>	<i>Actual: 2</i> <i>Potential: 0</i>
Marine Pests	<i>Actual: 2</i> <i>Potential: 2</i>	<i>Actual:</i> <i>Potential: 0</i>	<i>Actual: 1</i> <i>Potential: 0</i>
Human harvest 1 don't know	<i>Actual: 1</i> <i>Potential: 2</i>	<i>Actual: 2</i> <i>Potential: 0</i>	<i>Actual: 0</i> <i>Potential: 0</i>
Coastal hazards	<i>Actual: 1</i> <i>Potential: 0</i>	<i>Actual: 2</i> <i>Potential: 1</i>	<i>Actual: 0</i> <i>Potential: 1</i>
Public access to coast	<i>Actual:</i> <i>Potential: 0</i>	<i>Actual: 1</i> <i>Potential: 0</i>	<i>Actual: 2</i> <i>Potential: 2</i>
Public access to marine space	<i>Actual: 0</i> <i>Potential: 0</i>	<i>Actual: 1</i> <i>Potential: 0</i>	<i>Actual: 2</i> <i>Potential: 2</i>
Natural character/seascape/amenity	<i>Actual: 0</i> <i>Potential: 2</i>	<i>Actual: 3</i> <i>Potential: 0</i>	<i>Actual: 0</i> <i>Potential: 0</i>

²⁴ One respondent did not distinguish between actual and potential. That respondent's answers are recorded as "actual"

Appendix 5 – Future State of the Oceans Environment

Organisation	Better	Much the Same	Worse
Regional Councils	ES MDC WCRC	EBOP	EW ARC
Territorial Authorities	WCC	WDC BPDC SDC	Waitakere CC WBPDC
Dept of Conservation		Auckland* Waikato*	Southland

* These responses were given as “much the same *or* worse”