



## **Turning hopes and dreams into actions and results**

**Whangamata, a case study of community  
planning in a coastal area**

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Parliamentary Commissioner for the Environment  
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## Preface

People who live in Whangamata are grappling with the same problems as many other New Zealanders who inhabit beautiful coastal landscapes. Their local environment and the town's infrastructure are under intense pressure, not least from the swarms of visitors who put considerable demands on it but depart without contributing, via rates, to the amenities that service the town.

Whangamata people, however, have taken a giant step towards resolving their environmental problems by creating a Community Plan that aims to give all stakeholders a voice in the long-term future of the area.

It is in the nature of environmental problems that there are no quick fixes, so our responses must be integrated and sustained as populations and technologies change. Many of Whangamata's challenges can only be resolved by changes in the whole catchment. A Community Plan is the ideal vehicle for this and I congratulate the people of Whangamata, and the staff and councillors of the Thames Coromandel District Council and Environment Waikato for their goodwill in creating it.

Nevertheless, good intentions must be put into practice. It would be fair to say that, after a promising start, the plan has appeared to stall and our investigation has highlighted several areas of concern in its implementation.

Firstly, everyone must understand from the outset the legal, environmental and financial contexts. Secondly, the plan must sit comfortably with the other layers of local government so that everyone is aware of its strengths and limitations. Thirdly, it needs a champion so that what should happen, does happen.

Above all, it needs to endure and evolve. A Community Plan is no place for sprinters—marathon runners are needed to monitor the environment, conduct the science, keep abreast of the legislation, and understand the local history.

It is now time to breathe new life into the Whangamata Community Plan. I hope that this study is a catalyst for the people of Whangamata to persevere with the plan, and to continue to chart a more sustainable future for their own enchanting part of New Zealand.



**Dr J Morgan Williams**  
**Parliamentary Commissioner for the Environment**



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# Executive summary

## Introduction

This executive summary summarises the Parliamentary Commissioner for the Environment (the Commissioner)'s findings and recommendations from an investigation into the process used in the Whangamata area to create the Whangamata Community Plan.

## Background

The investigation was instigated by two concerns raised with the Commissioner: the encroachment of mangroves into the harbour and the performance of the town's wastewater treatment plant.

The investigation's terms of reference were to:

- investigate and assess the community planning process used in the Whangamata catchment and coastal area to address the adverse effects from development
- produce a report based on the investigation and make it available to the various stakeholder groups in Whangamata, and other communities with similar issues.

## Conclusions

The investigation has shown the potential for local authorities to work *with*, rather than *for*, communities to develop ways to address the many social, economic and environmental factors of concern to all developing communities. Local authorities must consider such factors when making decisions and setting goals within the sustainable development approach required by the Local Government Act 2002, and with a view to sustainable management as required by the Resource Management Act 1991.

The investigation's recommendations must be read in the context of the terms of reference's focus on the role of community planning. This focus was chosen because of community planning's potential to address and resolve divergent community perspectives on issues relating to the environment.

The findings and recommendations relate to three areas:

- community plan development
- community plan implementation and maintenance
- environmental outcomes and futures.

The findings within each topic are summarised below, with recommendations and explanatory notes where appropriate.<sup>1</sup>

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<sup>1</sup> The recommendations are numbered in order as they appear in this executive summary, so readers can refer to them in future. However, the recommendations do not necessarily appear in the text in the same order and therefore are not numbered in the text.

## Community plan development

### Finding

The process used to develop the Whangamata Community Plan was successful, with the consultation process generally supported despite strongly held feelings in some parts of the community. However, some parts of the community held unrealistic expectations about the process's ability to achieve their desired outcomes, and did not consider the limitations imposed by other statutory and planning frameworks. Participants in the process may also have lacked sufficient information.

### **Recommendation 1** (see Chapter 6)

**To all councils and their constituent communities:** When a council and community engage in a community planning process, the council makes it clear early in the process:

- the purpose of the process
- how decisions or recommendations as a result of the process might be put into effect
- how those decisions or recommendations might fit within the council's ongoing planning and policy development and implementation.

### **Recommendation 2** (see Chapter 6)

**To all councils and their constituent communities:** When a council or community are about to engage in a community planning process, the council, early in the process, reviews and summarises all relevant initiatives and strategies, so stakeholders can ensure that they consider the potential effect of these initiatives and strategies on the future community plan during the consultation process.

### Finding

The community planning process helped to get disparate groups into a constructive dialogue, but the plan's development was limited by:

- the implementing agencies' apparent lack of capacity or commitment to implement the plan
- the community's uncertainty over the plan's status with respect to statutory planning documents
- the plan's recommendations being beyond the ability of the councils and community to implement without support from other agencies.

### Finding

The community planning process could be improved by:

- ensuring key stakeholders' early commitment to the process
- setting realistic expectations early in the process
- prioritising outcomes



- developing mechanisms to implement the plan whenever possible, but taking into account the legal context and its limitations on the plan's implementation.

## **Community plan implementation and maintenance**

### **Finding**

Despite implementation problems the community planning process successfully set agreed actions to address many of the community's environmental and community concerns.

It is encouraging that Thames-Coromandel District Council (TCDC) report that many of these actions have been completed or at least initiated. However, many of the more challenging actions have not been implemented.

### ***Recommendation 3 (see Chapter 6)***

To Thames-Coromandel District Council (TCDC) and Environment Waikato (EW): TCDC and EW work together to develop strategies, policies and processes to progressively implement the aspects of the community plan that are within their jurisdiction and that have not been implemented.

### **Finding**

The Long Term Council Community Plan (LTCCP) is a planning tool well suited to addressing the issues identified in the community planning process.

### ***Recommendation 4 (see Chapter 6)***

**To TCDC:** TCDC clearly identifies how it has used the various community plans in its district (including Whangamata's plan) to develop its LTCCP.

### **Finding**

Information gaps were identified during the community planning process.

### ***Recommendation 5 (see Chapter 6)***

**To TCDC and the Whangamata Community Board:** TCDC and the Whangamata Community Board, as part of the community plan's ongoing development, develop a programme for addressing critical information needs. This information is collected to inform discussions about future versions of the community plan.

### **Finding**

The community plan's implementation can be improved.

**Recommendation 6** (see Chapter 6)

**To all participants in the community planning process:** Participants in the community planning process enable the community plan's more effective implementation by:

- ensuring ongoing political and community commitment to the plan
- defining the plan's relationship to the council's day-to-day operations
- appointing an effective champion (a group or an individual) of the plan
- monitoring progress, reporting and reviewing the plan.

**Finding**

The community plan's effectiveness and implementation are affected by the extent of delegated power provided to the Whangamata Community Board.

**Recommendation 7** (see Chapter 6)

**To TCDC:** TCDC, as part of any future review of the implementation of the community plan, assesses the effectiveness of the Whangamata Community Board's delegations.

**Finding**

Appropriate resources need to be dedicated to facilitating the plan's development, keeping the plan alive and working, and keeping the community engaged in the ongoing process.

**Recommendation 8** (see Chapter 6)

**To TCDC:** TCDC allocates sufficient resources to ensure ongoing community participation in the community plan's implementation and review, including regularly using forums and information bulletins. These resources should:

- build TCDC's capacity to support facilitation and participatory processes and the community plan's implementation (for example, by appointing a full-time staff member dedicated to community plan support activities)
- address the community's distrust of the council by appointing suitably skilled neutral facilitators.

**Finding**

Participatory community planning processes provide more effective outcomes when they involve an ongoing participatory dialogue between the community and decision makers.

**Recommendation 9** (see Chapter 5)

**To TCDC, the Whangamata Community Board and EW:** TCDC, the Whangamata Community Board and EW reinvigorate the community plan with a new round of consultation that updates progress, raises new issues and encourages ongoing constructive dialogue between all parties.

## Environmental outcomes and futures

### Finding

The water quality of the Whangamata Harbour has degraded. Some areas are probably unsafe for swimming and shellfish gathering at most times and it is probably unsafe to swim in the harbour immediately after heavy rain.

#### **Recommendation 10** (see Chapter 4)

**To EW:** EW undertakes further rounds of water quality testing in the harbour to determine what effect, if any, the recent improvements undertaken by TCDC to the wastewater treatment plant may have had.

#### **Recommendation 11** (see Chapter 6)

**To EW and TCDC:** EW and TCDC work together and with the community to develop an ongoing water quality monitoring programme so empirical data are available about changes and trends in the harbour's water quality.

### Explanatory note

The Commissioner considers a sustained improvement in water quality needs an integrated whole-catchment-based response to water quality problems. The community plan provides the vehicle by which the community can be involved in such an initiative.

Empirical data on changes and trends in water quality are also needed.

### Finding

Parties disagreed about the appropriate method to assess water quality in the harbour.

#### **Recommendation 12** (see Chapter 6)

**To EW and TCDC:** EW and TCDC meet with Clean Water Whangamata and the Public Health Unit of Health Waikato to discuss concerns about water quality testing. The conclusions from such a meeting would then be fed back into the community planning process and used to implement water quality testing and monitoring programmes.

### Finding

Past and proposed physical changes to the harbour's structure will have long-term adverse environmental effects on the harbour and the coastal processes that shape it.

#### **Recommendation 13** (see Chapter 6)

**To TCDC:** TCDC continues to work with EW and the University of Waikato to ensure sufficient baseline research is done to enable an effective assessment of the effects of past and proposed changes to the harbour's structure.

## **Finding**

In Whangamata, as in other similar resort areas, local authorities face the difficulty of providing the infrastructure to adequately meet the needs of a seasonally fluctuating population. In Whangamata the water supply and wastewater treatment systems are under particular pressure.

### ***Recommendation 14 (see Chapter 6)***

**To TCDC:** TCDC, when making infrastructure decisions, considers:

- involving the community in all phases of a system's design, build and operation
- designing the system for the long term, not just to cover immediate problems
- designing the system for local conditions
- ensuring that the community has a comprehensive understanding of the impact of local environmental and social conditions on the options being considered
- giving additional weight to managing the demand on systems (especially peak demand), using educative, regulatory and economic measures, not just by increasing system capacity
- ensuring robust performance standards and appropriate financial incentives or penalties are built into performance contracts with infrastructural developers and operators if these functions are contracted out.

### ***Recommendation 15 (see Chapter 6)***

**To EW:** EW works openly with TCDC, the Whangamata Community Board and the community, to the extent possible without compromising its position as a consent authority, to ensure the upgraded wastewater treatment plant is designed, built and operated to meet resource consent conditions for the consent's duration and beyond.

### ***Explanatory note***

The Commissioner endorses TCDC's actions to progress the upgrade of Whangamata's wastewater treatment plant.

The Commissioner advocates using the community consultation process, as used in the community plan's development (that is, a process of participatory appraisal), as a constructive way to engage the community on this matter.

# 1 Introduction

## Background to this investigation

In 1998 the Parliamentary Commissioner for the Environment (the Commissioner) received a letter expressing concern about the encroachment of mangroves into the Whangamata Harbour.

In 1999 the Commissioner received correspondence from Clean Water Whangamata (CWW) about the wastewater treatment plant's inadequate performance. In 2002 CWW raised further concerns about the plant.

During this period other concerns in the Whangamata region were brought to the Commissioner's attention. These concerns related to the adequacy of measures to control the effect of development and intensive activity in the Whangamata Harbour catchment, specifically the effects on:

- water quality
- estuarine ecology
- traditional uses of, and access to, harbour resources by tangata whenua
- recreational uses.

Whangamata is a popular coastal town on the Coromandel Peninsula (Map 1), with large seasonal fluctuations in population. These fluctuations place significant pressure on the local infrastructure, which can affect the health of ecosystems and the community, and the physical form of the surrounding catchment and Whangamata Harbour.

The environmental concerns in Whangamata are typical of concerns in many New Zealand coastal towns, including Coromandel, Tairua and Whitianga within the Thames-Coromandel district. However, in Whangamata concerns were compounded by a long-running dispute between some residents and ratepayers, and Thames-Coromandel District Council (TCDC) and Environment Waikato (EW) (the Waikato Regional Council) over the harbour's management and the wastewater treatment plant's effect on the harbour. To resolve the dispute the parties needed to agree on key facts and the best way to achieve an environmentally sustainable wastewater treatment plant. One key reason the two councils initiated the community planning process was to achieve these objectives.

The community planning process followed in Whangamata corresponds with the Long Term Council Community Plan (LTCCP) process New Zealand local authorities must implement under the Local Government Act 2002 (LGA 2002). The two processes have the common feature of instigating consultation with the community to identify community outcomes. This has the potential to effect changes in planning directions, and to encourage residents and ratepayers to 'buy in' to local authority planning.

Initially, EW and TCDC intended to focus on environmental issues (including mangrove, wastewater, stormwater and catchment management), but the scope widened as public consultation progressed.

[illegible]

The Commissioner chose to investigate the effectiveness of the Whangamata community planning process because the investigation's findings would be valuable for other local authorities seeking to improve community environmental well-being through LTCCP processes.

## **Purpose of the investigation**

The environmental issues concerning Whangamata Harbour and catchment that had been brought to the Commissioner's attention are complex and interrelated. Most are a consequence (direct or indirect) of the pressures associated with coastal development and increasing levels of human occupation.

In response to community concerns about these environmental pressures and local authorities' efforts to address them, EW instigated a process to develop a community plan.

The role of long-term integrated plans to contend with complex environmental problems is of particular interest to the Commissioner. Whangamata provides an opportunity to assess the value and effectiveness of this planning process in the challenging context of coastal development.

The Commissioner considered it appropriate to undertake this investigation for reasons that apply nationally and locally in the Whangamata community:

- community plans can provide useful input into the development of LTCCPs
- the lessons learnt from the Whangamata community planning process can assist other communities' plan development
- advice provided by the Commissioner that improves the Whangamata community plan's effectiveness may lead to improved management of Whangamata's ongoing environmental concerns.

By studying the progress of the Whangamata Community Plan the Commissioner can comment on five significant environmental management themes:

- developing and implementing integrated and sustained responses to complex environmental issues
- protecting sensitive coastal ecosystems
- recognising and providing for the interests of tangata whenua in coastal regions
- improving information flows, including scientific information, in environmental decision making
- addressing the factors that limit local government's capacity.

Therefore, the purpose of this investigation was to assess:

*The effectiveness of the planning processes used by the Whangamata community and local authorities to address their environmental concerns.*<sup>2</sup>

The investigation assessed how the Whangamata community planning process was used to develop agreed and acceptable outcomes (the strategic vision), and to achieve the agreed outcomes (implementing the vision).

The investigation assessed:

- the degree, contribution and efficacy of the public consultation process
- the role and effect of the community action plan in addressing the local community's concerns
- the degree of integration of the various processes to give effect to the community plan, including the support given by local and regional government and other institutions.

## **Terms of reference**

The Commissioner has several functions under the Environment Act 1986, including the ability to:

- review the system of agencies and processes established by the Government to manage the allocation, use and preservation of natural and physical resources
- investigate, where necessary, the effectiveness of public authorities' environmental planning and management.

The Environment Act sets out the matters to which the Commissioner shall have regard when undertaking such an investigation.<sup>3</sup> In Whangamata the following matters are particularly relevant:

- the maintenance and restoration of important ecosystems, especially supporting habitats of rare, threatened or endangered species of flora or fauna
- areas, landscapes and structures of aesthetic, archaeological, cultural, historical, recreational, scenic and scientific value
- land, water, sites, fishing grounds, or physical or cultural resources, or interests associated with such areas, that are part of the heritage of the tangata whenua and contribute to their well-being.

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<sup>2</sup> Note that community plans may not have an environmental focus, as each community will define its concerns.

<sup>3</sup> See s 17.



The terms of reference for this investigation were:

- investigate and assess the community planning process used in the Whangamata catchment and coastal area to address the adverse effects from development<sup>4</sup>
- produce a report based on the investigation and make it available to the various stakeholder groups in Whangamata, and other communities with similar issues.

## **Relationship of this investigation with other work of the Commissioner**

This study incorporates significant environmental themes investigated in other reports from the Commissioner.

- *Public participation under the Resource Management Act 1991: The management of conflict* presents principles for managing conflict.<sup>5</sup>
- *Setting course for a sustainable future: The management of New Zealand's marine environment* discusses the issues underpinning the sustainable management of New Zealand's coastal and marine areas.<sup>6</sup> Several coastal and marine issues were canvassed, including:
  - the pressures on coastal areas from 'upstream' catchments
  - the recognition of, and provision for, the interests of tangata whenua
  - the protection of coastal biodiversity and marine habitats
  - critical issues related to fishing and aquaculture.
- *Ageing pipes and murky waters: Urban water system issues for the 21st century* looks at the issues associated with the development of sustainable urban water systems (supply and waste).<sup>7</sup> A second report, *Beyond ageing pipes: Urban water systems for the 21st century*, highlights the need to develop new models for water service delivery.<sup>8</sup>
- *Managing change in paradise: Sustainable development in peri-urban areas* discusses the environmental issues arising from the land's transition from rural to urban use, particularly in locations with high scenic or natural values.<sup>9</sup> It looks at the ability of the Resource Management Act 1991 (RMA) to address the impacts associated with this land use change. Strategic planning and community strategies are also discussed.

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<sup>4</sup> Community plans cannot address environmental concerns: other mechanisms, both statutory and non-statutory, will give effect to the plan's goals and objectives. These mechanisms include regional and district plans, and community groups' actions.

<sup>5</sup> PCE, 1996

<sup>6</sup> PCE, 1999

<sup>7</sup> PCE, 2000

<sup>8</sup> PCE, 2001a

<sup>9</sup> PCE, 2001b

- *Illuminated or blinded by science? A discussion paper on the role of science in environmental policy and decision making* discusses the problems associated with:
  - dealing with imperfect information and scientific uncertainty
  - poor communication of scientific concepts in environmental decision-making processes
  - the issues that can arise when scientific and non-scientific values must be recognised and integrated in environmental management and decision making.<sup>10</sup>

## Methodology

The five steps in this investigation were:

1. Gather and review available information on Whangamata, the legislative context and the other frameworks used to manage the effects of development, specifically in coastal regions in New Zealand.
2. Interview a wide range of stakeholders in Whangamata, including representatives of the regional and local councils, the Department of Conservation (DOC), the tangata whenua, and community groups (see Appendix A for the list of interviewees.)
3. Prepare a draft report and send it to participants to ensure its accuracy and fairness.
4. Publish a final report (this report).
5. Undertake a follow-up investigation in 12–18 months focusing on assessing the community plan with respect to the progress and success of:
  - the public participation process
  - the plan's implementation.

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<sup>10</sup> PCE, 2003b

## 2 Development pressures in coastal areas

### Importance of coastal areas and their ecosystems

As inhabitants of an island nation New Zealanders are intimately linked to the coast and sea. Many of the values New Zealanders place on their coastal and marine environments are discussed extensively in *Setting course for a sustainable future*.<sup>11</sup> The Commissioner's recently reviewed strategic plan, *Future focus*, also highlights that coastal seas, including estuaries, are cherished areas and are at risk.<sup>12</sup>

### Ecosystem services

Coastal ecosystems provide a range of ecosystem services.<sup>13</sup> In particular, coastal ecosystems in New Zealand play a key role in effluent discharge (sewage outfall) and nutrient recycling.

In a 1997 study it was estimated that nearly one-third of the value of all global ecosystem services was derived from coastal ecosystems.<sup>14</sup> The dollar value of New Zealand's coastal ecosystem services is estimated at NZ\$90 billion each year, or more than twice the total value of ecosystem services provided by New Zealand's land base.<sup>15</sup> In its definition of 'ecosystem services' the study included goods such as food and hydrocarbons, but most ecosystem services are outside the market economy.<sup>16</sup>

### Indigenous biodiversity

Coastal areas also have value, both utilitarian and intrinsic, as places that support indigenous biodiversity. A key concern is the effect of human activities on indigenous biodiversity in coastal areas, including the effect on:

- inshore fisheries and shellfish
- native and migratory bird life
- native flora.

The two last points are of specific concern in Whangamata with respect to mangrove encroachment (discussed further in Chapter 4).

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<sup>11</sup> PCE, 1999: Chapter 2

<sup>12</sup> PCE, 2003a

<sup>13</sup> Ecosystem services are the unpaid benefits to society of having healthy ecosystems, including the maintenance of biodiversity; water catchment and purification; waste decomposition; carbon sequestration; nitrogen fixation; weed suppression; soil generation and protection; pollination; nutrient cycling; and existence values (that is, the pleasure people gain from knowing the ecosystem is healthy).

<sup>14</sup> Costanza *et al.*, 1997

<sup>15</sup> The estimate for New Zealand is a proportion of the worldwide figure based on the length of New Zealand's coast.

<sup>16</sup> In 1998, the value of New Zealand's seafood and hydrocarbon products was about NZ\$2.6 billion.

## Recreation

The sea is a vital element in New Zealanders' recreation. No one in New Zealand lives more than 140 km from a coast. The coastal environment has become a fundamental part of New Zealand life. The holiday bach or crib at the beach has become a cultural icon. Fishing, boating, yachting and surfing are among some of New Zealanders' most popular recreational activities.<sup>17</sup>

## Economic potential

Many coastal areas have considerable economic development potential, for example:

- harbours (access to and by water transport)
- scenic and recreational areas (land development and tourism)
- sheltered waters (aquaculture<sup>18</sup> and coastal fishing)
- shallow coastal zones (energy projects such as wind farms)
- bio-prospecting.<sup>19</sup>

## Aesthetic and spiritual values, and local identity

In addition to practical ecosystem services and other utilitarian values, coastal areas have a range of non-commodifiable values, including the scenic and aesthetic qualities of coastal landscapes and waterscapes and the distinctive character of local and regional coasts, which are the basis for individual and community identities. These types of values are difficult to quantify, but it is clear New Zealanders are strongly attached to coastal areas and the sea. For many people, knowing these areas are being cared for as part of New Zealand's natural heritage and having access to the coast for fishing or relaxation are what matter. For other people, being involved in local beach care projects or initiatives to protect coastal wildlife is an important dimension of their commitment to their communities and New Zealand's biodiversity.

## Tangata whenua

For more than 1,000 years Maori have developed special relationships with New Zealand's coastal areas. These relationships are based in whakapapa or the ancestral connections between all living things, including people. The traditional ethic of kaitiakitanga (the responsibilities of iwi, hapu and whanau to care for the natural resources in their rohe (area or domain)) encompasses concepts of use, protection and spirituality.

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<sup>17</sup> Sport and Recreation New Zealand's Fact Series 1997–2001 presents the results of the New Zealand Sport and Physical Activity annual surveys. The surveys indicate that during the previous 12 months 36 percent of adults had been fishing, 5 percent of adults had been yachting or sailing and 10 percent of adults had been surfing or body-boarding. [www.sparc.org.nz/research/pdfs/part3.pdf](http://www.sparc.org.nz/research/pdfs/part3.pdf) [Accessed 31 August 2004]

<sup>18</sup> The demand for coastal areas for aquaculture has been so high the Government has placed a moratorium on new projects while new procedures are developed. The moratorium was extended to late 2004 pending the outcome of the Government's foreshore and seabed legislative process.

<sup>19</sup> Bio-prospecting (or biodiversity prospecting) is the process of looking for a useful application, process or product in nature.

Coastal areas have been, and many still are, rich sources of kaimoana (seafood), highly valued by Maori. To ensure important resources were sustained, Maori developed management practices (tikanga) to allocate resources, establish and enforce harvesting limits, and maintain the health of the ecosystem on which the resources depended.

Other dimensions of coastal environments significant for Maori derive from ancestors and history. Waahi tapu (sacred places), tauranga waka (landing places) and coastal habitation sites are all important for the identity of iwi, hapu and whanau communities, and for the powerful sense of place that is at the core of kaitiakitanga.

For a summary of the relationships between Maori and coastal areas, see *Setting course for a sustainable future*.<sup>20</sup>

## **Pressures arising from development in coastal areas**

Increasing levels of human habitation and activity in and around coastal areas cause various environmental impacts. New Zealanders' desire to live, visit or play by the sea in ever-increasing numbers has resulted in:

- conflict between people advocating changes in the types of activity in and around coastal areas, and people advocating the maintenance of existing activities
- conflicts between users due to changes in the levels of existing activities
- concerns about the adverse effects on ecosystems and their capacity to provide sufficient natural resources, or to absorb and process the by-products of human activities
- cumulative and 'cocktail' effects, where an activity may not have serious adverse effects by itself, but becomes more significant within a context of accumulating similar effects or combinations of effects with new and unanticipated outcomes.

These categories are characterised by several coastal effects, of which the most common are summarised in Table 2.1. Concerns about these effects and their effective management are reflected in policy programmes such as the New Zealand Oceans Policy,<sup>21</sup> a wide-ranging government review initiated in response to *Setting course for a sustainable future* and the 2003 review of the New Zealand Coastal Policy Statement (NZCPS).<sup>22</sup>

## **Limited resources to respond to development pressures**

Small councils and their communities often have difficulty accessing adequate resources to effectively manage the environmental effects of intensive development.

Reports from the Commissioner have highlighted these difficulties, which can be divided into two categories:

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<sup>20</sup> PCE, 1999: Sections 2.4, 3.4.2, 3.8.3 and 4.3

<sup>21</sup> See <http://www.oceans.govt.nz/>

<sup>22</sup> PCE, 1999; DOC, 2003

- *Limited human resources:* Staff with the skills necessary to facilitate sustainable development are in high demand throughout local government. Small councils must compete in terms of remuneration and lifestyle with larger urban-based authorities when recruiting and retaining suitable staff. Small councils also find it difficult to maintain an appropriate level of staff with the necessary breadth of skills.
- *Limited financial resources:* Small councils have only small rating bases. However, these councils are still required to provide the same range of services and address the same environmental pressures as much larger councils, without access to the benefits provided through economies of scale.<sup>23</sup>

**Table 2.1 Activities and their potential effects in coastal areas**

<b>Conflict or issue</b>	<b>Potential effect</b>
Residential subdivision developments	<p>Changes to the landscape (aesthetic) and local identity</p> <p>Damage to waahi tapu and urupa (burial place)</p> <p>Damage to areas customarily used to collect kaimoana</p> <p>Destruction of coastal ecosystems (for example, sand dunes)</p> <p>Exceeding the capacity of waste and sewage disposal systems</p>
Aquaculture	<p>Changes to natural coastal processes</p> <p>Shell and other waste material below farms smothering benthic ecosystems</p> <p>Loss of natural character and amenity values</p> <p>Deterioration of water quality with resulting effects on coastal and marine plants and animals</p> <p>Loss of customary kaimoana of tangata whenua</p> <p>Exclusion of other potential uses from farm areas (such as water skiing and boating)</p>
Industrial proposals (for example, sand mining)	<p>Damage to waahi tapu and urupa</p> <p>Destruction of coastal ecosystems (for example, sand dunes)</p> <p>Exclusion of public from beach areas</p> <p>Loss of customary kaimoana of tangata whenua</p>
Coastal structures (for example, marinas and wharves)	<p>Changes to natural coastal processes and coastal character</p> <p>Restriction of access for other uses</p> <p>Degradation of coastal ecosystems (land and marine)</p> <p>Loss of customary kaimoana of tangata whenua</p>

<sup>23</sup> Economies of scale occur when an increase in productivity does not result in the same increase in production costs. For example, a wastewater treatment plant that services 500,000 people may not cost 100 times as much to build and operate as a treatment plant that services 5,000 people.

<b>Conflict or issue</b>	<b>Potential effect</b>
Recreational activities	Conflicts over space or access
Disposal of wastewater (untreated stormwater and untreated or partially treated sewage) and solid waste (leaching from landfills)	Degradation of ground, coastal and estuarine waters Loss or degradation of natural ecosystems Restriction of food gathering and recreational activities Loss of customary kaimoana of tangata whenua

In popular coastal areas councils are also required to manage pressure on the infrastructure from significant numbers of short-term visitors, many of whom do not pay rates.

## **Legal framework applicable to coastal areas**

This section summarises the key statutes, and subordinate instruments created under those statutes, which impact on the environmental management of the Whangamata estuary and its catchment, focusing on the role of community plans in that statutory matrix. A full discussion of the relevant legal and planning instruments is in Appendix B.

The RMA is the primary legislative tool for the management of natural and physical resources in New Zealand. The RMA's purpose is "to promote the sustainable management of natural and physical resources".<sup>24</sup>

The RMA covers all land and all water in New Zealand, with the exception of certain activities undertaken on land administered under the Conservation Act 1987.<sup>25</sup> The RMA distributes jurisdiction over various issues and administrative regions between the Minister of Conservation and regional and district councils. In Whangamata, EW and TCDC are the administering councils.

The RMA provides for the creation of planning documents at national, regional and district levels. Some of these documents are mandatory; some optional.

<sup>24</sup> See s 5(1) RMA.

<sup>25</sup> The seaward limits of jurisdiction under the RMA are captured by the definition of 'coastal marine area', which means the foreshore, seabed and coastal water, and the air space above the water, of which the seaward boundary is the outer limits of the territorial sea (12 nautical miles) and the landward boundary is the line of mean high water springs, except that where the line crosses a river, the landward boundary at that point is whichever is the lesser of 1 km upstream from the river mouth or the point upstream that is calculated by multiplying the width of the river mouth by five.

The planning instruments that apply to the Whangamata area are as follows:

- The NZCPS, created in 1994 after an extensive process of inquiry, is a statement of national policies to achieve the RMA's purpose in relation to New Zealand's coastal environment.<sup>26</sup>
- The Waikato Regional Policy Statement overviews the region's resource management issues, and describes the policies and methods to achieve the integrated management of the region's natural and physical resources. The statement has been operative since October 2000. It guides the content and direction of subordinate plans made under the RMA (at regional and territorial levels).
- The Waikato Regional Plan helps EW to carry out its functions to achieve the RMA's purpose,<sup>27</sup> and must not be inconsistent with the regional policy statement. EW has prepared a regional plan and regional coastal plan that are not operative, but considerable weight must be given to them when activities covered by them are being contemplated.
- Territorial authority functions under the RMA, which primarily relate to controlling land use, are exercised through the development and implementation of district plans.<sup>28</sup> As of 31 July 2004 the Environment Court had heard all appeals, except one on the TCDC District Plan. From a practical perspective the district plan is now beyond legal challenge and resource consent applications are being assessed as if the plan were operative.<sup>29</sup>
- Occasionally regional councils or territorial authorities undertake planning exercises for reasons not directly driven by the RMA. In such situations, the procedural aspects relating to RMA plan preparation, required by the First Schedule to the RMA, are not necessarily followed. Reasons for carrying out planning processes outside the RMA scheme vary, but can include a desire to use a plan-making model that better suits participants' needs, or a desire to attain an outcome within particular time or budget constraints. These plans are non-statutory plans and include the *Whangamata Community Plan: Our future 2001*→ developed by EW with TCDC and the Whangamata community.

In addition to RMA planning instruments, plans created under the Local Government Act 1974 (LGA 1974) and LGA 2002 can also affect environmental management processes through the community aspirations and directions identified when such plans are being developed.

The purpose of local government (under the LGA 2002) is to:

- *enable democratic local decision making and action, by and on behalf of communities*
- *promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*<sup>30</sup>

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<sup>26</sup> The NZCPS has been independently assessed for the Minister of Conservation to determine its ability to address current and emerging coastal issues (Rosier, 2004).

<sup>27</sup> See s 63 RMA.

<sup>28</sup> See s 72 RMA.

<sup>29</sup> TCDC, 2004; letter to the Commissioner, 20 July 2004

<sup>30</sup> See s 10 LGA 2002.



Community boards can also play a significant role in developing and implementing community aspirations.

In addition to the RMA and Local Government Acts, the Conservation Act 1987 and Hauraki Gulf Marine Park Act 2000 also affect the Whangamata area's environmental management.

## **Community plans under the Local Government Act 2002**

One of the major changes introduced by the LGA 2002 was the requirement for local authorities to develop LTCCPs that establish a policy, planning and accountability framework for a ten-year period.<sup>31</sup>

This type of planning document, and the way in which it must be developed and monitored, represents a significant extension of the previous annual planning process. Given the amount of work involved in preparing an LTCCP, and the breadth of activities it must cover, the LTCCP is likely to become the key document, coordinating other council planning documents and processes (for example, the development of district plans and community recreation strategies).

The LTCCP is the primary mechanism through which communities can communicate and work with elected councillors. The starting point of the LTCCP process involves a local authority working with its community, including tangata whenua, to identify community outcomes. These outcomes are the community's judgement about what it considers important to its well-being.

An LTCCP must include the council's wastewater management plan and an assessment of water and sanitary services. It must also cover a range of matters including risk assessment, proposals for meeting current and future demands, and proposals for new or replacement infrastructure.

Local authorities should have adopted a transitional LTCCP by 1 July 2003 or 1 July 2004. Full LTCCPs, including community outcomes, are required by 1 July 2006. The LGA 2002 also requires councils to monitor progress and report every three years on the district or region's community outcomes.

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<sup>31</sup> See s 93 LGA 2002.

### 3 Whangamata region and harbour

#### History

It is estimated Maori first settled the Whangamata estuary area on the Coromandel Peninsula about 600–800 years ago.<sup>32</sup> At the time the catchment was dominated by rimu, but with a variety of other trees and shrubs.<sup>33</sup> The warm Coromandel climate, abundant seafood, and long kumara-growing season meant Maori densely populated parts of the area.<sup>34</sup> Maori practised slash and burn agriculture, which involved clearing the bush and trees in winter, then burning the remaining vegetation in mid-summer to enrich the soil for kumara growing.<sup>35</sup> Both sides of the river at the Otahu Estuary at the head of the Whangamata Harbour had several pa (stockaded villages) in pre-European times.<sup>36</sup>

In 1873 the Government officially opened the Whangamata area for gold mining. At the time, the town consisted of 43 acres divided into 20 lots.

Early European occupation resulted in further changes in land use, as Europeans cleared and burned bush areas. This, with the steep topography and high annual rainfall, resulted in severe soil erosion, increasing the rate of sediment entering the harbour.<sup>37</sup> In the 1880s, the hills around Whangamata were extensively logged for kauri, as were other parts of the Coromandel Peninsula.

Farming was established in the area at the beginning of the 20th century. This was a difficult livelihood because of the poor access and high rainfall. In 1929 the Forest Service established some experimental forestry plantations.<sup>38</sup> By the end of the 1990s, 46 percent of the 5,000-hectare catchment was covered by exotic forest, 35 percent with native forest or scrub, and 15 percent with pasture.<sup>39</sup>

#### Changing community and population pressure

The Whangamata area is one of the fastest growing districts in the Waikato.<sup>40</sup> Between 1986 and 1996 the town grew by almost 70 percent, from a permanent population of 2,463 to 4,179. It is difficult to get accurate estimates of the current resident population, but it is about 5,000.<sup>41</sup> Over the Christmas/New Year holiday period the total population can increase to almost 50,000.<sup>42</sup> (See Table 3.1.)

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<sup>32</sup> McGlone, 1983, 1986, 1989, cited in Sheffield *et al.*, 1995

<sup>33</sup> McGlone, 1983, cited in Sheffield *et al.*, 1995

<sup>34</sup> Sheffield *et al.*, 1995

<sup>35</sup> *ibid.*

<sup>36</sup> Whangamata Information Centre, 2003

<sup>37</sup> Sale, 1978, cited in Sheffield *et al.*, 1995

<sup>38</sup> Whangamata Information Centre, 2003

<sup>39</sup> Vant, 2000

<sup>40</sup> EW, 2000

<sup>41</sup> Whangamata Community Board, pers. comm., email, February 2004

<sup>42</sup> EW and TCDC, 2001; TCDC, 2004; letter to the Commissioner from TCDC, 20 July 2004

**Table 3.1 Population estimates for Whangamata**

<b>Population estimates</b>	<b>Source</b>
The town experienced 70 percent growth from 1986 to 1996. Local population of about 4,000, swelling to around 30,000 during Christmas/New Year period.	EW and TCDC (2001: 4)
Local population of 3,700, swelling to more than 24,000 during the Christmas/New Year period.	EW (2000)
In 1986 a resident population of 2,463, increasing to 3,468 in 1991 and 4,179 in 1996. Resident population in 2001 of 4,812 was used in 2003 Opus report. No reliable data available on peak population over summer holidays.	Opus Consultants (2003)
During the 2003/04 Christmas/New Year period the population was 22,651 on 26 December 2003, 48,385 on 31 December 2003 and 19,639 on 4 January 2004.	TCDC (2004)

## Recreation

Many recreational opportunities exist in Whangamata:

*Whangamata is ... filled with fun things to do: swimming and surfing, shopping, cafes and restaurants, golf, fishing, the great outdoors or just relaxing on the long white sandy beach. ... Hills and valleys, streams and small islands sprinkled offshore abound and there are beaches for all tastes: calm harbour coves, long winding estuaries, white surf beaches and more remote bays accessible only by bush tracks.*

*In the nearby hills you can go walking, tramping, camping, mountain biking or simply enjoy nature and the peace and quiet.*<sup>43</sup>

Whangamata is popular for many recreational activities, for example, swimming and fishing, but especially surfing. Surfers are attracted to the long breaks offered by the Whangamata bar, just outside the harbour's entrance, and it's known as one of the best surfing spots in New Zealand.

The Coromandel Forest Park and Tairua Forest bordering the town offer opportunities for bush walking, mountain biking and exploring old gold mining sites.<sup>44</sup>

The importance of water-related recreation is reflected in the local economy's significant service and sales sector. The 2001 Census of Population and Dwellings showed the service and sales sector contributed 21.5 percent of all workers in the area, compared with a national average of 14.8 percent.<sup>45</sup>

<sup>43</sup> Bartley Internet and Graphics, 2003

<sup>44</sup> *ibid.*

<sup>45</sup> Statistics New Zealand, 2002

Many of the service industries in Whangamata focus on short or longer term visitors, with accommodation, shopping and restaurants prevalent and services supporting surfing, windsurfing, diving and fishing a significant part of the local economy.

## **Tangata whenua**

Several iwi and hapu have mana whenua (historical and traditional rights and interests) in the Whangamata Harbour and surrounding area, including Ngati Pu, Ngati Whanaunga, Ngati Maru, Ngati Tamatera and Ngati Hako.

## **Waitangi Tribunal claims**

The Whangamata area comes within the Waitangi Tribunal's Hauraki Inquiry, Wai 686.<sup>46</sup> Hearings of evidence from claimants and the Crown were completed in November 2002, and it is anticipated the tribunal's report will be available by the end of 2004.

The Hauraki Inquiry focuses on resource and environmental management matters relating to gold and goldfields, land acquisition, the alienation of the foreshore and seabed, environmental degradation, the drainage of rivers and swamps, and local government.

The claim by the Hauraki Maori Trust Board seeks recognition of the customary rights of Hauraki iwi to the foreshore and seabed of Tikapa Moana (the Hauraki Gulf) on the basis that Maori customary title to the foreshore and seabed has not been relinquished or extinguished.

Two iwi, Ngati Pu and Ngati Tamatera, have vested interests in the Whangamata Harbour and catchment areas as part of their rohe.<sup>47</sup> Ngati Tamatera has a claim lodged with the tribunal in respect of the Whangamata seabed and coast. Ngati Pu has a specific land claim lodged with the tribunal, Wai 355 (which is incorporated into the consolidated Hauraki Inquiry).

Other claims have relevance for Whangamata's sustainable development and strategic coastal planning. Claim Wai 262, for indigenous flora and fauna, is a wide-ranging claim about the management, use, commercialisation, export and patenting of native plants and animals, of the genetic resources inherent in those taonga (treasures) and the whakapapa (genealogy), intellectual property and traditional knowledge associated with them. Some evidence hearings and background reports have been completed, but the claim's completion is years away.

## **Foreshore and seabed**

Statutory initiatives are also relevant for the future management of natural resources such as Whangamata Harbour, and the rights and role of tangata whenua in that management. Questions of ownership, access and the customary rights of tangata whenua to the foreshore and seabed generated considerable controversy throughout 2003.

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<sup>46</sup> Waitangi Tribunal, 2003  
<sup>47</sup> EW, 2000

In June 2003 the Court of Appeal released a decision that the Maori Land Court had jurisdiction to determine the status of the foreshore and seabed under Te Ture Whenua Maori Act 1993/Maori Land Act 1993.<sup>48</sup> That decision was the starting point for extensive and passionate debate in hui (meetings) and reports. The first national hui on the foreshore and seabed, hosted in Paeroa by Hauraki iwi, produced the Paeroa Declaration;<sup>49</sup> reports included *Discussion framework on customary rights to the foreshore and seabed*<sup>50</sup> and *The foreshore and seabed of New Zealand*.<sup>51</sup>

The Waitangi Tribunal reviewed the Crown's foreshore and seabed policy.<sup>52</sup> It concluded that it was unable to agree with the Crown's assertions about the benefits that would accrue to Maori from the proposed policy. On the other hand, it did see the policy would deliver significant benefits to others, with "reinstatement of (effectively) Crown ownership, ... elimination of the risk that Maori may have competing rights, and the ability of the Crown to regulate everything".<sup>53</sup>

The tribunal highlighted that the claimants recognised there was no prospect of a regime for achieving te tino rangatiratanga (sovereignty) over the foreshore and seabed. On the whole, the claimants' aspirations were seen as being more modest and that they would live with the status quo since the *Marlborough Sounds* case.<sup>54</sup>

The tribunal stated it sought a pragmatic approach and, in recognition that the Government might not wish to follow its recommendations, offered options based on the premises that "in terms of the legal status quo, the least intervention is the best intervention; and it is critical that the path forward is determined by consensus".<sup>55</sup>

The tribunal provided six options:

1. Begin again and continue the dialogue.
2. Do nothing—maintain the status quo.
3. Provide for guaranteed public access and inalienability except in a few limited situations (for example, specified waahi tapu).
4. Improve the courts' tool kit so the Maori Land Court and High Court can deal with customary title. The tribunal suggested the courts be able to make declarations about the nature and scope of the customary interests comprised in the title, and the declaration would come to be recognised as giving rise to a property interest.<sup>56</sup>

<sup>48</sup> *Ngati Apa v Attorney-General* [2003] 3 NZLR 643 (CA) (the *Marlborough Sounds* case).

<sup>49</sup> Jackson, 2003

<sup>50</sup> Te Ope Mana a Tai, 2003

<sup>51</sup> DPMC, 2003

<sup>52</sup> Waitangi Tribunal, 2004

<sup>53</sup> Waitangi Tribunal, 2004: xiii

<sup>54</sup> *Ngati Apa v Attorney-General* [2003] 3 NZLR 643 (CA); Waitangi Tribunal, 2004: xv

<sup>55</sup> Waitangi Tribunal, 2004: xv

<sup>56</sup> The Land Transfer Act 1952 requires all interests in land to be registered on the land's title. The Waitangi Tribunal suggested that, for consistency, provision could be made for the registration of customary interests.

5. Protect the mana of tangata whenua. In this option:
  - the Crown would affirm Maori ownership of the foreshore and seabed
  - dual Maori and Crown management mechanisms would be put in place
  - public access would be a statutory right
  - the land's alienation would be prevented and tino rangatiratanga would be recognised.
6. Be consistent with similar lakebed Treaty claims. This model has similar principles as option 5, and, in the tribunal's view, apparently works.<sup>57</sup>

Hauraki iwi, with iwi from Te Tau Ihu (the Marlborough Sounds), are at the forefront of these issues. During the early 1990s Hauraki iwi lodged an application to the Maori Land Court for recognition of customary title to the foreshore and seabed of Tikapa Moana (the Hauraki Gulf), as sought also in their claim to the Waitangi Tribunal.

The Government declined the Waitangi Tribunal's recommendations and introduced its Foreshore and Seabed Bill in April 2004. The Bill vests full ownership of the foreshore and seabed in perpetuity to the Crown, and provides for the Maori Land Court to recognise ancestral connection based on tikanga Maori. Ancestral connection will provide a strengthened role in the decision-making processes affecting that area. The Maori Land Court and High Court will be able to recognise customary rights to the foreshore and seabed. Any such recognised customary rights will have to be recognised in decision making on the coastal marine area.

The Foreshore and Seabed Act 2004 was passed on 18 November 2004, and will come into force on 17 January 2005.

### **Implications for the Whangamata Community Plan**

The claims to the Waitangi Tribunal and applications by tangata whenua for recognition of customary rights or ancestral connection under the Foreshore and Seabed Act legislation will provide the context of Maori involvement in the Whangamata Community Plan's development and implementation, and various environmental decision-making processes. These issues are discussed further in Chapters 4 and 5.

### **Whangamata's environmental concerns**

An increasing and highly fluctuating population within the Whangamata catchment has resulted in growing pressures on the environment. These concerns are also discussed in Chapter 4.

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<sup>57</sup> Waitangi Tribunal, 2004: 139–143

The key environmental issues brought to the Commissioner's attention, and which instigated the community planning process centred on the Whangamata Harbour, could be categorised as:

- degradation of harbour water quality from several sources, including the wastewater treatment plant
- adverse effects on the natural environment, recreation, and customary activities from artificial and natural changes to the harbour's structure
- adverse effects on the environment from inadequate local infrastructure, especially with highly fluctuating population levels
- lack of agreement between the councils and some community groups on processes for assessing the harbour's environmental health and identifying the causes of pollution.

An additional issue that became prominent during the community planning process was the character of the town and community being adversely affected from ongoing property development.

## **Other environmental initiatives**

Before the community planning process began, several environmental initiatives were under way in the Whangamata region. Three organisations undertaking such programmes were brought to the Commissioner's attention:

- Wentworth Rivercare Group
- Whangamata Harbourcare Group
- Hauraki Maori Trust Board.

### **Wentworth Rivercare Group**

Wentworth Rivercare Group was established in 1996. It is composed of Wentworth Valley residents who want to protect the Wentworth River's banks from erosion and limit siltation of the Moanaanuanu streambed and Whangamata Harbour.<sup>58</sup> The group also deals with flooding and the quality of the Wentworth River, which flows into Whangamata Harbour.<sup>59</sup>

The group has focused on fencing off stream banks, and planting and maintaining trees along banks. This is to decrease river bank erosion and water pollution by keeping stock out of the stream and adding a buffer between the stream and agricultural activities.<sup>60</sup> Other projects have included removing logjams, reshaping stream banks and controlling possums.

The group expects the following outcomes from its work:

- improved water quality
- limited erosion

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<sup>58</sup> *Coastal News*, 2002

<sup>59</sup> *EW*, 2004

<sup>60</sup> *ibid.*

- enhanced flora and fauna
- enhanced native fisheries
- improved amenity values.

TCDC and EW have provided funding to the group. In the 2001/02 financial year it also applied to the Transpower Landcare Trust Grants Programme for extra funds. The successful application enabled a further 2 km of riverbanks to be planted and fenced off from cattle.

The group's goal is a fully fenced and planted riverbank, but this requires TCDC's and EW's ongoing financial support. Five thousand more trees are needed to complete planting. Where possible, landowners fence for free, but sometimes paid contractors are needed.

### **Whangamata Harbourcare Group**

The Whangamata Harbourcare Group focuses on controlling the spread of mangroves in the Whangamata Harbour. It has begun planning for limited mangrove removal.<sup>61</sup> This issue and the group's role are discussed in Chapter 4.

### **Hauraki Maori Trust Board**

The Hauraki Maori Trust Board's *Whaia te Mahere Taiao a Hauraki: Hauraki Iwi Environment Plan* is a comprehensive strategy for collective action by Hauraki whanui to sustain the mauri (special character) of the natural environment and cultural heritage of the Hauraki rohe over the next 50 years.<sup>62</sup>

The plan, prepared after an extensive process of dialogue with Hauraki whanui, identifies resource management issues, articulates a desired future, and develops objectives and actions for kaitiakitanga.

The plan notes the concerns of Hauraki whanui, including:

- the loss of coastal habitat
- fish and shellfish depletion
- increased sediment and contaminant levels in harbours
- coastal pollution
- the modification of estuaries and salt marshes
- the need to protect wild stocks of shellfish and the customary take of Hauraki whanui
- the need for Hauraki whanui to be involved in coastal monitoring
- the loss of waahi tapu
- the need to manage the effects of regional growth.

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<sup>61</sup> Coffey, 2002

<sup>62</sup> Hauraki Maori Trust Board, 2003



The plan's intended outcomes include:

- the restoration of the mauri of local ecosystems and fisheries
- improved water and seabed quality
- less erosion and sedimentation
- the restoration of wetland areas
- more productive pipi and cockle beds
- an effective Hauraki coastal monitoring capacity
- improved integration with government agencies and local communities
- the protection of coastal cultural heritage sites
- a more careful approach to the siting of structures and utilities in the landscape.

Catchment-based plans and strategies are to be developed for six river systems, including the Wentworth and Otahu rivers, and restoration plans will be the basis for protecting specific coastal areas with unique values, including the Whangamata Harbour.

The key themes running through the plan are:

- the need for purposeful strategies for protecting, managing and sustainably developing coastal environments and other taonga
- the importance of positive long-term partnerships between Hauraki whanui and official agencies to improve tangata whenua involvement in statutory environmental decision-making processes.

## **4 Key environmental pressures and concerns in Whangamata**

### **Introduction**

This chapter details the key environmental concerns that instigated the Whangamata community planning process.

EW undertook the local area management strategy process that led to the production of Whangamata's Community Plan because of the environmental concerns that had arisen as a consequence of rapid growth in the area. Many key environmental issues related to the Whangamata Harbour—its water quality, the wastewater treatment plant's role, and the consequences to the environment and community of ongoing changes to the harbour's structure.

During the community planning consultation process other issues, relating to the effects arising from development pressures in the township, became apparent.

### **Harbour water quality**

The main concern that instigated the community planning process was the community's view that the harbour's water quality was becoming degraded.

During the 1998/99 summer, CWW carried out surface water quality testing. Its primary concerns were the levels of faecal coliform and nutrients (primarily nitrates) from the wastewater treatment plant. Faecal coliform is an indicator of excrement (human and animal) in the water and the potential risk of the presence of disease.

Increased inflows of nutrients together with certain weather patterns can cause population explosions in micro-organisms such as diatoms and algae. Algal blooms, also known as red tides, can discolour the water, produce foam and slime, kill fish or marine fauna, or poison humans who eat seafood from that water.

CWW's testing indicated significant faecal coliform contamination in the harbour, specifically in the lower Waikiekie Stream, which feeds into the harbour.

To verify this testing EW carried out two detailed surveys of water quality and contaminant sources in the Whangamata Harbour in the 1999/2000 and 2000/01 summers. EW used standard testing procedures and surveyed salinity, dissolved oxygen, water clarity, nutrients and faecal bacteria. Its main concerns were nutrients and faecal bacteria.

The first survey's samples were all taken during dry weather. One purpose of the second survey was to get more information about the effect of an increase in freshwater flows on the level of contaminants in the harbour.

EW's testing indicated that in fine weather most of the harbour was safe for swimming.<sup>63</sup> However, EW concluded shellfish should not be collected from some areas, such as river mouths, and that during high freshwater flows after rain the harbour and nearby coastal waters were likely to be unsuitable for swimming because of high bacterial levels.

In the first survey all three popular bathing beaches in the area met the national guidelines for marine bathing water. Shellfish gathered from the harbour beach (500 m landward of the harbour entrance) during the survey were found to be safe to eat (although tests of shellfish gathered from this site at other times have shown levels of contamination that exceeded Ministry of Health guidelines).

Water quality was poorer in areas where moderately contaminated river or stream water mixed with harbour water. This was especially the case in the Moanaanuanu Estuary where the Wentworth River enters the harbour, and near the mouth of the Waikiekie Stream. In its 2001 report, EW recommended these areas should not be used for shellfish gathering, and within 200–500 m of the mouth of the Waikiekie Stream it was unlikely to be safe for swimming.

EW attempted to assess the effects of nitrogen on aquatic plant growth rates but could not compare current and pre-development growth because of insufficient data.

EW concluded no evidence existed of any substantial leak of contaminants from the wastewater treatment plant.

The sampling undertaken by EW indicated the moderate degree of contamination at the causeway was predominantly from the mostly pastoral area of the lower part of the Wentworth catchment. This conclusion was, in part, based on an observation of livestock with some unrestricted access to the river.

The second survey determined that water quality was poorer in areas where moderately contaminated river or stream water mixed with harbour water. This was especially the case in the Moanaanuanu Estuary where the Wentworth Stream enters the harbour, and near the mouth of the Waikiekie Stream. EW recommended these areas should not be used for shellfish gathering, and within 200–500 m of the mouth of the Waikiekie Stream it was unlikely to be safe for swimming.<sup>64</sup>

The second study also found the levels of contaminants entering the harbour in wet weather to be much higher than in dry weather.<sup>65</sup> This was due to an increase in stream flow and an increase in contaminant concentration. However, contaminant levels were not always directly related to flow. During periods of wet weather, contaminant levels were higher after the first heavy rainfall than after subsequent rainfalls. This was most likely because the initial rainfall flushed the build-up of contaminants from the catchment.

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<sup>63</sup> Vant, 2000

<sup>64</sup> Vant, 2001

<sup>65</sup> *ibid.*

The history of flow levels is important in determining the level of contaminants associated with wet weather.

The Waikiekie Estuary often had considerably higher concentrations of faecal bacteria in the surface micro-layer samples rather than in near-surface layer samples. The human health implications of the difference between the layers are unclear, because guidelines for bathing water quality are derived from samples collected from near-surface waters only.<sup>66</sup> The guidelines are based on established sampling protocols so results can be compared with national standards and sampling undertaken at other sites.

CWW was unhappy with EW's water sampling method. It believed testing needed to be nearer the water's surface, as it considered contaminants in surface water presented the greatest risks to bathers, boaters and surfers. Therefore, CWW had focused its sampling regime on surface waters.

Water quality standards in New Zealand are based on an epidemiology that takes into account the variation between surface and near-surface water contamination. In addition, the presence of fresh water in the top layer that results after a storm can cause the level of contamination to appear artificially high.<sup>67</sup>

However, comparative testing of surface water may be appropriate in some cases, depending on the pathogen being tested for and the type of water contact people will undertake (for example, surfing or swimming).

## Sources of water contamination

The main identified sources of contamination in the Whangamata catchment are from agriculture and the wastewater treatment plant's spray irrigation area.

### Agriculture

The Wentworth River catchment is the largest sub-catchment of the Whangamata Harbour, covering 48 percent of the total harbour catchment. It is the main agricultural area in the harbour's catchment and contributes 40–60 percent of the freshwater flow into the harbour.

The second EW water quality survey found the Wentworth sub-catchment was generally the main source of contaminants to the harbour.<sup>68</sup> The survey suggested the contamination was probably diffuse runoff from the land, rather than discharge from any particular point source. The exception to this general conclusion was the Waikiekie Stream, which is discussed further in the next section.

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<sup>66</sup> *ibid.*

<sup>67</sup> Andrew Ball, Environmental Science and Research Limited, pers. comm., 25 November 2003

<sup>68</sup> Vant, 2001

Two out of three small streams with catchments of more than 80 percent pine and native forest cover within the Whangamata catchment also gave high faecal bacteria measurements. The 2001 report stated that a likely source for this contamination was a large population of feral animals, in particular, goats and possums.<sup>69</sup>

In an interview the DOC Thames Area Manager endorsed this view, but due to resource constraints the Whangamata catchment area is considered a low priority for DOC pest management.

## **Wastewater treatment plant**

Whangamata wastewater is pumped to a treatment plant to the west of the town. The waste passes through a screen to remove solids into an aerated lagoon with seven aerators. The effluent from the lagoon is pumped uphill through a disinfection ultra-violet channel into a retention pond in Tairua Forest. The treated waste is then spray irrigated in the Waikiekie Stream catchment, which is in the Tairua Forest.

Carter Holt Harvey Limited operates the forest commercially, and has an agreement with TCDC that allows TCDC to use areas of the forest for the spray irrigation system. However, the irrigation area is too small to dispose of all wastewater from Whangamata at the irrigation rate prescribed for in the treatment plant's resource consent.

The Waikiekie Stream catchment covers 12 percent of the harbour's catchment, but contributes a significant amount of contaminants to the harbour, especially nitrate and faecal bacteria in wet weather.

The EW report concluded the wastewater spray irrigation system contributed most of the nitrogen load into the stream and half the load of faecal bacteria. Nitrate as a nutrient enhances the growth of nuisance plants (such as algae in coastal environments), and the report concluded up to 92 percent of the nitrate coming into the harbour was from the Waikiekie Stream catchment.

The wastewater treatment plant's performance is a key CWW concern. It has expressed ongoing concerns about the appropriateness of the plant's design, the adequacy of the aeration pond's maintenance (in terms of de-sludging), the ultra-violet system's effectiveness, and the area of the spray irrigation system. It has also expressed concern that the plant's operations are not transparent, for example, the reasons why wastewater flows changed markedly from 1998 to 1999.<sup>70</sup>

TCDC commissioned a study by Opus Consultants to investigate the options for improving the treatment and disposal of wastewater in Whangamata. Opus concluded the aerated lagoon's capacity was insufficient to treat peak loads over the Christmas/ New Year period, which resulted in the discharge of poor quality effluent.<sup>71</sup> Even during other times of the year, Opus found the effluent quality to be poor, potentially affecting the disinfection system's performance.

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<sup>69</sup> *ibid.*

<sup>70</sup> Walls, 1999

<sup>71</sup> Opus Consultants, 2003

Upgrading the wastewater treatment plant is being investigated as part of the planning for a resource consent to replace the one that will expire in 2006. The decision on the upgrade option was expected to be made in 2004, to allow two years for the RMA process.

The problems associated with the wastewater treatment plant have built up since the early 1990s. One view expressed to the Commissioner was that this was due to an increase in high-density housing. TCDC, however, does not agree, and states that housing densities have not increased significantly over the last 10 years, and most development has been of medium density. TCDC considers the main pressure on the treatment plant to be the peak loads imposed during holiday periods. When the treatment plant was installed, provision was made for progressive upgrades to the plant as the town grew. However, these upgrades have not occurred. The plant must also cope with the effects of extreme climatic events such as very high rainfall.

In discussions with the Commissioner, EW expressed the view that the Whangamata wastewater treatment plant requires regular maintenance (such as sludge removal) and expansion, and these have not occurred.

Problems occurred within three years of the plant's commissioning in 1986. The spray irrigation area was originally proposed at 72 ha, but in the early days of the plant's commissioning the spray irrigation area was thought to be 38 ha. An assessment of the spray area found it was only 27.3 ha. In 2001 this decreased to 24 ha to take into account buffer zones and watercourses. The area was expanded in 2002 to 42 ha after allowances were made for archaeological sites and buffer areas near rivers. This was a 53 percent increase, but still not the originally proposed 72 ha. This increase allowed for some decrease in application rate. EW wanted to further decrease the application rate, but this would have meant allowing the retention ponds to exceed their maximum allowed capacity.

EW also stated to the Commissioner that problems with the spray irrigation were identified early on: the area was not well suited to land-based disposal because of its steepness, high rainfall and soil type. The spray irrigation contributes 20–50 percent of the nutrients entering the harbour. The resource consent requires an ultra-violet plant, which was added in January 2002, but for it to perform adequately, suspended solids must be fully removed from the wastewater.

Ngati Pu, in conjunction with Grey Power and CWW, has expressed concern about the treatment plant's non-compliance with the resource consent. It was concerned the grid layout of the spray areas did not allow for the effect of contours, rivers and archaeological sites. In terms of traditional Maori values, pollution degrades water's mauri (essential life force). For the mauri to be restored and harmful elements removed from water it must pass through the earth for cleansing before going into the sea. Maori are concerned about wastewater disposal systems where waste is discharged directly into water.

## **Comment on harbour water quality**

It is clear that harbour water quality has degraded. Some areas are probably unsafe for swimming and shellfish gathering at most times, and it is probably unsafe to swim in the harbour immediately after heavy rain. However, surfers say the period immediately after a storm is often the best time for surfing.

It is also clear from EW and TCDC that up to 2001, despite remedial work by TCDC, the wastewater treatment system still failed to meet the terms of its resource consents.

TCDC has stated that more recent monitoring of the effluent going to the spray irrigation system shows its quality has improved. It concludes the improvement in effluent quality combined with the expansion of the spray irrigation area to 42 ha will have resulted in improvements to the overall quality of discharges to the harbour. As evidence, TCDC points to the results of recent biological monitoring of the Waikiekie Stream. A 2004 study indicates that from 1998 to 2004 the populations of macro-invertebrates and key indicator invertebrate species below the spray irrigation area increased. Indicator fish species also appear well-represented in the stream below the irrigation site.<sup>72</sup>

However, the study noted much higher levels of dissolved nitrogen were still in the stream below the irrigation area, and this was a possible cause of the greater algal cover in the lower parts of the stream. The higher level of nitrogen detected appears to be consistent with EW's 2001 water quality testing.

The study did not measure the presence of other contaminants in the stream or harbour. Therefore, it cannot be said harbour water quality has improved.

The Commissioner strongly recommends that EW undertakes further water quality testing to determine if TCDC's improvements to the treatment plant have had any effect on harbour water quality. The comparison would be particularly useful if testing occurred at the critical time immediately after a heavy rainfall.

### **Recommendation**

**To EW:** EW undertakes further rounds of water quality testing in the harbour to determine what effect, if any, the recent improvements undertaken by TCDC to the wastewater treatment plant may have had.

In the Commissioner's view, ongoing improvements in the treatment of wastewater are important and necessary to improving harbour water quality. It is also clear from EW's water quality testing that other significant sources of contaminants within the catchment exist, and these must also be addressed.

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<sup>72</sup> Kessels and Associates Limited, 2004

Local government staff have acknowledged the critical need for an integrated response to coastal water quality problems. They expressed the view that the NZCPS did not provide an effective framework for such an integrated response. Therefore, it failed to give adequate guidance for local government to address the degradation of coastal water quality.

## **Upgrading wastewater treatment**

In 2003 TCDC commissioned Opus Consultants to investigate the options for improving the treatment and disposal of Whangamata's wastewater.<sup>73</sup> This report followed up a 1999 options report,<sup>74</sup> and feedback from Whangamata landowners and ratepayers.<sup>75</sup>

The 2003 Opus report provided two options for improved treatment: upgrade or replace the treatment plant. The report stated the cost of a new plant would be substantially higher than upgrading the existing plant, and both options would produce effluent of a similar quality. The recommendations for improving the disposal of treated waste were upgrading the spray irrigation system and/or disposing the spray to a wetland.

EW has indicated the rate of irrigation could be increased if the quality of the discharged effluent improved. However, the increased rate must not affect trees' health, otherwise the forest operator, Carter Holt Harvey, would need to be compensated.

The future of spray irrigation is complicated because many areas being used are due to be logged over the next decade, so new areas will be needed.

Disposal through a wetland may meet the cultural requirements of tangata whenua, depending on the type of system used.<sup>76</sup> Many wetlands are used as an environmental buffer between the main treatment system and the receiving water.

The community was initially consulted about future disposal options in 1999. The consultation was undertaken through a brochure, produced and distributed by TCDC, which summarised the 1999 Montgomery Watson options report. The brochure provided information on several options, but the favoured option was to extend the current forest irrigation scheme.

In December 2003, TCDC released another public brochure based on the Opus report. Opus considered that the information on costs and the expansion potential of the preferred option in the 1999 brochure was unrealistic. Opus recommended further community consultation be carried out, in particular to establish the level of support for the wetland disposal option, which Opus identified as the most cost-effective long-term solution for wastewater disposal. The report also recommended quantifying the peak wastewater flows over the 2003/04 Christmas/New Year period. This last

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<sup>73</sup> Opus Consultants, 2003

<sup>74</sup> Montgomery Watson, 1999

<sup>75</sup> TCDC, 1999

<sup>76</sup> MFE, 2003



recommendation was implemented in all the communities for which TCDC was planning wastewater treatment upgrades.

Other Opus recommendations included investigating the soils in the irrigation areas to determine their suitability and potential irrigation rates, and upgrading the wastewater treatment plant to improve effluent quality, particularly the clarity required for reliable ultra-violet disinfection.

Concerns were also raised with the Commissioner about the funding mechanism to be used for the upgrade. The money for the Whangamata plant will come from a pool funded by the entire district, and will also be used to upgrade wastewater treatment in Whitianga and Tairua. The concern was that this would result in a standardised response that would limit the scope for the Whangamata plant to be customised to meet the local community's needs and local environment's requirements.

TCDC is consulting with the community on the options for the wastewater treatment plant upgrades. TCDC indicated that the public consultation process began in May 2004 and was due to be completed in August 2004.

Ngati Pu informed the Commissioner that they expected to be actively involved with the consultation for the new plant.

## **Comment on wastewater treatment plant**

The proposal to upgrade the Whangamata wastewater treatment plant would contribute to improving harbour water quality. However, for the process to be positive and result in an outcome that meets the community's expectations, a sound, inclusive and informed consultation is required.

In Whangamata, the community does not appear to have been involved in discussing the issues about wastewater treatment before the options were defined. The consultation that was undertaken was hampered by inaccurate information in the 1999 brochure. TCDC addressed this shortcoming by commissioning further work that resulted in a revised evaluation of the treatment options and cost.

However, CWW states it is aware of only one proposal being considered. That CWW states it is aware of only one option and not the other options in the Opus report indicates a continuing communication failure in the consultation process.

The Commissioner strongly encourages TCDC and the Whangamata community to apply the principles of *Sustainable wastewater management: A handbook for smaller communities*.<sup>77</sup> This handbook is a useful resource for councils and communities considering wastewater treatment options.<sup>78</sup>

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<sup>77</sup> MFE, 2003

<sup>78</sup> Charles Willmot, Ministry for the Environment, pers. comm., January 2004

The principles promoted by the handbook and supported by the Commissioner include the following:

- disseminating information is not an adequate substitute for consultation, which requires the community to be actively involved in decision making
- all opinions must have an opportunity to be heard
- the importance of looking not only at disposal options but also at water use, water reuse, and management at source to reduce the amount of water becoming wastewater
- a systems approach to wastewater considers the place of wastewater among the three waters (stormwater, wastewater and drinking water), and the environment in which it is produced and discharged.

(For more information on the handbook, see Appendix D.)

## **Changing structure and function of the Whangamata Harbour**

Concerns exist about the consequences for the harbour and for recreational and cultural activities, brought about by changes to the harbour's physical and ecological structure.

### **Changes to the harbour's structure**

The harbour's physical structure has changed as a result of engineering works and increased rates of sedimentation.

The engineering works are ongoing, with new works proposed, for example, the construction of causeways, groynes and wharves, and dredging operations to maintain the navigability of channels.

CWW, the Whangamata Maori Committee and the Whangamata Marina Society have all expressed concern about the long-term effect of the causeway built in 1976 across the Moanaanuanu Estuary. Their concern was that with the increased levels of sedimentation from the modified catchment, the engineering changes were further reducing the tidal prism.<sup>79</sup> Reduction of the tidal prism may limit the harbour's flushing capacity and accelerate the build-up of sediment and other contaminants. The Whangamata Maori Committee also mentioned similar concerns in relation to a smaller causeway further up the harbour. CWW also viewed with concern the effect on tidal flows from the groynes being built on the beach between the slipway and wharf.

CWW and the Whangamata Maori Committee discussed the ongoing dredging of channels to combat sedimentation build-up to ensure boats can pass and use mooring poles. The Whangamata Marina Society and Whangamata Ratepayers' Association saw ongoing dredging as necessary and were more concerned about initiatives that might prevent it.

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<sup>79</sup> The 'tidal prism' is the volume of water covering an area, such as a wetland, between a low tide and the next high tide.

CWW, the Whangamata Maori Committee and Ngati Pu expressed concerns about a proposed new marina and the increased levels of dredging that would be needed to service the new facility. One concern was that the marina would further reduce the size of the tidal prism. However, the marina proposals were not included in the community planning process because the Environment Court was considering them at the time.

The potential adverse effects from increased sedimentation are:

- restrictions on the mooring and passage of boats
- changes to the harbour's ecological and physical structures that adversely affect the areas traditionally used for collecting kaimoana
- restrictions on the scope of other types of recreational activity (that is, sandy swimming beaches becoming muddy as a result of encroaching mangroves).

The Whangamata Maori Committee suggested a possible benefit of increasing sedimentation rates. Increased sedimentation and reduced tidal flow could extend the bar and improve surfing by lengthening the duration of rides. However, the Commissioner is unaware of quantitative evidence supporting this conclusion.<sup>80</sup> If it is true, another possible consequence is that the bar's length might place surfers further out into the channel and closer to boats moving into and out of the harbour.

As far as the Commissioner is aware the only quantitative work undertaken on the harbour's hydrodynamic processes is a 1991 Master's thesis by Angela Sheffield, *The sedimentology and hydrodynamics of the Whangamata Harbour*.<sup>81</sup> More recent technical reports have based their analysis on data derived from the thesis.<sup>82</sup> Sheffield's work on sedimentation rates was also mentioned in discussions with the Whangamata Marina Society.

Professor Terry Healey, Sheffield's supervisor and co-author of an article based on the thesis, has expressed the view that further research is needed into the harbour. It is his intention to get a postgraduate student to undertake this work.<sup>83</sup>

A consequence of sediment build-up in the Whangamata Harbour is that channels need to be dredged to maintain boat clearance. Ngati Pu and the Whangamata Maori Committee expressed concerns about the effects of this activity on kaimoana beds, and the ecological impacts and legitimacy of the measures used to dispose of the sediment.

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<sup>80</sup> One of CWW's concerns is that the marina's construction and the associated dredging will increase the flow of water into and out of the harbour, adversely affecting the bar's surfing potential.

<sup>81</sup> Sheffield, 1991

<sup>82</sup> Coffey, 2002; Sheffield *et al.*, 1995

<sup>83</sup> Pers. comm., September 2003

## **Proposed marina**

The proposal to construct a marina next to the causeway on the Moanaanuanu Estuary was subject to Environment Court appeal proceedings during the Whangamata community planning process, so was excluded from that process.

The Whangamata Marina Society instigated this marina project in 1992, although the proposal for a marina goes back to 1974. The society comprises local residents. In 1995 it applied to EW for resource consent. The society informed the Commissioner that it provided the facilitators of the community planning process with a discussion document explaining why the community forums were not the appropriate place to discuss the marina's merits. The society also stated the facilitators agreed with this view, mainly because the marina proposal had already gone through a consultation process with the public and iwi and the application was at an advanced stage in the appeal process. Therefore, the marina proposal is not a focus of this investigation.

However, the issue has a high profile in the community and was raised in several discussions with the Commissioner. The major concerns were that:

- the marina's ongoing operation will require extensive dredging and this could adversely affect the bar
- the deeper channel will act as a physical barrier to people reaching the main kaimoana beds even at low tide
- the adjacent salt marsh is of conservation value but will be converted to a car park and residential property
- the marina's construction and operation will adversely affect the kaimoana resource.

## **Comment on the proposed marina**

The marina is still subject to legal proceedings, so it is inappropriate for the Commissioner to comment on the proposal at this stage. However, from the perspective of this investigation two issues need to be highlighted:

- the effect on the proposal of the foreshore and seabed claim by tangata whenua.
- how to take into account these types of projects in future versions of the community plan.

## **Encroachment of mangroves**

Sediment run-off from harbour catchments and its deposition into harbours is a natural process, but changing land use has accelerated it. Increased sedimentation with an associated increase in nutrients has an adverse impact on water quality, and is a wide spread and significant environmental problem in New Zealand.<sup>84</sup>

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<sup>84</sup> See Green *et al.*, 2003

The spreading of mangroves is one consequence of increased levels of sediment and nutrient run-off. Increased levels of silt and mud provide suitable habitats for mangroves. In turn, the mangroves trap silt, promoting further growth. The spread of mangroves may also be a result of ongoing climate change.

Mangrove encroachment at Whangamata was one of the original concerns brought to the Commissioner's attention. The perceived adverse impacts were the reduced attractiveness, amenity and recreational potential of the area, and the loss of wading bird and shellfish habitats.

All parties interviewed agreed the long-term solution is to reduce sediment and nutrient flows by improving catchment-based land management. However, some parties also wished to instigate short-term action.

Whangamata Harbourcare Group was established to advocate for a more immediate management programme to control mangroves. It proposed selectively removing plants and weeding to prevent further spread. The group applied for resource consent to remove 50 mangroves to assess the proposed clearance methodology's effectiveness. Whangamata Harbourcare Group is concerned at the time and resources required to get approval for what it considers to be a small trial.

Whangamata Harbourcare Group found some support for the trial in the community, but Te Runanga a Iwi o Ngati Tamatera and some branches of the Royal Forest and Bird Protection Society of New Zealand (Forest and Bird) opposed it. Te Runanga a Iwi o Ngati Tamatera opposed the removal because mangroves are an important native plant. It was concerned the trial clearance would lead to more extensive removal programmes. EW, Forest and Bird and Te Runanga a Iwi o Ngati Tamatera are in negotiation and EW is hopeful their concerns can be addressed without recourse to the Environment Court.

DOC has also expressed concern about mangrove removal, because, as a native plant, mangroves are protected under the NZCPS.<sup>85</sup>

Concerns about the spread of mangroves are widespread through the northern half of the North Island. Opinions differ about the value of mangroves, the long-term implications for the indigenous biodiversity if they continue to spread, and the appropriate management approaches (e.g. do nothing, prevent further spread, or clear some part of the established areas).

The Ministry for the Environment facilitated the establishment of the Mangrove Steering Group in 2001. The group includes DOC, affected regional councils, research organisations (for example, NIWA) and other interested parties. The group's focus is to address the knowledge and information concerns about mangrove management. The group is looking at future research needs, but this research programme will be over the longer

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<sup>85</sup> The NZCPS says: "It is a national priority to preserve the natural character of the coastal environment by ... protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins" (Policy 1.1.2(c)).

term, and Whangamata Harbourcare Group and others want to begin active control measures immediately.

## **Other development issues**

Whangamata is similar to many coastal communities in the Coromandel region and throughout New Zealand that attract people to live and play. It offers a coastal/beach lifestyle, is a pleasant place to retire, and is a destination for holidaymakers. This popularity has resulted in economic opportunities and ongoing development.

## **Changing character of the township**

Whangamata has developed from a small coastal community with traditional New Zealand holiday baches. The resident population has increased, primarily through an influx of retirees. Whangamata's popularity as a holiday resort has resulted in upscale holiday homes, with rapid changes to the town's character and size. Many interviewees expressed concern about infill housing, the removal of old-style baches, and the building of high-rise apartment blocks.

The community's socioeconomic profile has also changed. The population has a high proportion of absentee ratepayers (this applies to the entire Coromandel Peninsula), with higher incomes than the permanent population. These ratepayers generally have higher expectations than permanent residents in terms of the level of services they should receive, and communication barriers exist between them, the council, and the permanent residents.

## **Otahu Reserve toilet block**

Ngati Pu complained to the local council that a public toilet block on the Otahu Reserve was located near an urupa site. The council reclassified the reserve so it could remove the toilet.

The Whangamata Ratepayers' Association expressed concern that the reclassification and toilet removal had been done without consultation. TCDC considers it consulted adequately on this matter. The association also expressed concern over Ngati Pu's role in the toilet block's removal. In reply, Ngati Pu expressed surprise that the toilet block had been removed before an agreement had been reached on a replacement's location.

The Office of the Auditor General and Controller reviewed this matter. The Auditor General found that council and DOC had not met the relevant requirements under s 24 Reserves Act 1977 for reclassifying a reserve. The Auditor General suggested DOC and the council should consider the effect of the non-compliance with the Act on the reclassification decision.

The Auditor General found the council complied with the procedures in the Act for amending the Whangamata Township Reserves Management Plan. This is related to, but separate from, the process for reclassifying a reserve, so non-compliance with the Act did not affect the validity of the plan's amendment or the toilet block's removal.

The Auditor General found no evidence of any lack of financial prudence or waste in the council's actions in reclassifying the reserve, amending the Whangamata Township Reserves Management Plan, or demolishing the toilet block.<sup>86</sup>

The Commissioner does not consider it necessary to comment further on this matter.

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86 OAG, 2003

## 5 Whangamata Community Plan

### Development of the community plan

#### Instigating the community planning process

Whangamata is one of four areas EW identified as a priority for integrated catchment management.<sup>87</sup> The intention is to develop more effective approaches to managing complex and interrelated issues by using the local area management strategy process.<sup>88</sup> EW has instigated no other local area management strategy process since the four pilots because EW believes the process is expensive to do well and the outcomes are unpredictable.<sup>89</sup>

TCDC has carried out community planning exercises in Thames, Coromandel and Tairua and is expected to undertake others in Whitianga, Mercury Bay North, Mercury Bay South and Pauanui. TCDC has not advocated a particular process for developing community plans, but has left each community to determine the approach that suits it best.

In the three years leading up to the 2000/01 summer, the Whangamata community expressed dissatisfaction with the state of its environment and what it viewed as a strained relationship with TCDC and EW.<sup>90</sup> The major concerns (as discussed in Chapter 4) were perceptions of:

- degraded harbour water quality from several possible sources including the wastewater treatment plant
- adverse environmental and other effects from past and proposed changes to the harbour's physical structure
- the encroachment of mangroves in the harbour
- adverse effects from the town's ongoing development.

The community was divided over these issues and the concerns traversed both councils' responsibilities. EW and TCDC believed an innovative, inclusive and strategic approach was needed to resolve the issues. A community planning model was proposed, whereby the community could be involved in designing and driving the process.<sup>91</sup>

EW chose a participatory appraisal approach to address the criticisms from the community that it did not do enough and did not listen to or understand the depth and nature of local concerns, especially in relation to water quality issues and the encroachment of mangroves in the harbour (see page 53 for a description of the participatory appraisal approach).

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<sup>87</sup> The other areas are Whaingaroa (Raglan), Upper Waipa and Taupo.

<sup>88</sup> This is a process used by EW, based on the participatory appraisal approach, discussed later.

<sup>89</sup> EW letter to the Commissioner, 21 June 2004

<sup>90</sup> EW and TCDC, 2001

<sup>91</sup> *ibid.*



## Involvement in developing the community plan

The statutory agencies with environmental responsibilities in relation to the Whangamata region are shown in Table 5.1.<sup>92</sup>

**Table 5.1 Statutory agencies with environmental responsibilities in the Whangamata region**

Statutory agency	Responsibilities
Environment Waikato	<ul style="list-style-type: none"> <li>• Water quality</li> <li>• Discharges to air, land and water</li> <li>• Contaminated sites</li> <li>• Soil conservation</li> <li>• Natural hazards</li> <li>• Activities in the coastal marine area, including navigational safety</li> <li>• Biosecurity (the monitoring and management of pests)</li> </ul>
Thames-Coromandel District Council	<ul style="list-style-type: none"> <li>• Effects of land use and development</li> <li>• Subdivisions</li> <li>• Structures such as boat ramps and jetties</li> <li>• Noise control</li> </ul>
Department of Conservation	<ul style="list-style-type: none"> <li>• Management of the harbour floor and some of the catchment</li> </ul>
Land Information New Zealand	<ul style="list-style-type: none"> <li>• Management of forestry licences in the catchment</li> </ul>
Hauraki Maori Trust Board	<ul style="list-style-type: none"> <li>• Hauraki Treaty claims</li> <li>• Responsible management of fisheries</li> <li>• Social services</li> <li>• Development of <i>Whaia Te Mahere Taiao a Hauraki: Hauraki Iwi Environment Plan</i></li> <li>• Investigations into housing, tourism and forestry development and increased educational opportunities</li> </ul>

Of the agencies listed in Table 5.1 only EW and TCDC were involved throughout the community planning process. DOC initially attended meetings but did not continue when it considered the community plan's focus had moved away from the harbour, specifically the issue of mangroves, towards concerns arising from township development. The Hauraki Maori Trust Board's involvement in the community plan process is discussed in the next section.

EW stated its aim was (and is) to work with all these parties and establish an overall strategy that addresses issues crossing the boundaries between these agencies, ensuring the local community's views and aspirations are fully reflected in that strategy.

<sup>92</sup> EW, 1999

## Role of tangata whenua

The mana whenua of Whangamata include Ngati Whanaunga, Ngati Maru, Ngati Tamatera, Ngati Pu and Ngati Hako (discussed in Chapter 3). The Hauraki Maori Trust Board is the representative body for many of these groups.

The trust board has developed an environmental management plan covering the rohe and resources of Tikapa Moana (the Hauraki Gulf) and the Coromandel: *Whaia Te Mahere Taiao a Hauraki: Hauraki Iwi Environment Plan*.

Ngati Pu, a hapu of Ngati Maru, has been occupying Whangamata and Hikutaia (on the other side of the peninsula) for more than 300 years. Ngati Pu undertakes separate consultations with councils and other agencies, and has established an environmental management group with the active support of Te Runanga o Ngati Pu.

Ngati Pu was designated the representative of the mana whenua of Whangamata region for the community planning purposes.

## Ngati Pu's environmental policies

Ngati Pu concerns coming into the community planning process were based on a strongly held view that the Whangamata Harbour contained some of the most valuable cockle and pipi beds left on the Coromandel, but that the harbour was under threat environmentally.<sup>93</sup> Ngati Pu considers the pipi beds and other taonga and values inherent in the harbour are under threat from a range of adverse activities including over-fishing, wastewater disposal, construction on the harbour margins, the proposed marina, and stormwater and chemical run-off from industry, farming and forestry. In addition, significant waahi tapu and waahi taonga are at risk, as well as ecological habitats of importance to tangata whenua.

Ngati Pu was (and remains) concerned EW has failed to recognise the relationship of tangata whenua with the harbour or the cultural and spiritual needs of Ngati Pu and all the people of Hauraki.

Ngati Pu's basic position is that a full harbour plan should be a prerequisite before development proposals such as a marina are considered.<sup>94</sup>

## Process for developing the community plan

Before the Whangamata community planning process EW had been a major supporter of a February 1999 workshop on participatory appraisal techniques for community consultation. EW intended to use these techniques to develop the Whangamata local area management strategy.

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<sup>93</sup> Edward Shaw, Co-ordinator Environmental Management Group, Te Runanga o Ngati Pu, pers. comm., 3 February 2003

<sup>94</sup> Ngati Whanaunga, Ngati Maru, Ngati Tamatera and Ngati Hako are also opposed to the proposed marina.

Participatory appraisal uses a range of visual techniques, such as mapping and semi-structured face-to-face interviews. Interviews can be undertaken in workshop settings and/or public areas (for example, supermarkets, schools or shopping malls). During the community planning process this methodology was used, with people being asked open-ended questions, such as:

- What do you like or don't like about living in Whangamata?
- What would you like to change about Whangamata?<sup>95</sup>

The appraisal process then involved follow-up questions that probed into initial responses to gain a deeper understanding of the issues raised. It enabled a cross-section of people to share and record their knowledge or opinions about aspects of their own situation, environments and aspirations, and develop action plans.

**Table 5.2 Timeline for public consultation in the community planning process**

<b>Date</b>	<b>Event</b>
February 1999	EW sponsored workshop on the participatory appraisal methodology
September 1999	Workshop with invited agencies to introduce them to the participatory appraisal process and define the objectives for the Whangamata consultation process
20–25 October 1999	Six-day public consultation workshop
15 December 1999	Feedback consultation workshop on the six-day public consultation workshop
29 April 2000	Hui of iwi, Hauraki Maori Trust Board and EW; Ngati Pu designated iwi representative for the planning process
20 May 2000	Feedback on brochure and priorities set for action plans

Table 5.2 shows the timeline for public consultation in the community planning process. The process started with a workshop for the relevant statutory agencies in September 1999. The workshop gave EW an opportunity to demonstrate the participatory appraisal approach. During the workshop the community consultation's objectives were also developed, which in turn helped define the participatory appraisal tools and techniques that would be used for this specific exercise.<sup>96</sup> The workshop also made EW councillors realise many of issues that would come up would be beyond EW's scope and ability to address alone.

After the September workshop an intensive six-day public workshop was held over Labour Weekend to ensure absentee ratepayers (in town for the holiday weekend) and other visitors could be involved in the process. The consultation started with a mid-week public meeting. The rest of the week involved seven trained facilitators conducting outreach visits to focus groups, shops, public houses and clubs, drop-in centres, and stalls and street

<sup>95</sup> Killerby, 2001

<sup>96</sup> EW, 1999

interviews. Various techniques were used to capture information, which was then reported verbatim as part of the ongoing consultation process.

The age, gender, ethnicity and locality of people who contributed to the workshop were recorded. This allowed facilitators to identify if particular groups were underrepresented and take steps to improve their representation. In total 649 people contributed to the consultation. Table 5.3 shows the composition of this group.<sup>97</sup>

**Table 5.3 Participants by residence category**

<b>Category</b>	<b>Proportion (%)</b>
Resident	45
Absentee ratepayer	20
Visitor	19
No response	16
<b>Total</b>	<b>100</b>

A feedback workshop was held for the participating agencies after the six-day public consultation workshop. At this workshop the Hauraki Maori Trust Board expressed concerns that iwi had not been adequately (or appropriately) consulted. A hui to address the concerns of tangata whenua was subsequently held with EW, iwi and the trust board.

The result of the hui was that Ngati Pu was identified as kaitiaki for the harbour for the community planning process.<sup>98</sup> However, this decision did not preclude later involvement in the planning process or a right to make treaty claims by other iwi and hapu with mana whenua in the region.

After the feedback workshop, all information was collated into a public document. EW used this information to develop a set of draft vision statements, which were presented in a brochure and mailed to residents and ratepayers so they could give feedback at another workshop. The aim of this later workshop had been to set priorities for action plans, but this was not achieved.

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<sup>97</sup> EW, 1999

<sup>98</sup> EW and TCDC, 2001

### **Effectiveness of the participatory appraisal approach**

An EW analysis of the key ingredients for success when using the participatory appraisal approach looked into five areas:

- preparation and planning
- building support and commitment
- engagement with Maori
- engagement with the community
- process and communication issues.<sup>99</sup>

EW found the participatory appraisal process useful for gathering community views on a range of complex issues. Valuable lessons were learned in the process. EW believes it is important to go into the process openly and to identify clearly the objectives of the process and the outcomes being sought. It is also important to understand the implications of asking the community what it wants and the expectations this puts on decision makers.

EW felt the process demonstrated to TCDC a model of community engagement it could use for future community planning exercises.

As a result of using the participatory appraisal approach EW resolved it would recognise the plan produced the agreed direction for the Whangamata community, and that EW's policies and actions would be consistent with that direction where possible.

### **Community forums**

In April 2000, at the public's request, the two councils agreed on a community planning approach involving public forums over 18 months, to follow on from the previous consultation workshops. A workshop with iwi was also planned to examine how the appropriate iwi would be involved in the plan's development.

Objectives for the forums were developed as follows:

- the community and councils would jointly develop the plan, ensuring existing community groups and non-resident ratepayers were involved
- community consensus would be gained for each milestone
- the community's goals and actions would be achievable.<sup>100</sup>

The councils prepared community vision statements from the information gathered at the September 1999 workshop, and these provided the basis for discussion at the first community forum.

The first community forum was held in July 2000 to identify issues, actions, responsibilities, timeframes and costs. The process was designed to be flexible, involving the participants in agreeing on each forum's process and outcomes.

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<sup>99</sup> EW and TCDC, 2001

<sup>100</sup> EW, 2000

Forums were held on Saturdays. People were notified by advertising, group invitations and word of mouth. A mixture of individuals from the community attended. About 50 went to the first few forums and a core group of 40–50 attended most forums. The success of the early forums was variable, but this had improved by the halfway point.

At one forum, the significant interest expressed on water issues resulted in a subgroup being created to discuss those issues and report back later in the day. This later resulted in the formal establishment of a water working party, the Whangamata Watercare Committee (discussed later in this chapter).

The community forums were not easy for the councils, because:

- of the level of distrust among some community groups towards the councils
- groups within the community were divided on the approaches needed to address the issues.

### **Outcomes from community forums**

The output from the community forums was *Whangamata Community Plan: Our future 2001* → (reproduced in Appendix C). The document represents community consensus on Whangamata's future.

The community also wanted the forums to continue because they were seen to improve communication between the councils and community.

TCDC adopted the Whangamata Community Plan on 29 May 2002. The resolution states:

***Whangamata Community Plan File No: 76.60.86.01***

*The Group Manager Policy and Planning informed Council of the responses to the questionnaire which was part of the Draft Whangamata Community Plan sent to all Ward ratepayers and endorse the Draft Community Plan Vision and Goals.*

*Resolved*

*That Council:*

- 1. Receives the Report.*
- 2. Endorses the Visions and Goals contained in the Draft Whangamata Community Plan Our future 2001. (sic)*
- 3. In conjunction with the Community Board, further considers the actions for prioritisation as appropriate.*

*Walmsley/Grant<sup>101</sup>*

The council nominated the Whangamata Community Board as the plan's guardian.

The plan's implementation is discussed later in this chapter.

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<sup>101</sup> TCDC, 2002

## Councils' views on the community plan process

In retrospect EW realises it did not give the statutory agencies enough notification of the community consultation process. This was because EW did not approach them until it had approval for the project. EW considers that had it given the other agencies more time before the participation process they could have included involvement in the planning process in their annual planning budgets and work allocation timeframes. For example, TCDC had no resources allocated in its annual plan, but wanted to participate because it had also been trying to promote greater community engagement in Whangamata.

EW and TCDC saw the end of the participation process and the completion of the plan's first draft as only the beginning of the community planning project. The councils believe the success of the community planning process has shown a new way for councils to work with the community. TCDC is using this model in other communities on the peninsula.<sup>102</sup>

**Table 5.4 Summary of an evaluation of the community planning process<sup>103</sup>**

<b>Evaluation topic</b>	<b>Conclusion</b>
Process	The community planning process is an appropriate way, and in some cases a preferred way, for authorities to engage with their communities.
Venues	Respondents prefer large community-owned venues. It is important to ensure noisy activities are not occurring next to venues during the planning process.
Presenters	Technical experts sometimes need coaching in presentation techniques.
Facilitation	An independent professional facilitator must be used.
Consultation or engagement	The process resulted in consensus.
Staff/elected representative involvement	Elected representatives must be present at community planning exercises and staff should be present only if they are adding to the discussion.
Resources (dollars, time, effort)	This community planning exercise was good value for money in terms of dollars. However, the cost in time and effort for participants was high.
Documentation	Provide everyone with an executive summary of any documentation but have the full document available for those who want it.
Output	Respondents were generally happy with the output: the draft Whangamata Community Plan.

Both councils believe community participation and council/community engagement are more widely accepted than a simple reliance on council representation.<sup>104</sup> The community is now more involved in the decision-making process and is setting priorities in line with what can be afforded. The councils believe this project was a first for local authorities in

<sup>102</sup> EW and TCDC, 2001; TCDC, 2004

<sup>103</sup> Summary from Commissioner's interview with Peter Mickleson, 25 August 2003.

<sup>104</sup> *ibid.*

New Zealand, and that no other councils have gone as far outside the traditional planning paradigm to involve communities.

In discussions with the Commissioner, TCDC officials felt the process was worthwhile, so they would follow it again. Peter Mickleson, Area Manager for Whangamata at the time of these interviews, evaluated the community planning process and presented his findings to the Whangamata Community Board.

Mickleson sought feedback from participants, council staff, councillors and board members, stakeholders and the media on nine topics. His conclusions are summarised in Table 5.4.

### **Other views on the community plan**

CWW thought the planning process started well, but that the facilitators used by EW and TCDC during the workshops and forums had different agendas to the community's agenda. It thought input from senior TCDC management and consultants resulted in more weight being given to some issues than others, even though all participants were meant to be equal. It also felt developers had unduly impeded the plan's implementation by arguing to TCDC at resource consent proceedings that the community plan had no force in terms of the RMA. Developers have told TCDC the community plan cannot be used to refuse or place extra conditions on a resource consent. CWW remains unconvinced the community planning process has improved community involvement in decision making.

The Whangamata Marina Society thought the planning process started well, but at the community forum stage it felt participants with strong views, who were not necessarily representative of the community, took over the process. It also commented that only a small proportion of the community took part in the plan's development.

Two full public consultation rounds showed the wider community's unanimous approval of the plan.<sup>105</sup>

Some TCDC councillors did not initially support official council support of the plan, but are now fully behind it. TCDC intends that the plan will feed into the LTCCP that must be developed under the LGA 2002. Support for the plan by the Whangamata Community Board is mixed, with the least support coming from board members who did not participate in the plan's creation. However, strong councillor support exists for community planning processes to be used in other communities.

Mickleson's follow-up survey showed respondents felt they could live with the plan, even though they would change parts if they could, but they agreed to those parts so a consensus could be reached.<sup>106</sup>

After the final plan was put out for public submission TCDC conducted a phone survey, which showed 80 percent support for the plan.

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<sup>105</sup> EW and TCDC, 2001

<sup>106</sup> From Commissioner's interview with Peter Mickleson, 25 August 2003



## **Incorporation of key environmental concerns into the community plan**

This section summarises how the community plan addressed the key environmental concerns of harbour water quality, mangrove encroachment, the effects of physical modification to the harbour, and the town's ongoing development.

### ***Harbour water quality***

Harbour water quality was the issue that initiated the community planning process. The community plan's water section contains the principle, "To ensure all the waters of Whangamata are kept healthy by using an eco-system approach to manage drinking, waste and storm water as an integrated system". The principle aims to:

- reduce long-term costs
- enhance environmental quality
- achieve social benefit.

The plan states a preference for water assets to not be privatised and for the management of systems to be responsive to community wishes.

Goals are identified for each of the following areas:

- water management
- water education
- stormwater
- wastewater
- drinking water.

For more information on the goals and supportive actions, see Appendix C.

The Commissioner considers a real sustained improvement in water quality needs an integrated whole-catchment-based response to water quality problems. The community plan provides the vehicle by which the community can be involved in this initiative's development and implementation.

A community-based strategic planning process has the potential to enable an integrated catchment response to be developed to deal with all the pressures, including development of an appropriate wastewater treatment plant for the Whangamata community.

### ***Wastewater treatment***

Wastewater issues, including the need to improve the wastewater treatment plant's performance, were included in the community plan. The plan includes the goal, "minimise the load to the wastewater system and ensure no pollutants enter the waters of Whangamata".

The plan requires the Whangamata Watercare Committee to identify options to improve wastewater treatment, and TCDC to implement these options.

The Commissioner endorses actions by TCDC that progress the wastewater treatment plant's upgrade. The Commissioner also advocates community consultation (using the participatory appraisal methodology as used in the community planning process) as a constructive way to engage the community on this matter.

### ***Increased sedimentation and mangrove encroachment***

The plan's catchment management section indirectly deals with increased sedimentation. The principle for this section is "[c]atchment management will minimise any adverse environmental effects".

The section's goals are to:

- ensure native vegetation is cared for and covers the peninsula's western face
- protect the catchment's riparian area from harmful effects
- ensure land use in the catchment minimises erosion by monitoring forest harvest activities and enforcing consent conditions.

Mangroves are dealt with in the plan's harbour and beach section. The principle for this section is, "[t]he health and cleanliness of the harbour, beach and shellfish (kaimoana) beds is most important. No development should threaten this".

The goal is to protect mangroves in identified areas, but keep them out of areas where they would adversely affect other ecosystem values and users. However, some branches of Forest and Bird and Te Runanga a Iwi o Ngati Tamatera have objected to a proposal to remove some mangroves. EW, Forest and Bird and Te Runanga a Iwi o Ngati Tamatera are in negotiation and EW is hopeful their concerns can be addressed without recourse to the Environment Court. The Commissioner is encouraged to hear about these constructive negotiations.

The Commissioner suggests the Mangrove Steering Group's work will be a key input into future versions of the community plan.

### ***Physical changes to the harbour's structure***

The plan's leisure and recreation section includes the goal, "ensure activities on and in the harbour will be appropriately managed". Actions related to this goal include reviewing moorings, once a decision is made on the marina proposal, and reviewing dredging in the harbour.

A summary that provides an update on the implementation of the community plan indicates that this task has been done.<sup>107</sup>

The principle from the plan's harbour and beach section also relates indirectly to the harbour's physical modification. However, the actions are about educating people about, and enforcing, fishing laws, and reviewing and enforcing harbour water quality standards, rather than directly addressing the effects of new harbour structures.

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<sup>107</sup> TCDC, 2004; letter to the Commissioner, 20 July 2004

### ***Other development issues and the township's changing character***

The plan's growth and development section contains the principle, "[g]rowth and development will reflect the community visions". The goals are to:

- limit infill and multi-storey development to protect Whangamata's beachy, casual atmosphere
- ensure developers pay an entry fee to cover the costs of services
- ensure planning keeps infrastructure capacity ahead of growth.

The people of Whangamata have much in common with many other New Zealand communities. The area's natural attractions encourage people to visit and encourage ongoing property development. This can result in the loss of the values that made the location popular in the first place.

The development of a community plan is encouraging. It provides the people of Whangamata with a potentially powerful tool to address their concerns. The challenge, however, will be to ensure the plan continues to reflect a shared community vision, remains valid, and is increasingly effective. This will require, among other things, councils, the community board and community groups to have a common understanding about the state of, and pressures on, the Whangamata environment (including essential community infrastructure).

### ***Recommendation***

**To TCDC, the Whangamata Community Board and EW:** TCDC, the Whangamata Community Board and EW reinvigorate the community plan with a new round of consultation that updates progress, raises new issues, and encourages ongoing constructive dialogue between all parties.

### **Conclusion**

Despite strongly held feelings in some parts of the community the consultation process was generally supported. The process to develop Whangamata's community plan was successful. This view was reflected in most of the Commissioner's interviews.

However, shortcomings in the consultation/plan development process were identified. These concerns and suggested remedies are discussed in Chapter 6.

## **Implementation of the community plan**

### **Introduction**

This section discusses the processes used to implement the Whangamata Community Plan, impediments to the plan's implementation, and the progress made.

Successful implementation requires:

- the necessary resources
- an ongoing commitment on the part of councillors, council officials, residents, ratepayers, tangata whenua and government agencies
- the community to have the means to carry out the plan's actions
- the plan's implementation and performance to be monitored.

It is also important to determine:

- who will have responsibility for overseeing the plan's implementation
- the plan's relationship to the relevant statutory planning documents (see Appendix B)
- the relationship of the plan to the day-to-day business of TCDC (including the community board) and EW.<sup>108</sup>

### **Whangamata Community Board: Community plan guardian**

TCDC made the Whangamata Community Board responsible for overseeing the community plan's implementation.<sup>109</sup>

The community board is expected to use the community plan to guide its participation in council processes to achieve the plan's outcomes. This includes participating in the council's LTCCP process. The plan justifies the community board and community groups advocating courses of action to the council on the community's behalf. The plan provides the community board with a means to decide and prioritise its actions. Once this is done the board can then make proposals to the council for specific actions or projects that will give effect to the plan.

The community board stated it considered the community plan to be a 'living document'. Opportunities for formal review and amendments will allow the plan to evolve. The community board considered the plan to be particularly useful for future plan development, including guiding LTCCP planning and project development. However, the extent to which the plan has contributed to these processes remains unclear. The board indicated to the Commissioner it would be proposing to the council a new advocacy budget for the 2004/05 financial year to "further promote Community Plan outcomes".

To update the community on the community plan's implementation, regular forums are necessary. These forums are also important for addressing new issues as they arise. Funding was made available for two forums each year, which were to have input into the annual plan.<sup>110</sup> One review of the community plan occurred in September 2002. This review assessed progress on the plan's actions. Another review and feedback session is planned for August 2004. EW has attributed the delay in subsequent forums as a result of TCDC needing to wait for the submission process and survey to be

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<sup>108</sup> PCE, 2001b

<sup>109</sup> TCDC, pers. comm., email 2004

<sup>110</sup> EW, pers. comm., August 2003 interview

completed. By the time this had happened the process had lost momentum. At the same time EW dispersed its implementation functions throughout its organisation, thereby removing any single advocate of the community planning forums.<sup>111</sup>

TCDC also expressed reluctance to review the plan in 2003 due to a concern other issues would complicate the process. These issues included a representation review, the strong feelings over the Otahu Reserve's reclassification and removal of a toilet block, and a change of area manager.<sup>112</sup>

## **Whangamata Watercare Committee**

A core element of the community plan's implementation is the Whangamata Watercare Committee. This committee was established during the plan's consultation process (discussed earlier in this chapter) to allow water issues to be dealt with, without slowing down the consultation process.

The committee is made up of three members of the Whangamata Community Board, up to three members of the public, and one member representing Ngati Pu. Its terms of reference say its purpose is to "inform the Whangamata Community Board of issues relating to water within the Whangamata ward". The committee deals with issues relating to the 'three waters': drinking water, wastewater and stormwater. The committee develops and recommends to the community board education programmes relating to the three waters' management.

The council or community board can refer matters to the committee. It will then investigate the issues and report back to the council or board with a desired course of action. The committee has to consult with the community to ensure it can adequately inform the community board on the community's views. The committee's main objectives are derived from the goals, principles and actions in the community plan's water section.

The committee meets eleven times each year (monthly except in January) and the TCDC Ward Area Manager is invited to all meetings. The committee can be disestablished by the community board or at the end of the board's three-year term. The committee does not have authority to appoint subcommittees or delegate its functions or affairs.

## **Impediments to the community plan's implementation**

During the investigation limitations with the community plan approach became evident. These limitations were:

- a lack of capacity for, or commitment to, implementing the plan
- uncertainty over the plan's status with respect to statutory planning instruments
- a requirement for actions beyond the ability of the councils and community to implement alone.

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<sup>111</sup> Letter to the Commissioner from EW, 21 June 2004

<sup>112</sup> TCDC, 2004; letter to the Commissioner, 20 July 2004

### ***Lack of capacity and commitment***

Two significant impediments to a plan's successful implementation are the implementing agency's (or agencies') lack of capacity to implement the plan, and lack of political or institutional commitment to the plan's objectives and actions.

In Whangamata these concerns were raised in reference to the community board's future and its effectiveness in delivering the outcomes desired by the local community. During an interview with the Commissioner the Whangamata Ratepayers' Association specifically stated it felt the board was not adequately representing the community.

However, the community board felt it was largely constrained by factors outside its control, such as having to operate within the district plan's parameters. It pointed out that while the local community had expressed a desire to constrain further development (such as 'maximum onsite coverage'<sup>113</sup>), the district plan permitted more intensive development.

During the Commissioner's interview with the community board one board member expressed the view that the council often did not listen to the board on development matters. During the same interview other board members expressed the view that removing some financial delegations in 2000/01 had adversely affected the plan's implementation, and the Whangamata Watercare Committee had no real power to do anything useful. CWW also expressed this concern. (The delegations were reviewed when the community plan was being developed and related to the board's input into TCDC's capital project planning and implementation processes.)<sup>114</sup>

TCDC considers that the community board retains extensive delegations, which are now focused on the community board's new role in community engagement. For example, the council considers the Mercury Bay Community Board has demonstrated the adequacy of the new delegations by having its district plan changed to better manage development in the Whitianga township.

The community board also noted it faces funding limitations because of the small permanent ratings base (about 5,000 ratepayers), and this will affect the rate at which the plan's actions can be accomplished. The Commissioner considers additional resources of expertise and information from the council would help the board to implement the plan.

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<sup>113</sup> Building a large house on a small section

<sup>114</sup> The TCDC community boards' scope of delegation is summarised on the TCDC web site: <http://www.tcdc.govt.nz/Council/CommunityBoards.htm#Delegations>. It involves developing and approving (subject to the council approving the board's budget) the levels of service to be delivered; developing and recommending budgets to council; prioritising work within the approved budgets; monitoring the delivery of services and ensuring activities are managed within the council-approved budget; recommending to council the rates and user charges that should be collected to fund activities; approving project definitions for capital expenditure identified in budgets under \$200,000; and recommending to council project definitions for projects greater than \$200,000.

The community board also felt it would have helped if the plan's actions had been prioritised. This would have provided it with valuable guidance when determining which actions to address first.

During discussions with the Commissioner some community board members, who did not participate in the plan's development, expressed less support for the community planning process.<sup>115</sup> Some members expressed a concern that some new residents did not feel bound by the plan and wanted to relitigate the issues.

### ***Uncertain status of community plans***

The effective implementation of community plans is significantly influenced by their status. Under the LGA 2002 and RMA no specific mechanism exists for the implementation of community plans. Not surprisingly, this has resulted in an implementation 'gap' for the Whangamata Community Plan.

Social and environmental goals were identified as important to the Whangamata community, but it has been difficult to find an effective statutory mechanism to ensure regard is given to them in the management of Whangamata's natural and physical resources.

This gap is reflected in the EW statement that it will change its policies and actions so as to be consistent with the plan's directions *where possible*. In many cases EW's support of the plan will be limited by legal requirements.

TCDC intends to use the Whangamata Community Plan and other community plans as key inputs into the LTCCP. In turn, the LTCCP will inform the future development of council district plans. The LTCCP will also indicate where, and in what amount, council resources are to be directed, and will have an inbuilt mechanism for reporting and monitoring the results of progress relating to community outcomes.

The community board, however, considers the LTCCP process might impede the community plan's implementation, because it is a new process and the relationship between the existing community plan and LTCCP is not yet clear. However, it is also possible this new process could reduce any potential adverse effects from the removal of the board's delegations for implementing the plan.

Irrespective of whether the LTCCP process impedes the community plan's implementation, another obligation placed on councils by the LGA 2002 may have a positive impact. This is the requirement that EW and TCDC consult their communities on community outcomes, and monitor and report progress towards the achievement of those outcomes. This requirement provides the Whangamata community with an opportunity to seek enhanced status of the community plan's goals. It will also provide a mechanism for measuring how well the accepted goals in the community plan have been incorporated into TCDC's and EW's activities and services.

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<sup>115</sup> TCDC, pers. comm., August 2003 interview

### ***Actions beyond implementing agency's scope***

In many cases responses to environmental and social issues require actions that extend beyond the scope of the agencies and communities involved in the community plan's development. For example, the action in the plan's growth and development section, "[a]djust the District Plan density rules to reflect community plan principles", requires a variation to the district plan. This is a longer-term project that will need significant time and money and will have an uncertain outcome.

### **Progress**

An updated version of the community plan was provided by TCDC as an appendix to its letter to the Commissioner of 30 July 2004. The updated version summarises the plan's actions that have been completed, the actions under way, and the actions not yet started as of the community forum in September 2002 (see Appendix C). A summary of these actions is in Table 5.5.

**Table 5.5 Status of actions from the Whangamata Community Plan, as at 30 July 2004**

<b>Section of community plan</b>	<b>Completed actions<sup>1</sup></b>	<b>Initiated actions<sup>2</sup></b>	<b>Actions not initiated<sup>3</sup></b>	<b>Actions not under council's control<sup>4</sup></b>	<b>Total</b>
Community participation		2	4		6
Water	17	3	5		25
Harbour and beach	1	3		2	6
Growth and development	2	4	1		7
Town centre		1			1
Leisure and recreation	5	2			7
Catchment management		4	2	2	8
<b>Total</b>	<b>25</b>	<b>19</b>	<b>12</b>	<b>4</b>	<b>60</b>

#### **Notes**

1. Actions completed up to the start of, or being progressed during, the 2004/05 financial year.
2. Actions initiated or worked on to some degree, but not complete.
3. Actions yet to be initiated.
4. Actions not under EW's or TCDC's direct influence.

Source: Whangamata Community Plan (TCDC, 2004; letter to the Commissioner, 20 July 2004).



Out of the 60 actions identified in the plan, 44 have been completed or initiated (73 percent); 12 had not been initiated (20 percent) and 4 were classified as outside the councils' control, so presumably requiring further time for councils to gain other relevant agencies' support.

However, as would be expected, the more difficult and expensive actions, many related to improving water quality and wastewater treatment, were yet to be initiated in September 2002.

## **Conclusion**

Given the circumstances outlined in the preceding pages, it would appear good progress has been made with the community plan's implementation. This progress indicates that the community planning process has already been of value. However, implementation is an ongoing process and now must address the more difficult actions in the plan. These actions require more complex, sustained and costly responses. In Chapter 6 suggestions are made that may help with continuing implementation.

## **6 Whangamata: The next steps**

### **Introduction**

New Zealand's coastal places are areas of ecological, social and economic importance. They are desirable places to live in, visit and enjoy. Increasing human interactions result in pressures on the natural environment and on local government's capacity to provide adequate infrastructure, mitigate effects, protect special values, and resolve conflicts.

Whangamata typifies the dilemmas and conflicts faced by coastal communities. The Whangamata community and regional and local government have attempted to address some of these dilemmas and conflicts using a community planning process.

Prior work undertaken by the Commissioner has promoted the concept of community-based strategic planning as a useful tool to build consensus, and overcome the perceived shortcomings of more formal shorter-term planning processes. Whangamata presents an opportunity for the Commissioner to assess the effectiveness of this type of community-based planning process. This report addresses two key questions:

1. Has the community planning process adequately addressed the Whangamata community's concerns?
2. Does this type of planning process have value in addressing the environmental effects of development in coastal areas generally?

The investigation also highlighted issues underpinning environmental management in the Whangamata region. These issues affect not only the management of specific environmental matters, but also the community plan's development, and will have an effect on the plan's ongoing implementation.

### **Key themes in environmental management in Whangamata**

During this investigation key themes were identified relating to the management of the environment in Whangamata. The themes were:

- accessing adequate technical or specialist information
- infrastructure that can cope with highly variable populations
- communicating relevant information
- monitoring and enforcing environmental performance
- taking the increasing role of tangata whenua into account
- improving relationships between community and the councils
- addressing constraints faced by the district council, TCDC.

## **Accessing adequate technical or specialist information**

The investigation revealed considerable uncertainty over the quality of the information that was critical to an informed debate on key environmental issues. Concerns were also raised about affected parties' level of access to critical information.

### ***Technical information on harbour water quality***

A key issue was the lack of agreement about the appropriate method to assess water quality in the harbour (see Chapter 5).

The standard method of water quality testing allows for comparisons with other test sites and the application of water quality standards, which are calibrated to this testing methodology. CWW favours testing at or near the water's surface, as it considers this better assesses the risks faced by surfers and other recreational users. On the other hand, EW uses the standard methodology of taking samples 30 cm below the water's surface.

It appears a comprehensive and open discussion of the advantages, disadvantages and implications of the different approaches has not occurred.

### ***Recommendation***

**To EW and TCDC:** EW and TCDC meet with CWW and the Public Health Unit of Health Waikato to discuss concerns about water quality testing. The conclusions from such a meeting could then be fed back into the community planning process and used to implement water quality testing and monitoring programmes.

### ***Technical information on future wastewater treatment options***

This issue was covered in detail in Chapter 4 in the section on wastewater treatment.

### ***Technical information on the harbour's hydrodynamics***

The Commissioner considers that past and proposed physical changes to the harbour structure will have long-term adverse environmental effects on the harbour. The Commissioner notes the University of Waikato is considering undertaking new work on the hydrodynamics of the harbour. This work may provide a useful input to EW and TCDC's understanding of the impacts of further harbour development. The Commissioner is pleased to hear TCDC has contacted the University of Waikato on this matter.

### ***Recommendation***

**To TCDC:** TCDC continues to work with EW and the University of Waikato to ensure sufficient baseline research is done to enable an effective assessment of the effects of past and proposed changes to the harbour's structure.

### ***Accurate population statistics***

The collection of population data by TCDC has been intermittent. The council surveyed the Whangamata population at peak times during a three-year period in the mid-1990s. The methodology evolved over that period, so the results varied considerably. The survey was later discontinued and was replaced only recently.

Planning for future social and infrastructural needs requires accurate information on current and future needs, including data on current and future demographics. In Whangamata a recurring theme was the considerable uncertainty over the area's population at certain times of the year, especially at peak times over Christmas/New Year.

TCDC recognised this information gap and undertook a peak population survey over the summer of 2003/04. TCDC intends to repeat this survey every two years.<sup>116</sup>

### ***Tangata whenua information***

During this investigation it became apparent many non-Maori residents and ratepayers lacked an awareness and were confused about the place, history and aspirations of the tangata whenua of the Whangamata region. Non-Maori groups expressed confusion about the status of the various iwi and hapu in the area, and frustration over apparent conflicting Maori positions on specific issues.

This is discussed further in the section on taking account of the increasing role of tangata whenua.

### **Infrastructure that can cope with highly variable populations**

A key theme in Whangamata (and other resort areas) is the difficulty faced by local authorities in providing infrastructure that adequately meets the needs of populations that fluctuate significantly. In Whangamata the critical systems are water supply and wastewater treatment. When these systems are not coping with demand the environment and human health are affected.

Resort areas tend to have a small rateable tax base available to fund infrastructure. The challenge is to provide systems that meet the community's needs at a reasonable cost. Full community participation in choosing the type of infrastructure and overseeing the management of these systems is essential.

Until recently TCDC's approach to increased demand for water services (water supply and wastewater services) was to increase the infrastructure's capacity at ever-increasing cost. The Commissioner has advocated the importance of managing water demand as part of an integrated water management system.<sup>117</sup> These reports note the potential of water charging as a demand management tool; describe regulatory instruments that limit water usage (and by implication wastewater output) at certain times; and identify technological measures that reduce water usage during peak times or overall.

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<sup>116</sup> TCDC, 2004; letter to the Commissioner, 20 July 2004

<sup>117</sup> PCE, 2000: 35; PCE, 2001a; PCE, 2001c

## **Recommendation**

**To TCDC:** TCDC, when making infrastructure decisions, considers:

- involving the community in all phases of a system's design, build and operation
- designing the system for the long term, not just to cover immediate problems
- designing the system for local conditions
- ensuring that the community has a comprehensive understanding of the impact of local environmental and social conditions on the options being considered
- giving additional weight to managing the demand on systems (especially peak demand) using educative, regulatory and economic measures, not just by increasing system capacity
- ensuring robust performance standards and appropriate financial incentives or penalties are built into performance contracts with infrastructural developers and operators, if these functions are contracted out.

## **Communicating relevant information**

Underlying specific environmental concerns was the theme that important information was often not available, and when it was, it was poorly communicated by the authorities and experts (and thereby misunderstood or discredited by the community).

Similar issues surrounding the communication and understanding of scientific and other forms of specialist knowledge are discussed in *Illuminated or blinded by science?*<sup>118</sup>

A key area of concern for some groups was the difficulty in assessing TCDC's performance because the necessary information was difficult to access. This concern was specifically raised about wastewater treatment operations, the council's role in the marina development, and the reasons for the Otahu Reserve's reclassification. CWW also expressed the view that EW had not been open about providing information on local water quality and water quality testing procedures.

As a result, when information was provided by either council it was often considered partisan, so of no value to the debate. Two reasons were given in these interviews for this perception:

- poor communication of the wider context in which the information was collected and analysed
- the partial release of the information.

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<sup>118</sup> PCE, 2003b

## **Monitoring and enforcing environmental performance**

A perception exists that the monitoring of key environmental and other concerns in the Whangamata region occurs too infrequently. In its interview with the Commissioner, CWW expressed the view that TCDC and EW had undertaken insufficient monitoring of their operational activities and water quality.

As already noted, monitoring requirements are under the LGA 2002, obliging local government to undertake regular and robust monitoring. Environmental monitoring requirements are also in the RMA.

There was also concern that knowledge gained by TCDC from earlier monitoring programmes had been lost because of a lack of systems and criteria for determining which information to retain.

A positive step would be for EW and TCDC to involve the local community in the development of monitoring programmes.

### ***Recommendation***

**To EW and TCDC:** EW and TCDC work together and with the community to develop an ongoing water quality monitoring programme so empirical data are available about changes and trends in the harbour's water quality.

Later in this chapter the role of regular monitoring as a necessary part of the community plan's successful implementation is discussed.

EW, TCDC and the Whangamata Community Board have limited resources for monitoring. For these to be used effectively, consideration needs to be given to establishing procedures that integrate community plan monitoring with the monitoring requirements of the RMA and LGA 2002.

The issue of the enforcement of rules or consent conditions was also an emerging theme. CWW raised this issue in the context of the wastewater treatment plant's operation. The focus of this concern was EW's performance in enforcing compliance with resource consent conditions. A related concern was the lack of monitoring data, making it difficult to assess the quality of TCDC's management of the plant's operations.

RMA abatement notices and enforcement orders are not always an effective response to non-complying public infrastructure. Considerable resources can be spent in prosecuting and defending abatement notices and enforcement orders, with little benefit to the community or environment. More value can sometimes be obtained by deploying resources to identify the causes of the non-compliance and implementing measures to remedy them. However, any alternative strategy proposed by EW will need to be made in a transparent manner and with a specified timeframe for achieving RMA compliance.

### ***Recommendation***

**To EW:** EW works openly with TCDC, the Whangamata Community Board and the community, to the extent possible without compromising its position as a consent authority, to ensure the upgraded wastewater treatment plant is designed, built and operated to meet resource consent conditions for the consent's duration and beyond.

The Commissioner also notes that using an integrated management approach, including demand management strategies, can play an important role in achieving this recommendation.

### **Taking the increasing role of tangata whenua into account**

The Commissioner's investigation indicates that tangata whenua are taking a more proactive role in environmental planning and community decision making. However, some groups see this increasing involvement in environmental management as unnecessarily obstructive, and giving tangata whenua an undue influence in dealings with local authorities.

Unfortunately, in Whangamata this view has been reinforced by two events having a high public profile:

- the Otahu Reserve's reclassification and removal of the toilet block
- a widely reported statement by a Ngati Pu spokesperson that the hapu had a policy of initially opposing all notified resource consent applications.

During discussions it was clear some people lack awareness about:

- Maori history of the area, including the history of the loss of traditional rights
- different groups having mana whenua in the Whangamata area
- the aspirations and objectives of the various iwi and hapu
- the processes used by tangata whenua to make decisions
- the implications of the Treaty of Waitangi and LGA 2002 in terms of the obligations placed on public authorities when undertaking public consultations.

Recent events seem to indicate these concerns occur in many communities throughout New Zealand. However, with the community planning forum developed by the Whangamata community an opportunity exists to improve dialogue and increase understanding among Maori and non-Maori.

### **Improving relationships between community and councils**

An emerging theme from this investigation is that most groups interviewed by the Commissioner in Whangamata had what they considered a strained relationship with one or both local authorities.

The concerns varied depending on the issue, but a common concern was difficulty accessing information and communicating with local officials.

Another concern was a view that both councils appeared to take fixed positions on issues (that is, water quality testing, the site of the marina development, performance of the wastewater treatment plant, the toilet block), and were not open to listening to other views.

Another issue, which was seen to be adding to the strained relationships, was the TCDC proposal at that time to abolish community boards. This had led to some individuals and groups losing trust in the authorities, resulting in a loss of constructive dialogue on future programmes and projects.

TCDC points out that surveys undertaken to assess community satisfaction indicated an improvement from 2000 to 2003. Information provided by TCDC to the Commissioner showed a 39 percent dissatisfaction level in the Whangamata community over the council's performance with respect to wastewater (during the community plan's development). This level of dissatisfaction had fallen to 18 percent by 2003. Levels of dissatisfaction over stormwater, however, have remained reasonably constant at around 24–25 percent, while dissatisfaction over water supply fell from 28 percent to 18 percent over the same period.

The Commissioner recognises that within any community, groups and individuals will have strongly held views that differ from local decision makers' views. It is encouraging, therefore, to note that the process used to develop the community plan was seen by those interviewed as a positive step to improving dialogue between the community and local authorities. This view and the results of the survey may be an indication that the community planning process has had a role in building better communication between TCDC and the Whangamata community.

### **Addressing constraints faced by the district council**

Many small councils face operational constraints in terms of having access to adequate resources and relevant expertise. Many of these issues were raised in *Managing change in paradise*.<sup>119</sup>

During discussions with the council and others it became apparent TCDC faces many of the same problems. A recurring theme is the difficulty the council has engaging with a largely absent population of ratepayers, of whom a significant number have different expectations from the permanent residents.

Another theme was the difficulty the council has in providing and operating adequate infrastructure and services that will accommodate large fluctuations in population, when funded from a relatively low income-rating base.

In the face of such challenges the Commissioner supports the use of processes that:

- improve communication between parties
- increase community participation
- promote partnership between agencies, community groups and tangata whenua
- result in the efficient use of limited local, regional and national resources.

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<sup>119</sup> PCE, 2001b: 71



## **Whangamata Community Plan**

On the whole, people interviewed considered the community participation process to be positive and productive. EW and TCDC considered participatory appraisal a useful tool. The community strongly endorsed having a community plan.

Two groups interviewed considered that while the process started well, it was captured to some extent by some groups. However, the consensus was that the process had been useful.

Importantly, the process was initiated and supported by both the regional and district councils. It is generally accepted that the resulting plan is a consensus view within the Whangamata community. TCDC has endorsed the plan and supported its implementation. TCDC also sees it as continuing to have an active role within the community and intends to use the community plan as a key input in the development of its LTCCP.

It is also positive that those involved in the development process recognised the more complex issues (such as improving water quality) require a coordinated and ongoing effort beyond that achievable by the community planning process. This was addressed through specific measures such as the establishment of the Whangamata Watercare Committee.

The Commissioner considers the community plan's development has helped to get disparate groups into a constructive dialogue.

Despite implementation problems the community plan has successfully set agreed actions to address many of the community's environmental and community concerns. It is encouraging that many of these actions have been completed or initiated. However, many of the more challenging actions remain unaddressed.

### ***Recommendation***

**To TCDC and EW:** TCDC and EW work together to develop strategies, policies and processes to progressively implement the aspects of the community plan that have not been implemented but are within their jurisdiction.

### **Improving the community plan development process**

The Whangamata community planning process has highlighted improvements that could be made in future:

- ensure stakeholders' commitment to the process
- set realistic expectations early in the planning process
- prioritise outcomes
- take account of the legal context
- take account of other environmental initiatives
- take account of available resources
- identify and address poor information or misinformation.

### ***Ensure stakeholders' commitment to the process***

As noted above, a key element to success of the community planning process was the involvement of the two councils. These organisations' early buy-in was crucial to the plan's future implementation and ongoing existence. However, some key groups were not fully involved in all or parts of the process. Tangata whenua expressed concern that they were not involved from the beginning, although this concern was subsequently addressed through a hui that resulted in the appointment of Ngati Pu as kaitiaki for the harbour.

A concern is that, after initial involvement, DOC representatives were not involved later in the process. DOC's presence would have been especially useful in the discussions on mangrove management. It would have been useful if a DOC representative could have informed the consultation process on the work looking at the spread of mangroves throughout the northern half of the North Island.

### ***Set realistic expectations early in the planning process***

It was clear that many people had very high expectations of what the community plan could achieve and within what timeframes.

Two examples of this were the mangrove issue and proposed marina. In the case of the mangroves the requirements imposed by the NZCPS were not taken into account. In the case of the proposed marina there was disappointment when the issue had to be excluded because it was subject to legal proceedings.

### ***Recommendation***

**To all councils and their constituent communities:** When a council and community engage in a community planning process the council makes it clear early in the process:

- the purpose of the process
- how decisions or recommendations as a result of the process might be put into effect
- how those decisions or recommendations might fit within the council's ongoing planning and policy development and implementation.

### ***Prioritise outcomes***

No priority was given to the plan's goals and actions. This lack of prioritisation was a concern for some community board members, who felt this would have helped them to allocate resources and effort.

Allocating priorities to the actions would also have been useful to help set realistic expectations and focus implementation efforts on critical actions, rather than those that were easily achieved.

### ***Take account of the legal context***

The implementation of community plans will be influenced by their legal status. Under the Local Government Acts (discussed in Appendix B), local community plans of the type developed for Whangamata have no legal status, although they could be used to inform LTCCPs under the LGA 2002.<sup>120</sup>

No formal relationship exists between community plans and statutory RMA plans. At most, the planning processes in the RMA can be informed by non-statutory plans such as the Whangamata Community Plan (Appendix B).

One community board member saw the lack of any legal status as a key failing of the process, and that without it the community could (and do) see the process as a waste of time. Not surprisingly, in the case of the Whangamata Community Plan, this has resulted in an implementation gap. Social and environmental goals were identified as important to the Whangamata community. It has proved difficult to find an effective statutory mechanism for their implementation.

In addition to legislation, statutory-based policy initiatives also need to be taken into account early in the community planning process, primarily the NZCPS and the proposed Waikato Regional Coastal Policy Statement. If the plan is revised, any policy outcome on the foreshore and seabed debate will also need to be taken into account.

From the other point of view, the community plan cannot put limits on or replace other consultation processes with the community. For example, this investigation highlighted the need for specific consultation with the community when planning the wastewater treatment plant upgrade. While the plan provides this as a desired outcome, the process was not able to adequately address the detailed issues involved with complex issues such as a wastewater treatment plant and integrated catchment management.

The Whangamata Community Plan also contained actions that required changes to statutory documents and the support of other Coromandel Peninsula communities. One particular action in the plan's growth and development section states, "[a]djust the District Plan density rules to reflect community principles". However, to achieve this outcome the district plan must be varied.

Amendments to either the EW Regional Plan or the TCDC District Plan could provide a potential means for implementing some of the environmental goals identified in the community plan, although modifying RMA planning documents is a relatively complex and often lengthy process.

The subsequent reality of the limitations on the plan's implementation has led to some disillusionment with the entire concept of community plans. This disillusionment is unfortunate, as the process in Whangamata brought together community groups and individuals in a constructive way.

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<sup>120</sup> TCDC explicitly states in their LTCCP 2004–2014 that it has used community plans as a source of information for the four community outcomes in the LTCCP.

The Commissioner considers that the development of the LTCCPs under the LGA 2002 represents a planning tool eminently suited to the identification, in a formal, local government planning document, of the type of mixed social, economic and environmental goals and issues identified in the Whangamata community planning process.

### **Recommendation**

**To TCDC:** TCDC clearly identifies how it has used the various community plans in its district (including Whangamata's plan) to develop its LTCCP.

### **Take account of other environmental initiatives**

The Whangamata Community Plan also needs to take account of other non-statutory environmental initiatives, for example, relevant environmental plans developed by tangata whenua. In Whangamata, this includes *Whaia Te Mahere Taiao a Hauraki: Hauraki Iwi Environment Plan*.

Other plans and strategies include those developed by non-governmental organisations such as Forest and Bird (for example, on mangroves) and other communities within district boundaries.

### **Recommendation**

**To all councils and their constituent communities:** When a council or community are about to engage in a community planning process, the council, early in the process, reviews and summarises all relevant initiatives and strategies, so stakeholders can ensure that they consider the potential effect of these initiatives and strategies on the future community plan during the consultation process.

### **Take account of available resources**

As noted above, small councils face constraints in expertise and funding. It will be necessary during the development of community plans for all parties to take these into account, and shape and prioritise goals and actions to work within these constraints.

### **Identify and address poor information or misinformation**

The community plan will only be as good as the information used to inform the discussions in its development. However, perfect information is rarely available and the plan's actions should take this into account.

### **Recommendation**

**To TCDC and the Whangamata Community Board:** TCDC and the Whangamata Community Board, as part of the community plan's ongoing development, develop a programme for addressing critical information needs. This information is collected to inform discussions about future versions of the community plan.

## **Improving the community plan's implementation**

The investigation of the Whangamata community planning process has highlighted that implementation and ongoing development are the most challenging aspects. Three limitations to the community planning approach can impede its implementation (see Chapter 4). These are:

- the plan's lack of any formal legal status
- the lack of capacity in, or commitment by, the plan's implementers
- actions being beyond the implementers' scope.

### **Recommendation**

**To all participants in the community planning process:** Participants in the community planning process enable the community plan's more effective implementation by:

- ensuring ongoing political and community commitment to the plan
- defining the plan's impact on the council's day-to-day operations
- appointing an effective champion (a group or an individual) for the plan
- monitoring progress, reporting, and reviewing the plan.

## **Ensuring ongoing political and stakeholder commitment to the community plan**

The life of the community plan should extend beyond the immediate electoral term so it provides a means of addressing issues that require long-term solutions. However, as the plan requires ongoing political support there is a risk that political commitment may waver. In Whangamata some community board members who did not participate during the plan's development expressed lukewarm support for the plan. In addition, some community members questioned the level of commitment to the plan by TCDC councillors and staff.<sup>121</sup>

The various stakeholders' commitment to the plan may also waver over time. This concern was raised by some community board members who felt some new people coming into the community did not feel bound by the plan, and wanted to readdress the issues.

The community plan must retain a high profile and be supported by the community. The plan must continue to be pertinent to that community and evolve in response to changing circumstances and expectations. These issues are discussed in the section below on monitoring progress, and reviewing and revising the plan.

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<sup>121</sup> TCDC staff, pers. comm., August 2003 interview

## **Defining the plan's relationship to the council's day-to-day operation**

In the Commissioner's view, a key impediment to the Whangamata Community Plan's implementation is the lack of clarity about how the plan should be used in the day-to-day business of community boards, councils and councillors.

A key part of any future revision of the plan should be to address the issue of how the plan should be referred to by these agencies.

## **Appointing an effective champion of the community plan**

During the investigation, confusion existed about who had responsibility for overseeing the plan's implementation and ongoing development. It is now clear the Whangamata Community Board has been given this responsibility. However, the investigation also highlighted uncertainty about whether the community board has, under its new delegations, sufficient discretion and resources to effectively implement this type of plan.

For an agency to be effective in its role it requires, in addition to having sufficient discretion and resources, ongoing support from all relevant statutory agencies, stakeholders, community groups and tangata whenua in both the implementation and ongoing review periods.

### ***Recommendation***

**To TCDC:** TCDC, as part of any future review of the implementation of the community plan, assesses the effectiveness of the Whangamata Community Board's delegations.

## **Monitoring progress, reporting and reviewing the plan**

As part of the plan's implementation a programme is needed to monitor the plan's progress and effectiveness. This monitoring work should be linked to other environmental and local government monitoring undertaken in Whangamata.

The information provided by the monitoring should be reported to stakeholders and discussed in regular public forums. This information will also be an essential input into the plan's reviews.

It is concerning that the two proposed public forums each year to report to the community and provide the basis for reviewing the plan have not occurred (although a meeting was undertaken in August 2004). However, the Commissioner notes and endorses the community board's initiative to request from the council a new advocacy budget for the 2004/05 financial year. This funding would be used to "further promote Community Plan outcomes". This funding could also be used to ensure regular forums occur that promote ongoing public discussion and subsequently result in timely reviews of the plan.

***Recommendation***

**To TCDC:** TCDC allocates sufficient resources to ensure ongoing community participation in the community plan's implementation and review, including regularly using forums and information bulletins. These resources should:

- build TCDC's capacity to support facilitation and participatory processes, and the community plan's implementation (for example, by appointing a full-time staff member dedicated to community plan support activities in the district)
- address the community's distrust by appointing suitably skilled neutral facilitators.

## 7 Review of progress

It is clear that many key concerns in this study of Whangamata's community planning process remain unresolved. Pending other Citizens' Concerns,<sup>122</sup> the Commissioner considers it useful to undertake a follow-up study that focuses on specific aspects of the Whangamata Community Plan, its implementation, and the progress on the community's capacity to articulate and implement its vision for a sustainable Whangamata.

This review could be undertaken in 12–18 months' time.

The proposed review of the community plan will focus on:

- commitment to ongoing participatory consultation
- the community board's implementation of the plan
- the district council's ongoing commitment to the plan and planning process
- reviewing the plan implementation thus far.

The Commissioner also proposes to examine progress in reconciling the different environmental aspirations for the Whangamata region as expressed by contributors to the community plan. Therefore, the Commissioner intends to meet with representative groups in the Whangamata community and the two councils to discuss how their vision for a sustainable future for Whangamata is progressing.

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<sup>122</sup> Citizens' Concerns are investigations initiated by public communication with the Commissioner.