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PROPOSED NEW ZEALAND COASTAL POLICY STATEMENT

SUBMISSION FROM THE WELLINGTON CITY COUNCIL

INTRODUCTION

As a coastal city the Wellington City Council welcomes the opportunity to provide input to the review of the New Zealand Coastal Policy Statement (NZCPS). This is an important document that establishes a national framework for the management of the coastal environment at national, regional and local levels.

In general the Council supports the reviewed statement and in particular the new focus areas relating to urban containment, urban planning and the protection of historic heritage. Provisions providing clearer and more specific guidance and direction on issues relating to natural character, water quality, public access and coastal hazards are also generally supported.

However, there a number of areas where it is considered that the interests of the Council may be adversely affected by the proposed provisions and these are specifically detailed in the submissions below.

OBJECTIVES

Objective 7

Council has concerns with objective 7. In some areas determining water quality's natural state is problematic, with natural state unknown or changed through time and stages of urban development.

Action sought

Clarification is required on how to determine "natural state" and amount of subsequent deterioration.

POLICIES

GENERAL

Policy 1 The Coastal Environment

The Council supports the intent of Policy 1 in providing guidance for the definition of the extent of the coastal environment that is relevant to many of the subsequent policies in the NZCPS.

However, the Council has some concerns in respect of applying the Policy 1 provisions to Policy 14 (Location of subdivision and development).

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The concern is that the notion of urban containment implicit in Policy 14 has the potential to be undermined if the coastal environment was to be purposefully defined so as not to hinder development in greenfield situations at the edge of urban areas.

Action sought

That consideration be given to drafting Policy 1 to avoid the possible undermining of Policy 14 which is to contain urban development within the coastal environment.

Policy 11 Monitoring of the NZCPS

The Council is encouraged to see nationally consistent coastal environmental monitoring proposed. Allowing for regional variations, there is need nationally for consistent and appropriate water and environmental quality guidelines to be devised

Action sought

That under Policy 11 guidance and more clarity be provided on the national standards to be attained for water quality and receiving environments. Quantative and explicit standards and requirements should be presented for water quality and coastal environmental monitoring policies.

Policy 12 Local authority monitoring

The Council accepts its monitoring responsibilities under the Resource Management Act 1991 but is concerned that the requirements of Policy 12 leaves an uncertainty about what data is to be collected to provide a national perspective on the state of the coastal environment. Appropriate guidance should be provided in advance to ensure national consistency.

Action sought

That guidance be provided under Policy 12 on the data to be collected to provide a national perspective on the state of the coastal environment.

Policy 13 Amendment of policy statements and plans

Policy 13 requires that local authorities amend plans to give effect to the NZCPS as soon as practicable and no later than five years after the date of gazettal.

The Council is concerned that a considerable amount of work will have to be undertaken to address a range of matters that to date have not been fully addressed in the District Plan. These relate to:

- The recognition and identification of the coastal environment
- Assessing the natural character of the coastal environment including the identification of outstanding features and landscapes and other natural areas
- Identifying areas potentially affected by coastal hazards, including the effects of climate change.

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It is noted that these tasks will also be required to be dealt with under the proposed Regional Policy Statement which the Council must now give effect to. In this regard the proposed Regional Policy statement does not impose defined time limits but instead requires the process to amend District Plans to implement policies to commence, on or before the date on which the Council commences the review of its District Plan under section 79 of the RMA.

The Council is of the view that this is a more practical approach.

Action sought

That Policy 13 be amended to provide that where District Plans are to be amended to give effect to the NZCPS the process shall commence, on or before the date on which the Council commences the review of its District Plan under section 79 of the RMA.

SUBDIVISION, USE AND DEVELOPMENT

Policy 14 Location of subdivision and development

The Council supports the general intent of Policy 14 to contain urban development in the coastal environment and preserve natural areas beyond the edge of towns, cities or other settlements i.e. to avoid what is commonly referred to as sprawl.

However, the Council is concerned that in an urban centre such as Wellington City the diversity of the nature of the terrain and pattern of development is such that significant opportunities exist for new urban development within the bounds of the existing urban area.

The Council is strongly of the view that new development within the existing urban area should not be identified as sprawl. The Council's Urban Development Strategy and associated District Plan provisions work to promote sustainable city by generally containing the outward growth of the city and providing for more intensive development within the boundary established by the Outer Green Belt.

In this regard it is considered that Policy 14 should be drafted so that new infill development within the boundaries of existing urban areas it cannot be construed as being inconsistent with clauses (c) – (h) and challengeable on this basis.

The Council is of the view that the primary difficulty arises from the use of the term 'urban sprawl' in clause (e). From a lay perspective the term 'urban sprawl' does convey the idea of ongoing urban expansion but the term has emotive connotations and should not therefore be used in a document such as the NZCPS.

It is also considered that the term is not satisfactorily defined and would lead to confusion if applied formally. Urban sprawl can refer to any extension of the urban area or scattered development beyond the edge of the city. It encompasses low density continuous development, ribbon development and so called leap-frog development, i.e. the establishment of discontinuous but compact urban areas.

It is also noted that Clause (c) requires that in identifying areas where subdivision and development might be appropriate a mixture of uses shall be encouraged along the

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coast. While the Council supports the concept of mixed use activities in urban areas to promote sustainable city objectives it is not considered that a mixture of land uses should necessarily be provided in all coastal areas. In Wellington City most urban coastal development is for residential purposes and although the District Plan does promote a degree of mixed use the general protection of residential character and amenity has strong support.

For the above reasons it is considered that the provisions under (c) – (h) in Policy 14 should be amended.

Action sought

That under Policy 14 clauses (c) – (h) be amended and as follows, or to the like effect:

(c) encourage development within existing urban areas;

(d) discourage continuous urban development of the coast where it has not already occurred, including ribbon development along transport corridors and the agglomeration of separate urban areas;

(e) as per existing clause (d)

(f) as per existing clause (g)

(g) as per existing clause (h)

In addition Clause (a) in Policy 14 relating to the identification of areas where subdivision and development might be appropriate makes reference to the provision of ‘dwellings or commercial premises’. This is considered to be too limiting as development in urban situations may cover a much wider range of uses or activities. A more generic reference would be more appropriate.

Action sought

That Clause (a) in Policy 14 be amended to read:

‘subdivision, and the development of land, to provide for urban purposes, will be appropriate; and’

Policy 15 Form of subdivision and development

Policy 15 requires that in determining areas for development within the coastal environment, appropriate forms of development shall be promoted by:

- encouraging a mixture of densities
- encouraging mixed development and mixed housing types
- promoting urban forms that support public transport use, walking and cycling
- providing for and protecting public open space
- maintaining the character of the built environment.

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The Council is fully supportive of the above planning outcomes as they apply to development generally and also as they might apply in the coastal environment. Such provisions reflect sound planning practice and in Wellington City are integral to existing urban strategies and plans which are being actively implemented through a variety of means.

However, it is considered that two key elements, scale and design, have been omitted from the list of items to promote good urban form. In this regard it is noted that scale and design are mentioned in Clause (a) of Policy 33 which addresses related issues under the heading 'Natural Environment'.

It is considered that a reference to the scale of development could be conveniently made by additions to Clause (e) with a new provision added to address the design of development.

Action sought

That the existing Clause (e) be amended to read:

Identifying where development that maintains the scale and character of the existing built environment should be encouraged, and where development resulting in a change in scale or character would be acceptable;

That a new clause be added as follows or to the like effect:

(f) encouraging quality urban design outcomes.

Policy 16 Use and development of the coastal marine area

The Council's concern with Policy 16 as drafted is that it does not recognise special development within the coastal marine area such as the Wellington waterfront.

The Wellington waterfront project is a major development focus for the city and continues to provide for the rejuvenation of this special area as a 'people place' with a diverse range of uses and activities. Some parts of the project area still to be developed lie within the coastal marine area.

In determining where specified use or development will or will not be appropriate under Policy 16 it is considered that the matters to be considered in Clauses (a) – (e) are too narrowly prescribed and would potentially preclude further desirable development in the coastal marine area. Clauses (b) and (c) for example, specifically seek to exclude activities that, by their nature, do not have to be located in the coastal marine area. However, most uses or activities in the waterfront development such as restaurants and apartments are promoted to achieve a level vitality or vibrancy and are not necessarily coastal in nature.

It is also noted that some developments within the coastal marine area may also be the subject of leases that are defined as subdivisions under the Resource Management Act 1991. Policy 16 should therefore recognise the potential for subdivision.

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Action sought

That Policy 16 be amended as appropriate to provide for subdivision, use and development of special areas within the coastal marine area such as the Wellington waterfront.

Policy 26 Abandoned or redundant structures

Council generally supports the concept of Policy 26. The policy is adequate for new structures however does not address historical problems.

Action sought

That guidance be provided under Policy 26 for the removal of redundant or abandoned structures where no resource consent exists.

NATURAL CHARACTER

Policy 31 Indigenous biological diversity

Council generally supports this Policy which is consistent with Council priorities for indigenous biodiversity management and protection. However some minor clarification would help ensure more effective implementation.

Action sought

Under (b) (vi) clarify the size and scale of areas of predominantly indigenous vegetation in the coastal environment.

Acknowledge and seek to address how the lack of data could limit the effectiveness of (b) (vii).

Policy 35 Restoration of natural character

Council generally support the direction of Policy 35 however have concerns about clause (d) “eliminating discharges of contaminants that are causing significant effect”. It is apparent on a national basis and is not just a local issue, that there is need to qualify “effects” to coastal receiving environments.

Action sought

Before any discharge or receiving environment standards are imposed there need to be considerable information gathered on the characteristics of existing discharges and their effects receiving environments. This will determine what is causing adverse effects on and in which receiving environment type.

This work would need to be a precursor to national discharge or receiving environment standards and strategies for protecting the coastal receiving environments.

Note: Comments and suggestions on Policy 35(d) are common to Policy 49 (d).

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WATER QUALITY

Policy 45 Enhancement of water quality

Council has proactively worked to understand, monitor and improve water quality and environment effects of discharges. However it could be argued that water quality has deteriorated in most areas with human contact. Council are unsure how the deterioration of water quality is to be defined.

Action sought

Council would appreciate clarity on what is the baseline to enhance water quality to and how it is to be determined.

Policy 49 Stormwater discharges

Council supports the overall directions and content of the Policy 49. In particular, Council supports the way the draft NZCPS includes initiatives to reduce stormwater quantity at source, provide stormwater treatment and promotes integrated management. However, more guidance and clarity is sought on the national standards to be attained for water quality and receiving environments.

Adverse effects of discharges on coastal environment are mentioned again in Policy 49. The same comments and actions as Policy 35 (d) apply - that there is need to qualify “effects” to coastal receiving environments.

Action sought

Before any discharge or receiving environment standards are imposed there need to be considerable information gathered on the characteristics of existing discharges and their effects receiving environments. This will determine what is causing adverse effects on and in which receiving environment type.

This work would need to be a precursor to national discharge or receiving environment standards and strategies for protecting the coastal receiving environments (Policy 49 (d)).

In addition the following comments on specific Policy 49 clauses are made;

Clause a

Council currently promotes design options that reduce inflows to stormwater reticulation. Although it needs to be noted that the use of low impact solutions (including the use of soak pits, roadside swales, filter strips and rain gardens) in Wellington City is not always possible due to lack of permeability offered by the steep topography and thin clay soils. Council’s Code of Practice for Land Development has been revised and requires the consideration of sustainable stormwater management where conditions allow.

Action sought

That the existing Clause (a) be amended to read:

‘promoting design options that reduce inflows to stormwater reticulation systems at source where conditions allow.’

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Clause b

The effects of sediment run off differ between receiving environments. Allowing for receiving environments variations, there is need nationally for appropriate sediment loading guidelines to be devised. Council are happy to control sediment contaminant loadings, through land use controls to ensure compliance against given standards.

Action sought

That under Policy 49 (b) guidance and more clarity be provided on the sediment loadings standards to be attained for stormwater water.

Clause d

The Council is encouraged to see discharge standards proposed as we believe there is need nationally for consistent and appropriate water and environmental quality guidelines to be devised. However we feel this work could only happen after characteristics of existing discharges and their effects receiving environments and have investigated.

Action sought

Allow for regional variations Council would like guidance on discharge standards to be achieved.

Clause g

Council generally support the direction of Policy 49 however have concerns about clause (g) “cumulative adverse effects of discharges that are significant”.

Action sought

Council would like clarification on who would determine if discharges cause significant cumulative adverse effect and from what baseline this is to be defined from?