

Workshop notes

Coastal water space

Wednesday 8 October 2014

Workshop lead – Michael Day

Attendees:

Tina Latimer Environs Planner Environs Holdings Limited

Keir Volkerling - Consultant

Brett Hood - Reyburn and Bryant on behalf of Marsden Maritime Holdings Ltd

Andrew Clouston, Yachting New Zealand

Matthew Williams, Surf Life saving - Portfolio Manager

Felix Richter, Civil & Structural Manager, Opus,

Greg Blomfield, Terminal Facilities Manager, Northport Ltd

Phillipa Campbell, Opus

Jane Price, NZTA

James Witham, Min Conservation and Director-General of Conservation j

Anne Warner, Farmers of New Zealand

Doug Smeal, Northland Yachting Association

Theda Hall, Golden Bay Cement

Ruth Marsh, Living Waters Bay of Islands

Collin Rameka, Lake Omapere Trust

Ross Baker, Top Energy

John Booth, Fish Forever

Dave Karapu, Ngatiwai Trust Board

Derry Godbert, Kerikeri Cruising Club

Craig Brown, Northland Regional Councillor

Regional council staff

Ben Lee

Ricky Eyre

Allan Richards

Michael Payne

Jon Trewin

Session 1: Placement and occupation of space for structures

Session 1: Occupation of space for structures

Comments made in open forum

- Question about effects of king salmon decision and implications - Department of Conservation are still grappling with the implications of this.

- Ongoing occupation of space moorings? Permitted subject to terms and conditions and life of coastal plan - 10yrs.
- How can you make changes to plan if they appear to have perpetual use? Answer is that it is technically easier to change a plan than vary resource consents conditions.
- Could marine reserves be considered new zones? Possibly, coastal plan maps could recognise the boundaries of marine reserves. They are for a different purpose than RMA matters however they could be spatially allocated to enable RMA controls.
- It was mentioned that when Maori consider an activity, they think about how it affects everything e.g. impacts of moorings on tuna (eels) - not just about the immediate effects. There is a need for councils to consider things holistically - think about the effects of activities in the sea and how they impact activities on land and that council's need to recognise that communities have differences.
- Land based development has caused sedimentation of pipi beds (resulting in the closure of beds), which has pushed demand elsewhere.

Key questions for the discussion:

1) Views on permitting the on-going occupation of space for certain structures - which ones if any?

- Ongoing occupation of space – many stakeholders agreed in principle but it was mentioned that there would be a need for tight parameters and/or criteria to determine which structures this should apply to.
- Small scale public good - yes.
- How do we deal with the ongoing maintenance?
- It was mentioned that the consents process is a mechanism to look at removing redundant structures that would otherwise not get picked up if the on-going occupation was permitted.
- It was mentioned that investment decisions are often based on the assumption of certainty for many years. Consents provide security and certainty often beyond the lifetime of a plan (10 years) because consents can be granted for up to 35 years.

2) Potential cumulative effects of structures - is it just moorings?

- Moorings are a big one, clusters of marine farms and jetties.
- Coastal protection works - have seen some horrific example e.g. Omapere and impacts of revetments. Care should be taken.
- Talked about idea of comprehensive development plan - identify particular areas where there are issues e.g. erosion issues and then not allow piecemeal responses and only allow responses that are consistent with an overall approach.
- It was mentioned that the challenge is to know where to draw the line. Particularly visual effects and structures that can impede public access (such as seawalls).
- It was mentioned that marinas exclude access to those without money.

3) Should NRC develop a coastal occupation charging regime?

- Mixed views throughout the room over whether this should be pursued – some for and others viewed it as a revenue gathering exercise and didn't support it.
- It was mentioned that Northland's future growth will likely come from the primary sector and so we should help facilitate that growth and requiring extra charges isn't going to help this growth (specifically referring to aquaculture).
- There was a view that a COC regime could dilute the consent process "we're paying a COC and so don't need to mitigate" - mitigation benefits the community.
- It was mentioned that often structures have been around a long time and people can access structures (e.g. public good benefits)
- Most respondents agreed that it would be difficult to come up with a methodology.
- It was mentioned that it would be more palatable if money spent back on local community rather than CMA stuff – however there are legal requirements surrounding how any monies raised have to be used.
- There was a view that the fee payable should depend on the degree of public exclusion.
- Would be good to use some of the money to remove derelict structures
- Charge has to be reasonable, should not send businesses under, but is fair to have some charge for use of public space.
- Question - would a \$100 mooring charge be that bad for a coastal occupation charge (COC) along with other costs of owning a mooring – response from boaties is that it could be significant. What about an owner of a small vessel? Would it be fair to charge the same amount compared to a 'superyacht' because the larger vessel would have a greater swing room and therefore be exclusively occupying a greater part of the CMA.
- There was a view that COC's could be understood/accepted as it applies to moorings but other use of coastal space (such as aquaculture) could adversely affect the sustainability/viability of the industry. Would have to be a reasonable charge without being barrier to investment - i.e. methodology needs to be robust and transparent.

Session 2: Moorings, marinas and vessel anchoring

Open forum discussion

- It was mentioned that an intensification zone, could apply to pile and trot moorings (not just swing moorings).
- Marina's will be determined by other factors e.g economics, not necessarily zoning. A marina zone would likely go around existing marinas (as opposed to creating new ones). No legal impediment however.
- It was mentioned that Marsden cove was zoned for marina by the WDC as the land was above the MHWS. Impoundment rules were the only regional council issues.
- Regional council is looking at marina sites – none have been identified yet.
- There was a view that council need to draw a distinction between moorings used for long term storage vs occupation for short time by visitors and that short term use is taking up space that could be used by anchors.
- Staff mentioned that the policy approach towards moorings outside mooring areas was based on assumptions regarding potential cumulative effects on high value places. It

now appears that there may not be many existing moorings within/adjacent to high value areas.

- There was discussion around the councils recent Moorings and Marinas Strategy. Staff outlined that the strategy is a 20 year document so it takes a long term view – it sends a signal as to where we expect future mooring/marina development could go e.g Crowles bay could be suitable for a marina if there was suitable land access.
- Craig mentioned that council has been looking at shared use of mooring (using tags) but council thought this was too difficult to administer.
- Staff mentioned that protection of safe anchorage is something that NRC is looking at, as this is important for navigation and safety purposes.
- It was mentioned that Environment Waikato has recently consolidated 17 moorings at Slipper Island down to 13 and enabled greater use of the bay for general public (anchoring etc). The regional council did this at Jacks Bay some years back and it has also freed up space for anchorage.

Key questions for the discussion:

1) Do you think the current policy/rule approach for moorings is effective and fair?

- Many respondents thought that council should maintain the existing concentration policy with regards to new moorings but an exception could be made for existing (unconsented) moorings outside designated mooring areas
- Concentration is good in some circumstances i.e. where there is shelter and suitable conditions.
- There was a view that consent should be sought for those moorings outside designated mooring areas
- There was a view that council should consider allowing (granting consent for) existing moorings outside outstanding natural character and outstanding natural landscape areas - perhaps discretionary activity status. They should be able to control the location and physical conditions on new moorings outside designated mooring zones – especially if there are potential impacts on high value areas.
- There was a view that marina berths are expensive and intensification (of moorings) would provide an alternative to marina berths.
- It was mentioned that intensification can be done with right equipment - Dartmouth in the UK was mentioned as a good example.
- Regarding intensification, it was mentioned that existing mooring owners are wary of this and don't want to surrender their mooring.
- It was mentioned that there needs to be some targeted education towards boaties regarding their beliefs that they 'own' the water space.
- It was pointed out that some mooring owners only use their moorings for short periods over Christmas/summer. Council should take this into account when they look towards intensification.
- There was a view that Council should look to reorganise mooring more efficiently - could be done at the 3 yearly check.

- Expansion of mooring areas v concentration – should be a case by case decision.
- There was a view that council needs to look at bays individually (to determine the appropriateness) but it could be a possibility in existing areas with lots of swing moorings. A number of areas are exposed and not suitable for pile moorings.

2) Is 14 days sufficient for the ‘permitted’ vessel anchoring rule?

- Most vessel owners not concerned about rolling out sewage rule everywhere (currently only applies to mooring areas). Issue is live-aboards.
- There was a view that rules need to take into account vessels that have specialised treatment systems.
- It was questioned whether sewage discharge is actually an issue? – response was ‘yes’, example of Waikare inlet aquaculture situation.
- There was discussion around international vessels visiting Northland and whether there could be a system of identifying vessels that have holding tanks vs not.
- There was widespread support for the 14 day anchorage rule provided you can stay within a bay and harbour
- There was a view that there is no need to specify a timeframe which vessel owners need to stay away (with regards to the 14 days permitted rule). However, enforcement of the rule would be easier if a timeframe was specified.
- It was mentioned that the key issue with anchoring is people living on boats rather than leaving them vacant. Staff mentioned that generally, holding tanks would not last more than 5 consecutive days, which is why this could be a potential solution.
- It was mentioned that the average Northland boatie is responsible and abides by the rules – it is boaties from outside the region or country who flout the rules.
- The question was asked how would NRC be empowered to enforce a 5 day sewage rule? Response was that we would have to prove it hadn't moved. The Maritime Transport Act enables inspection of boats for purpose of hazardous substances but there is a question mark over legality of this. Whether we would enforce this is another question but we may want to in some situations – such as near an aquaculture farm.
- Primary enforcement angle is through time of occupying an area, don't need to board vessel.

3) Should marinas have their own separate zone?

- There was a view that it would be a good idea to zone for marinas. Should relax rules for dredging and mangrove removal to facilitate Marina development. Water quality, noise, road traffic, displacement of moorings the big issues for Opuia Marina. Mangrove removal not a big issue in the context of a Marina development.
- Support for a potential marina zone – there was a view that all marinas should belong to the Australasian marina group (so there is a level playing field with regards to operating requirements)

- Future marina zone - some support, others think that council is better to encourage development by saying where they can not go rather than saying where they should go. Leave it to the developers to determine once there is certainty about where they cannot be located.

Session 3: Dredging, deposition and disturbance of foreshore/seabed

Key questions for the discussion:

Should heavy machinery on beaches be 'permitted', 'controlled' or 'discretionary' activity?

Appropriate activity status for non-council clearing of tidal stream mouths? Should this be permitted for councils?

Open forum

- Consents for heavy equipment maintaining infrastructure, depends on substrate. If not disturbing foreshore, why require consent?
- There are no rules for accessing and then driving on beaches to get to site to maintain infrastructure.
- Plan should give guidance on adverse effects. Sec 12, is there is an adverse effect? Would reduce confusion over whether is an issue.
- Tidal stream mouth issue - WDC has a global consent. Should be able to happen as of right.
- Regarding stormwater pipe outlets, there was a view that if you have consent for that pipe, you should be 'permitted' to maintain it (there's currently no rule so fall-back is a discretionary activity).
- It was pointed out that there is a need for a cautious approach around significant bird nesting sites – a 'permitted' rule around these areas could be dangerous.
- There was a view that district councils exercise common sense (regarding the use of heavy vehicles/machinery on beaches) but if this became 'permitted' there could be issues with private individuals abusing this rule.
- Judgement needed on where you open up the pipe on beach, can be covered by terms and conditions.
- It was mentioned that Heritage NZ had an issue with the clearance of a specific stream mouth as they considered it had some historic value. The application was appealed and the outcome was that it should be avoided.
- It was mentioned that sedimentation of tidal streams can cause mudflats to increase. Kissing point was used as an example and that the channel has narrowed. NRC mentioned that there is a programme in place to improve the siltation through maintenance dredging.

- It was mentioned that land based disposal of dredge spoil material should be required unless there is no practical alternative. Allan Richards mentioned that as far as he can recall, NRC's consents team haven't had a single proposal to take dredge spoil offshore. Economics don't stack up here. More useful in reclamations onshore. The sand is very valuable.

Session 4: Aquaculture

Key questions for the discussion:

Are the proposed (Plan Change 4) aquaculture prohibited areas too extensive?

Giving effect to NZCPS policy 8 in light of King Salmon (avoid adverse effects) decision - is it possible to sustainably grow aquaculture in Northland?

Open forum

- There was debate over whether Mahinga Kai could be considered aquaculture (the consensus was that aquaculture in the regional plan review sense referred to 'farmed' seafood for profit, whereas Mahinga Kai referred to customary/traditional gathering and wasn't for profit).
- It was mentioned that the coastal plan doesn't recognise specific kaimoana gathering places for tangata whenua. Staff responded that there are no restrictions on this (with regards to coastal plan maps) and it could therefore happen.
- It was mentioned that the RCP does not/cannot control commercial fishing or shellfish harvesting – this is done by the Ministry for Primary Industries. The RCP does however regulate the occupation of space in the coastal marine area for aquaculture.
- There was a discussion on whether a commercial aquaculture farm could be granted over the top of a recreational shellfish bed – staff responded this would be highly unlikely.
- There was a discussion around the issue of people taking seafood (such as mussels/oysters) off private structures and how this can be unsafe.
- There was a discussion around the prohibited rule for discharging untreated sewage from ships and it was raised that the rule does not mention anything about discharges needing to occur on an outgoing tide.
- Ben Lee gave an overview of Proposed Plan Change 4 (Aquaculture), including were it got to before being put on hold to await new aquaculture legislation in 2011. The Plan Change has been appealed to the Environment Court and it is hoped that the appeals can be resolved by early 2015.
- Ben mentioned that as this plan change is still before the Environment Court, council technically does not need to include this as part of the plan review process – essentially it could be 'ring fenced' outside of the review process as long as it is fit for purpose.
- It was mentioned that the upper Te puna inlet is/will be open for aquaculture but most areas (of the inlet) to be prohibited to aquaculture.

- There was a question around who determines prohibited areas? Staff replied that it is now down to the Environment Court to determine the extent of these areas.
- There was a discussion around experimental aquaculture (such as geo duck) and how it might be ok in/adjacent to areas identified as outstanding natural landscape/character as these clams burrow below the substrate and so there should not be any visual amenity type effects (policies in the New Zealand Coastal Policy Statement require that adverse effects of activities are avoided on outstanding natural character and landscape areas).
- There as a discussion around finfish farming and whilst there are currently no commercial ocean based finfish farm in Northland, politically there have been finfish farming discussions. Northland Inc has been working on this and some potential sites have been identified. The process is likely to be politically driven.
- The Department of Conservation representative mentioned that central government are working on a 100 day timetable to reform the RMA and this could include aquaculture. Council therefore needs to be prepared for further change.
- It was mentioned that adaptive management might be used in aquaculture consents for new species.
- The question was asked why council is promoting aquaculture? Response was that central government sees Northland as a growth area, aquaculture as an activity is specifically provided for in the RMA and the NZCPS requires councils to provide for aquaculture activities in appropriate places. It has the potential to lead to job creation in remote parts of the region.
- There was a comment that it's essential to get the processing jobs to stay in Northland – that would be ideal but it is not something that councils can directly control through the RMA process and it comes down to economics.
- It was mentioned that aquaculture has the potential to compete with tourism, which is a big money maker for Northland. It was then commented that aquaculture can in itself have tourism potential.
- It was mentioned that the new coastal plan needs to account for different types of aquaculture (rather than treating it all the same) because we shouldn't inhibit innovation and there could be 'new' viable species that could be trialled – 'experimental'.
- Re-consenting existing aquaculture – at the national level, Department of Conservation are looking at what can be done within the parameters of 'King Salmon' decision, e.g. a values based approach.
- It was mentioned that Parengarenga harbour (in the far north) has been classified a mixture of outstanding and high natural character through the Proposed Regional Policy Statement for Northland mapping exercise. This is despite the fact that there is existing aquaculture activity in the harbour. There was discussion around what NZCPS Policy 13 (avoid adverse effects) might mean for established aquaculture within/adjacent to mapped ONL areas – staff mentioned that new plan will try and account for this because no one wants to see established aquaculture activities have to cease because of new planning restrictions.
- It was mentioned that Stephenson's Island was mapped as an Outstanding Natural Landscape through the PRPS mapping process but consent was recently granted for aquaculture next to the island. It was clarified that through the consent hearing, it was

argued by the applicants that the island should not have been mapped as 'outstanding' and the Environment Court accepted this view.

- The Department of Conservation representative mentioned that they are not likely to want to 'tinker' with Plan Change 4 policies/rules in light of the 'King Salmon' decision – lots of time and money has already been invested into this process and its best to let it run its course.

Session 5: Recreational activities

Key questions for the discussion:

Change management approach to vehicles on beaches (VOB) or maintain status quo?

Map/identify/protect regionally significant surf breaks or just nationally significant?

Open forum

- Surf breaks looking at implications on subdivision. Isolation, sense of place - does this need to be protected? Protect access and swell corridors.
- Prohibit vehicle use if conflict with other users? All three district council's have bylaws controlling vehicle use on beaches - need to be consistent with these.
- With regards to prohibiting/preventing vehicles on beaches, it was mentioned that emergency use needs to be enabled (such as for police or surf lifesaving) whatever approach council adopts because these are critical for public health and safety.
- It was mentioned that there are issues around Ruakaka with VOB as well as on the west coast beaches, especially where there are toheroa beds.
- Partnership between community and regulatory agencies has yielded good results - NRC has this through safe beach driving forum in partnership with other agencies (such as police and NZTA).
- It was mentioned that Auckland has done some work (mapping and rules) on regionally significant surf breaks – there are no NZCPS 'nationally significant' surf breaks in Auckland.
- There was a view that whether or not the next coastal plan includes protection for regionally significant surf breaks is an issue for the community to decide.
- Any other issues regarding recreational activities? Population growth and the future growth of campgrounds and the need to plan for this were raised.
- There was a discussion around the reduction in shellfish at Whangarei harbour entrance. Overfishing wasn't the issue but stopping this would help the recovery of this resource.