

## **Appendix A: Organisations and individuals interviewed**

Clean Water Whangamata—Rosemary Segedin, Dave Steele, Jan Bartley, Kelvin Walls, Paul Shanks, Penny Taylor

Department of Conservation—John Gaukrodger (Area Manager Hauraki Area)

Environment Waikato—Alan Campbell, Bill Vant

Graeme Lawrence (Planning Consultant and former Thames-Coromandel District Council (TCDC) Senior Manager)

Mandy Manderson (formerly of Grey Power)

Marina Society Inc—Mick Kelly, Dick Mahoney, Len Scherer, Ray Martin, Tony Roper

Ngati Pu—Edward Shaw (Environmental Management Group, Co-ordinator, Te Runanga o Ngati Pu)

Thames-Coromandel District Council—Steve Ruru (Chief Executive Officer), Peter Mickleson (Area Manager Whangamata), Peter Wishart (Forward Planning Manager, Policy and Planning Department), Robin Sherson (Communications), John Whittle (Manager Services Delivery)

Tony Brljevic (TCDC Councillor)

Whangamata Community Board—Stephanie Prisk (Chair), Richard Davidson (Deputy), Yvonne Walmsley, Dave Steele, Brian Grant, Anne Lewis

Whangamata Harbourcare Group—Hans Zuur

Whangamata Maori Committee—Grant MacIntosh

Whangamata Ratepayers Association—Bryan Jackson, Frank Smead, Phil Powers, Ross Wightman



# Appendix B: Legal framework for coastal areas

## Introduction

This appendix contains more detailed information on the legal framework for coastal areas than the main body of the report.

All coastal land and waters in New Zealand are subject to a range of statutory and regulatory controls that regulate land and water use, and provide mechanisms for appropriate environmental management. This appendix summarises the key statutes, and the subordinate instruments created under those statutes, which affect the environmental management of the Whangamata estuary and its catchment, with a focus on the role of community plans in that statutory matrix.

## Resource Management Act 1991

The Resource Management Act 1991 (RMA) is the primary legislative tool for the management of natural and physical resources in New Zealand. The Act's purpose is to "promote the sustainable management of natural and physical resources".<sup>123</sup>

The RMA covers all land and all water in New Zealand with the exception of certain activities undertaken on lands administered under the Conservation Act 1987.<sup>124</sup> Under the RMA, jurisdiction over specified physical areas and specified functions under the Act is divided between regional councils (in Whangamata the Waikato Regional Council, known as Environment Waikato (EW), has jurisdiction) and territorial authorities (in Whangamata the Thames-Coromandel District Council (TCDC) has jurisdiction). The Minister of Conservation has a special responsibility under the RMA for the coastal marine area, and must prepare and issue the New Zealand Coastal Policy Statement (NZCPS).<sup>125</sup> The Minister is also responsible for approving regional coastal plans and deciding on applications for 'restricted coastal activities'.<sup>126</sup>

The RMA requires people exercising functions and powers under the Act to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other

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<sup>123</sup> See s 5(1) RMA.

<sup>124</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 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.

<sup>125</sup> DOC, 2004; the NZCPS is also available at:  
<http://www.doc.govt.nz/Conservation/Marine-and-Coastal/NZ-Coastal-Policy-Statement.pdf>

<sup>126</sup> See s 28 RMA.

taonga, to give particular regard to kaitiakitanga, and to take into account the principles of the Treaty of Waitangi.<sup>127</sup> Other RMA provisions for kaupapa Maori (Maori concepts, principles, values and attitudes) include requirements for councils' development of plans and policies,<sup>128</sup> for the transfer of council functions to iwi authorities, and for the protection of sensitive information.<sup>129</sup>

## **National policy: The New Zealand Coastal Policy Statement**

The NZCPS, created under the RMA in 1994 after an extensive process of inquiry, is a statement of policies to achieve the RMA's purpose in relation to New Zealand's coastal environment. 'Coastal environment' is not defined in the RMA but it is recognised that it extends beyond the scope of the coastal marine area to include some inland and upstream activities. The NZCPS guides regional councils in the preparation of their coastal plans, and assists regional councils and territorial authorities in their day-to-day management of the coastal environment.

The NZCPS recognises that tangata whenua are the kaitiaki of the coastal environment, and includes policies for:

- identifying and protecting characteristics of the coastal environment of special value to tangata whenua, including waahi tapu and mahinga mataitai (a coastal area traditionally important to, and managed by, tangata whenua),<sup>130</sup> for their management according to tikanga Maori
- meaningful consultation and involvement of tangata whenua in planning and policy processes for the coastal marine area
- the principles of the Treaty of Waitangi to be taken into account.

The NZCPS underwent an independent review in 2003 and included a series of regional workshops involving local government participants.<sup>131</sup> Majority support at the workshops existed for the continuation of a national policy statement for the coastal environment. However, it was considered that some policies in the current NZCPS were poorly drafted and provided little direction. The message was that for an NZCPS to be effective, more guidance and direction are required from central government on appropriate ways to implement policies. Of particular relevance to this study was a perception of local government staff involved in the workshops that the NZCPS was unable to effectively address water quality in the coastal marine area. The conclusion was that an integrated catchment management approach was needed and current NZCPS policies failed to achieve this.

The independent reviewer's report was published in May 2004.<sup>132</sup>

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<sup>127</sup> See ss 6(e), 7(a) and 8 RMA.

<sup>128</sup> See ss 61(1) and (2)(a)(ii), 62(1)(b), 65(3)(e), 66(2)(c)(ii) and 74(2)(b)(ii) RMA.

<sup>129</sup> See ss 33 and 42(1)(a) RMA.

<sup>130</sup> As required by s 58(b) RMA.

<sup>131</sup> DOC, 2003

<sup>132</sup> Rosier, 2004

## Regional councils, policy statements and plans

Under the RMA regional councils are responsible for preparing policies and objectives relating to land use issues of regional significance. They are also responsible for issues relating to:

- soil conservation
- water quality and quantity (in fresh and sea water systems)
- ecosystem maintenance and enhancement
- natural hazard avoidance or mitigation
- hazardous substance management
- the management of the use of the coastal marine area and other water bodies
- the discharge of contaminants into water and air.<sup>133</sup>

This occurs through the development of regional plans and policy statements.

### Regional policy statements

At all times each region must have a regional policy statement.<sup>134</sup> This overviews the region's resource management issues, and describes the policies and methods that have been developed to achieve the integrated management of the region's natural and physical resources.<sup>135</sup>

Regional policy statements must be prepared in accordance with the processes laid out in the First Schedule to the RMA. That process, which can extend over many months, provides considerable opportunity for public input and comment. Consultation is required with tangata whenua,<sup>136</sup> and regional councils must have regard to any relevant iwi environmental plan.<sup>137</sup>

The EW Regional Policy 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).

### Regional plans

Regional plans assist a regional council to carry out its functions to achieve the RMA's purpose<sup>138</sup> and must be consistent with the region's regional policy statement. The regional coastal plan assists the regional council and Minister of Conservation to implement the NZCPS in the context of each region and may not be inconsistent with the NZCPS. While the RMA requires regional councils to prepare a regional coastal plan, they have no obligation to prepare other regional plans, although most, if not all, will

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<sup>133</sup> See s 30 RMA.

<sup>134</sup> See s 60 RMA.

<sup>135</sup> See s 49 RMA.

<sup>136</sup> See cl 3(1)(d) First Schedule to the RMA.

<sup>137</sup> See s 61(2)(a)(ii) RMA.

<sup>138</sup> See s 63 RMA.

choose to do so. Consultation is required with tangata whenua,<sup>139</sup> and regional councils must have regard to any relevant iwi environmental plan.<sup>140</sup>

EW has prepared a regional plan and regional coastal plan. Neither plan is operative, but considerable weight must be given to each proposed plan when activities covered by it are being contemplated.

EW's proposed regional coastal plan includes statements of tangata whenua relationships with natural and physical resources, with discussion of the ancestral significance of the Coromandel coasts to Hauraki iwi, and the concepts of mauri, tikanga, kaitiaki and rangatiratanga over coastal resources. In the proposed plan, EW recognises and acknowledges the tangata whenua of the Coromandel coasts, and that iwi well-being depends on the well-being of their coastal resources and their ability to perform their kaitiaki role.

The proposed plan's policies and implementation methods include provisions for:

- constructive partnerships with tangata whenua (Policy 2.3)
- recognition of historical, spiritual, cultural and traditional values of tangata whenua (Policy 2.3.1)
- consultation and promotion of kaitiakitanga (Implementation 17.1.6)
- identification of areas of characteristics of special value to tangata whenua that require protection from use or development in the coastal marine area (Implementation 17.1.3).

## **Territorial authorities and district plans**

Under the RMA, territorial authorities (district or city councils) are primarily responsible for the integrated management of the use, development, or protection of land and associated natural and physical resources within their jurisdictional boundaries. They are also responsible for the control of subdivision and noise, and have parallel responsibility with regional councils for the storage, use and disposal of hazardous substances. Territorial authorities are also responsible for the control of the effects of activities on the surface of the water in rivers and lakes.<sup>141</sup>

Territorial authority functions under the RMA are exercised through the development and implementation of district plans.<sup>142</sup> At all times each district must have a district plan, and it must be prepared in accordance with the procedure described in the First Schedule to the RMA.<sup>143</sup> Consultation is required with tangata whenua, and councils must have regard to any relevant iwi environmental plan.<sup>144</sup> A district plan's contents must give effect to the NZCPS and may not be inconsistent with the contents of any relevant regional policy statement or regional plan.<sup>145</sup>

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<sup>139</sup> See cl 3(1)(d) First Schedule to the RMA.

<sup>140</sup> See s 66(2)(c)(ii) RMA.

<sup>141</sup> See s 31 RMA.

<sup>142</sup> See s 72 RMA.

<sup>143</sup> See s 73 RMA.

<sup>144</sup> See s 74(2)(b)(ii) RMA.

<sup>145</sup> See s 75 RMA.

The first Thames-Coromandel District Plan to be developed under the RMA has not become operative, and as of 31 August 2004 was still before the Environment Court.

### **Councils' non-statutory plans**

On occasion regional councils and/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 complied with. Reasons for carrying out planning processes outside the RMA scheme vary, but can include a desire to use a plan-making model that suits participants' needs but does not necessarily fit within the RMA framework, or a desire to attain an outcome within particular time or budget constraints.

However, problems can arise when local authorities seek to implement such plans. Although often a valid reflection of community aspirations or concerns, such plans cannot legitimately, in RMA terms, do more than inform subsequent RMA plans. The reasoning underlying this approach, which has been adopted on numerous occasions by the Environment Court, is that the RMA planning process is set up in such a way that full public participation in the plan development process is allowed for through a relatively prescriptive planning process.

### **Local Government Acts**

Outside the RMA regime, the bulk of local government powers and duties are prescribed by specific local government legislation. A recent major reform of local government legislation in New Zealand has resulted in two Local Government Acts being in force. Parts of the Local Government Act 1974 (LGA 1974) remain in force while other significant parts have been replaced by provisions of the Local Government Act 2002 (LGA 2002).

The LGA 2002 significantly changes the previous regime in terms of local government capacities (with a power of general competence having been introduced for local authorities for the first time in New Zealand), accountability, planning and consultation.

Under the LGA 2002, the purposes of local government are to enable democratic local decision making and action, by and on behalf of communities, and to promote the social, economic, environmental and cultural well-being of their communities in the present and for the future.<sup>146</sup>

Several features of the LGA 2002 are aimed at:

- greater coordination between local authorities within a region
- increased community participation in policy formation
- longer term strategic planning

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<sup>146</sup> See s 10 LGA 2002.

- improved processes for recognising tangata whenua and their interests, and facilitating Maori participation in local authority decision-making processes
- more clearly defined mechanisms for monitoring and reporting on the outcomes of planned initiatives.

New responsibilities have been imposed on territorial authorities in terms of water and wastewater assessment.

## **Community boards**

The LGA 2002 Act provides for the continued existence of community boards, and makes clear their role and jurisdiction.<sup>147</sup> A community board is not in itself a local authority or local authority committee. A community board can exercise only powers delegated to it by the territorial authority responsible for its establishment, and cannot buy, sell or lease property, or ‘hire or fire’ staff.

Community boards fulfil several roles. They:

- represent and act as an advocate for their community’s interests
- consider and report on all matters referred to them by the territorial authority and any matter of concern to the board
- maintain an overview of the services provided by the territorial authority within their community
- prepare annual submissions to the territorial authority on expenditure within the community
- communicate with community organisations and special interest groups
- undertake any other responsibilities delegated to them by the territorial authority.

## **Conservation Act 1987**

The Conservation Act 1987 promotes the conservation of New Zealand’s natural and historic resources, and established the Department of Conservation (DOC). Under the Conservation Act, DOC manages New Zealand’s national parks and other conservation lands, advocates for conservation of natural and historic resources, and administers a range of related legislation listed in the First Schedule to the Act. Other responsibilities include duties relating to freshwater fisheries and fish habitats, and in relation to recreation and tourism in conservation areas. The Act must be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi.<sup>148</sup>

DOC’s role under the Conservation Act sits alongside and helps to inform the Minister of Conservation’s obligations under the RMA, especially those relating to activities requiring coastal permits.

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<sup>147</sup> See Part 4, Subpart 2 LGA 2002.

<sup>148</sup> See s 4 Conservation Act 1987.



## Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 was created to improve the management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments—a wide area of land and water encompassing the Whangamata area.<sup>149</sup> Integrated management is to be achieved through the Hauraki Gulf Forum (a group of representatives from the relevant management agencies and tangata whenua), and also through the Hauraki Gulf Marine Park,<sup>150</sup> which was formally established to protect the gulf's natural and historic resources in perpetuity and sustain the life-supporting capacity of its soil, air, water and ecosystems. The Act recognises the historic, traditional, cultural and spiritual relationship of tangata whenua with the gulf, its islands and coastal areas, and its natural and historic resources.

Regional plans and policy statements and district plans that apply to the Hauraki Gulf, its islands and catchments must not conflict with ss 7 and 8 of the Act.<sup>151</sup> Where a consent authority is considering an application for resource consent in the area covered by the Act, it must have regard to ss 7 and 8 in addition to the matters contained in the RMA.

Section 7 recognises the interrelationship between the Hauraki Gulf, its islands and catchments, and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the gulf and its islands, as matters of national significance. The gulf environment's life-supporting capacity is comprehensively defined to include the historic, traditional, cultural and spiritual relationship of tangata whenua with the gulf and its islands; the social, economic, recreational and cultural well-being of people and communities; the use of resources for economic and recreational purposes; and the maintenance of soil, air, water and ecosystems.

Section 8 establishes management objectives covering the protection and enhancement of the environment and natural, historical and physical resources; the relationship of tangata whenua with the gulf, its islands and catchments; and a range of community, social, economic, and recreational objectives.

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<sup>149</sup> See s 3 Hauraki Gulf Marine Park Act 2000.

<sup>150</sup> See s 32 Hauraki Gulf Marine Park Act 2000.

<sup>151</sup> See s 9 Hauraki Gulf Marine Park Act 2000.



**Appendix C: Whangamata Community Plan (DRAFT)**

WHANGAMATA COMMUNITY PLAN  
our future  
2001 →



"Pride of the Peninsula"



# About Whangamata

## Surfing Mecca of New Zealand

Whangamata is one of the fastest growing towns in New Zealand (approximately 4-5,000 residents), and is also recognised as being among the most popular beach resorts.

Whangamata is famous for its spectacular ocean beach which provides some of the best surfing breaks, yet safest swimming in New Zealand.

Sea conditions suitable for all are available along its 4 km length or in the safe harbours that lie to the north and south. These lead out to a section of the Pacific Ocean popular for big game and recreational fishing.

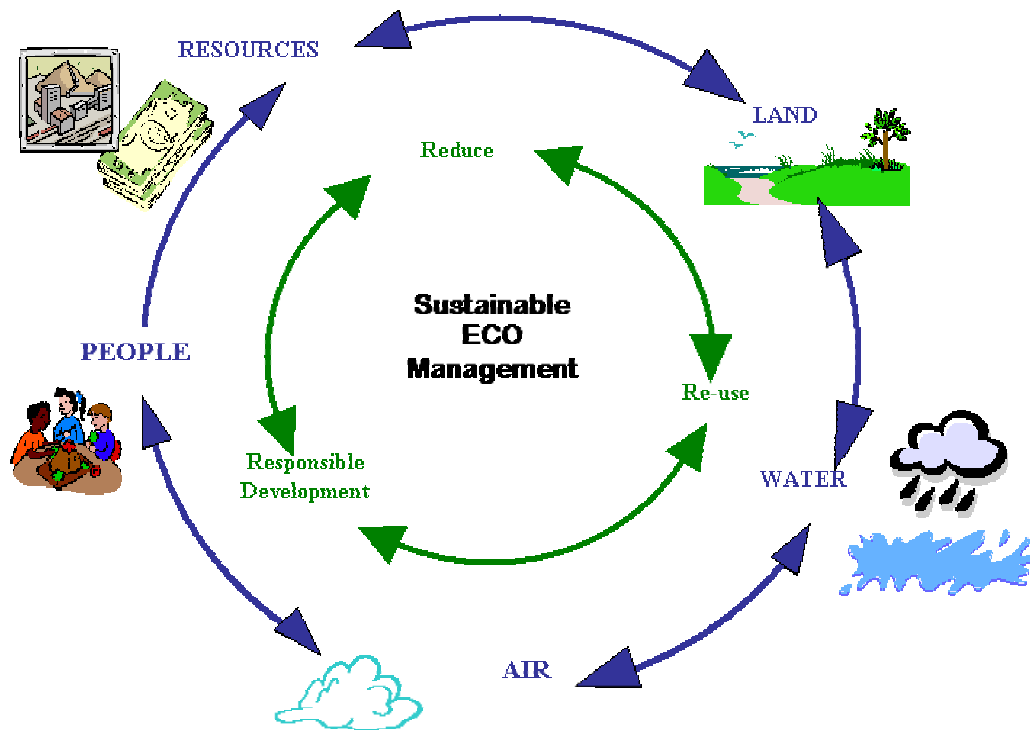
The Coromandel Forest Park and Tairua Forest bordering the town provide many outdoor experiences including short walks, mountain bike trails, and exploring old mining sites. Short trails from forestry roads lead to isolated beaches away from civilisation.

This plan outlines, for the Community Board and Council, the direction for Whangamata supported by the participants at the community forums.



# Whangamata—An Eco-Town

- environmentally sustainable
- economically viable
- socially responsible



Sustainable eco management requires a close interaction with our natural environment. By carefully managing the ecosystem that Whangamata is part of, we will ensure the next generation has an environment of no less quality than the current generation enjoys.

The community principles and values outlined in this plan are designed to ensure Whangamata's character and environment are protected and rejuvenated.

# Visions and Values

## Visions

- The harbour will have a stable, natural backdrop including forests, bush walks, and appropriate land use.
- The harbour will be a clean, ecologically healthy, sandy playground in which human activity is in balance with nature.
- The beach will be clean and accessible, with naturally functioning dunes and bar.
- The town centre will be an attractive and vibrant place for people.
- Any development will be within defined town limits to avoid urban sprawl.
- Vistas of hills, harbour and beach will be protected to maintain the “beachy/bachy” spirit of Whangamata - “Te wairua o to tatoa Papakainga”.

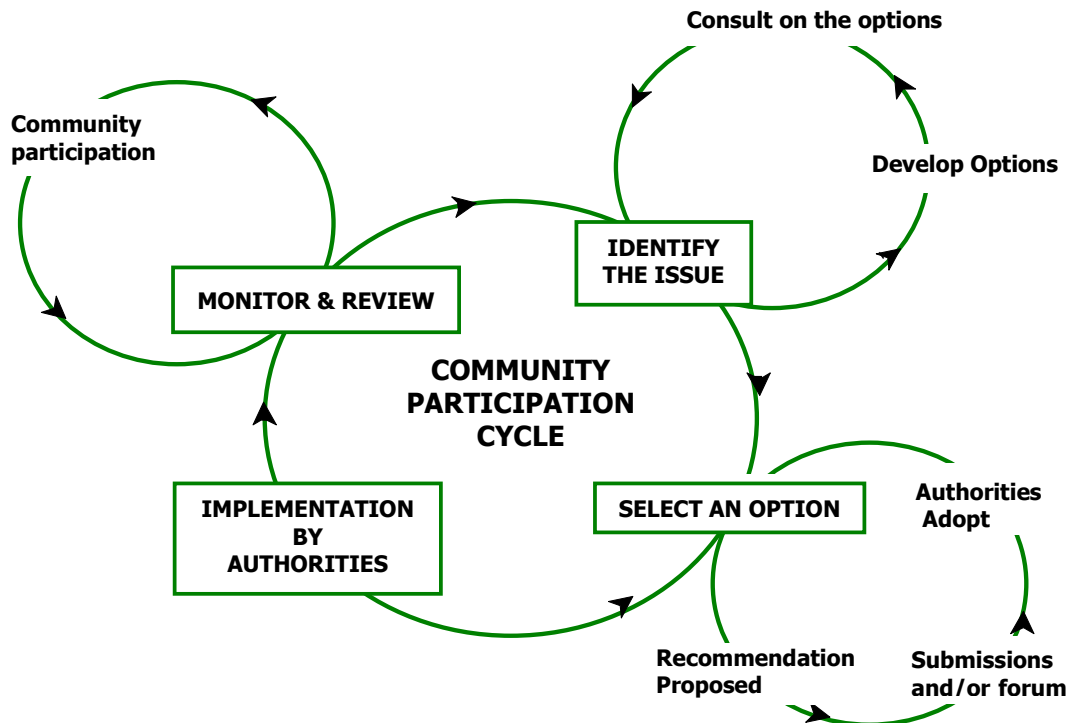


## Values

- An active working relationship with Ngati Puu is essential for implementing the plan.
- Special interest groups are important because they have the commitment to ensure appropriate actions are taken.
- It is important to use the wealth of information held by the community.
- Diverse and varied knowledge in the community will lead to better decisions.
- Waahi tapu and other sites of historic value will be respected and protected.
- Community participation is essential.

# Community Participation

**Principle:** Community participation in managing the area is essential to achieve the best results.



Sustainable management for Whangamata requires a new approach to community participation. Participation at all levels in decision making from identification of the issues, through development of options, to monitoring.

The process to develop this plan has established a new relationship between the community and the authorities.

The community principles and values outlined in this plan require this relationship to continue and grow.

**Goal:** To ensure community participation in all decision making processes for Whangamata.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Two public participation and information sharing forums per year.	1. August – to be involved in development of Annual Plan – Strategic issues. 2. February – to review past year Overview.	EW, TCDC, Community Board.  TCDC, EW.	\$8,000 pa. \$2 per ratepayer/ pa.
A community water care group to be endorsed and resourced by the authorities to be involved in ongoing issues regarding water management.	Short term and ongoing.	TCDC, EW, Water Care Group, Community Board.	\$10,000 pa. \$2 per ratepayer/ pa.
Approach the existing care groups to take on a role of overview and implementation for the relevant sections of the plan.	Participate in and present a section at the Community Forum.	EW, TCDC, Community Board.	\$15000 pa plus capital cost.  \$3 per ratepayer/ pa.
An interactive website to be developed to promote community involvement: <ul style="list-style-type: none"> <li>• issues based</li> <li>• feedback on plan implementation</li> <li>• includes local information</li> <li>• up to date monitoring plan.</li> </ul>	Short term.	TCDC.	\$20,000 plus. \$5000 pa.

Involvement and acknowledgement of voluntary community groups is important for Whangamata:

- Ngati Puu
- Grey Power
- Clean Water Whangamata
- Beach Care
- Harbour Care
- Wentworth River Care
- Komate Maori



**Goal:** To provide opportunities for community involvement in the monitoring process.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
That the community, assisted by EW, as a basis for a comprehensive monitoring programme develops the conceptual ecosystem model for Whangamata.	Short term	EW, TCDC, Community, Ngati Puu, Water Care Groups, Community Board.	\$10000 pa.  \$2 per ratepayer per year.
Develop a monitoring and review programme that integrates the statutory and community monitoring processes and: <ul style="list-style-type: none"> <li>• involves the community, and;</li> <li>• ensures the visions are being achieved;</li> <li>• includes a response mechanism for adverse events;</li> <li>• includes a comprehensive harbour monitoring programme and mitigation for adverse events.</li> </ul>	Monitoring programme agreed by December 2001.	EW, TCDC, Community monitoring group, Community Board.	\$10,000 pa.  \$2 per ratepayer pa.

The quality demanded from the visions must be achieved.

### *Timeframes*

The timeframes used for the plan are:

Short term

- immediately to two years

Medium term

- three to five years

Long term

- six to ten years

# Water

**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.**

- This principle aims to reduce long term costs, enhance environmental quality and achieve social benefit.
- The preference is that all water assets are not privatised, and management of the systems is responsive to community wishes.

## WATER MANAGEMENT

**Goal: To ensure the water systems are designed, built, and operated to contribute to the community visions.**

Actions	Timeframes	Responsibilities	Cost Estimates
To develop a water cycle strategy for integrated ecosystem management of wastewater, drinking water and stormwater, with linked incremental improvements.	Short term	TCDC, Community Board, EW Water Care Group Community Board	ROC (Rough Order Cost) \$35,000 – note, no current direct or indirect link – stormwater and town water supply
Develop Whangamata Best Practice Guidelines for water, wastewater and stormwater to guide: <ul style="list-style-type: none"> <li>• Council infrastructure provision;</li> <li>• Subdivision development;</li> <li>• Commercial and household;</li> <li>• Water use.</li> </ul> This must be a living document in that it is updated with new technological developments.	Short term and ongoing	TCDC, Community Board, EW Water Care Group Community Board	ROC \$5,000 to \$30,000 plus depending on changes required to Council Code of Practice for subdivision and development.

The water strategy and best practice guidelines must be guided by the three principles of an eco system approach:

- Integration
- Zero waste and
- Based on the natural water cycle.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost Estimates</b>
Water cycle strategy be adopted as a policy of the council planning systems.	Short Term.	TCDC, EW Water Care Group Community Board	How? District Plan variation \$50,000 plus.
An economic study to investigate the options for subsidising and/or creating incentives to minimise water use and waste production. This will include options for: <ul style="list-style-type: none"> <li>• promoting water and waste efficient technologies</li> <li>• pricing/rating systems</li> <li>• water meters subsidies</li> <li>• polluter pays options.</li> </ul> The study to take into consideration fluctuating populations and mix and match of options.	Medium term.	TCDC, Community Board Water Care Group	Rough Order Cost \$20,000
TCDC to investigate the amount of current leakage from all the systems, then introduce leak detection programmes.	Short term.	TCDC, Community Board	ROC survey mass balance \$50,000. ROC survey individual properties within township and follow up letter \$250,000.

Whangamata residents want solutions that are cost effective and well researched.

**Goal:** To ensure discharges to the waters of Whangamata will be managed to protect the wairua (spirit) of the estuaries and restore the health of the ecosystems.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost Estimates</b>
Environment Waikato to work with the community and further develop a Whangamata Standards which will become part of a statutory plan (to include estuary nutrient research).	Short term start. Medium term fulfillment.	EW, Whangamata community, Water Care, River Care.	
The resource consent will take into consideration the full direct and indirect ecological effects of the activity.	Short term and ongoing.	EW, TCDC, Community Board, Community monitoring group, Water Care.	With indirect effects difficult to determine cause and effect. Monitoring costs will be significant. Cannot price on info to hand.

The visions need numerical standards to support them.

## WATER EDUCATION

**Goal:** To ensure ratepayers, residents and tourists have a sound understanding of the benefits of ecologically **sustainable** actions in their day to day activities which will result in better water management.

Actions	Timeframes	Responsibilities	Cost Estimates
Launch an ongoing public awareness campaign.	Short term and ongoing.	TCDC, Community Board Water Care Groups.	ROC \$5,000 to \$25,000 depending on programme link to other programmes.
Educate public about water cycle strategy and best practice guidelines. Keep public informed about progress.	Short term and ongoing.	TCDC, Community Board Water Care Groups.	Cost as per other education and promotion stuff, would link programmes.
Education programmes into eco response to water problems – “gizmos”, showerheads, dual-flushing toilets, recycle grey water, lift cut of lawn mower.	Short term and ongoing.	TCDC, Community Board, Water Care Groups.	ROC \$5,000 to \$25,000 depending on programme link to other programmes.
Develop a communication strategy in regard to peak time controls.	Short term and ongoing.	TCDC, Community Board.	ROC \$5,000 to \$10,000.

### *Dual flush toilet*

- High level 11 litres
- Low level 5.5 litres
- Average person uses the toilet 5 times per day
- All high level = 55 litres
- 4 low level + 1 high level = 33 litres per day
- Savings per person each day = 22 litres
- 22 litres x by 365 days x 4,500 people = 36,135,000 litres of water saved

## STORM WATER

Goal: To minimise volume run off and pollutants entering the storm water system.

Actions	Timeframes	Responsibilities	Cost Estimates
Employ point of entry control by: <ul style="list-style-type: none"> <li>Investigating options for solutions to contamination at all entry points;</li> <li>Implementing preferred options for point of entry control;</li> <li>Implementing control of contamination at points of entry.</li> </ul>	Short term and ongoing.	TCDC, Community Board.	ROC \$10,000 Based on investigation sumps and houses. ROC \$5,000 based on investigation sumps. <ul style="list-style-type: none"> <li>ROC \$17,000 annual inspection only and letter follow up – no physical works.</li> <li>ROC \$25,000 one off – preparation of District wide bylaw on stormwater entry contamination controls.</li> <li>ROC physical works difficult without investigation, Range \$50,000 to \$200,000</li> </ul>
All new buildings and developments be required to maximise on site retention and slow release of storm water.	Short term and ongoing.	TCDC, Community Board.	Investigation required may mean retention pond all sites – some sites and areas (commercial) impossible. Cannot estimate cost but will be significant.

Examples of on site storm water control:

- on-site infiltration systems
- larger storage guttering
- swales
- porous paving

Produce long term plan for stormwater to consider the effects of global warming on the system.	Short term start.	TCDC, Community Board, EW.	ROC \$30,000 plan. Actual works unable to estimate, but will be significant.
Prevent waste entering storm water systems by: <ul style="list-style-type: none"> <li>• eradicating illegal connections</li> <li>• stopping any current contamination of storm water systems.</li> </ul>	Short term.	TCDC, Community Board, EW, Water Care Groups.	Without investigation cannot be estimated but will be significant.
TCDC to produce and maintain a complete storm water record - ie location, waterflow content.	Short term and ongoing.	TCDC, Community Board.	<ul style="list-style-type: none"> <li>• Location ROC \$10,000.</li> <li>• Quantity ROC \$50,000.</li> <li>• Quality ROC \$50,000.</li> </ul>

## WASTE WATER

Goal: To minimise the load to the wastewater system and ensure no pollutants enter the waters of Whangamata.

Actions	Timeframes	Responsibilities	Cost Estimates
To minimise storm water infiltration to the waste water system.	Short term and ongoing.	TCDC, Community Board, EW.	Without investigation cannot estimate cost but would be significant.
Delegate the watercare group authority to investigate different options for wastewater treatment and disposal.	Short term and ongoing.	TCDC, Community Board, EW, Water Care Group Community.	Without groups terms of reference cannot be costed.
TCDC to implement the long-term solution to water treatment and disposal when decided upon.	Medium and long term and ongoing.	TCDC, Community Board, EW.	Cannot estimate until likely solution known.
Develop standards for on-site and satellite wastewater systems in line with NZ Health and Building guidelines.	Short term and ongoing.	TCDC, Community Board, Community Board, EW, Water Care Group.	ROC \$10,000 to \$30,000. To be costed.

People will be able to swim in the harbour without getting ill.



## DRINKING WATER

**GOAL:** To provide water in sustainable quantity and of the highest quality.

Actions	Timeframes	Responsibilities	Cost Estimates
Delegate the Water Care Group authority to investigate different options for providing the community with pure drinking water of a very high quality, and develop a Whangamata Standard in consultation with technical advisers.	Short term.	TCDC, EW, Water Care Group.	Without group terms of reference this cannot be costed.
TCDC to implement the preferred option when decided upon.	Medium to long term.	TCDC, EW.	Cannot estimate until preferred option known.
TCDC to introduce a system to check leaking taps throughout the residential area - to include education programme and appropriate mechanism to check and fix tap washers.	Short term and ongoing.	TCDC, Community Board, Water Care Groups, Community.	<ul style="list-style-type: none"> <li>Leak detection survey each property ROC \$250,000.</li> <li>Education programme ROC \$5,000 to \$25,000.</li> <li>Onsite water storage, link programmes ROC \$5,000 to \$25,000.</li> </ul>
TCDC to investigate the cost of subsidising the change of existing facilities to water conservation methods - eg, dual flushing toilets, showerheads, etc.	Short term and ongoing.	TCDC, Community Board.	ROC \$75,00.
TCDC to promote the installation of devices in new developments to minimise water use - ie dual flushing toilets, shower heads, guttering, etc.	Short term and ongoing.	TCDC, Water Care Groups, Community Board.	ROC \$5,000 to \$25,000 depending on programme link to other programmes.

### *Leaking Tap*

- 1 drop per second equals 360 gallons per year.

# Harbour and Beach

**Principle:** The health and cleanliness of the harbour, beach and shellfish (kaimoana) beds is most important.  
**No development should threaten this.**

**Goal:** To protect a range of diverse, healthy life in the harbour including birds, fish, shellfish and plants and ensure people will be able to harvest kaimoana with confidence from productive and accessible beds.



Actions	Timeframes	Responsibilities	Cost estimates
Educate on and enforce fishing laws.	Ongoing.	Mfish, Ngati Puu.	User pays.
Review harbour water quality standards and enforce them.	Short term.	EW.	Regional cost.

Pollutants from human activity, harvest, over-use, and competition for space all put pressure on the harbour.

**Goal:** To plan how mangroves will be protected in identified areas, but kept out of areas where other ecosystem values and uses would be adversely affected by their presence.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Get consent to enable residents to remove seedlings that can be pulled by hand from identified area.	Short term, ongoing.	TCDC, Community Board, EW.	\$10,000 plus ongoing cost.
Research – regional and national scale – the role of nutrient sedimentation and hydraulic action in mangrove expansion.	Short to medium term.	EW.	\$30,000.
Review Regional Coastal Plan.	Long term.	EW, TCDC.	Regional cost.

**Goal:** To provide a beach environment that will be clean and free from rubbish and has the dunes covered with healthy sand-binding plants and crossed by accessways.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Prepare a Beach Care Plan using the forum to assist with consultation. To include among other things: <ul style="list-style-type: none"> <li>• Dune management</li> <li>• The Whangamata Bar</li> <li>• Stormwater</li> <li>• Access</li> <li>• Hazard Plan</li> <li>• Rubbish management.</li> </ul>	Plan developed and fed back into the forum process.	Beachcare group, Ngati Pu, TCDC, Community Board, EW.	\$10,000 plus ongoing maintenance estimated \$10,000 pa.  \$2 per ratepayer.

Rubbish facilities are plentiful and accessible.

# Growth and Development

**Principle: Growth and development will reflect the community visions.**

**Goal:** To balance development with limits on infill and multi-storey development to protect the “beachy” casual atmosphere.

Actions	Timeframes	Responsibilities	Cost estimates
To develop a protocol for Tangata Whenua participation in consent consideration.	Short term.	Ngait Puu, TCDC, Community Board, EW.	\$3000.
Current standards in District Plan are enforced.	Short term.	TCDC, Community Board.	Depends on level of enforcement.
Minimise discretion to deviate from standards.	Short term.	TCDC, Community Board.	Nil, policy issues. Other economic cost.
Adjust the District Plan density rules to reflect community principles.	Short to medium term.	TCDC, Community Board.	Plan change costs \$30,000 plus appeals to Environment Court.

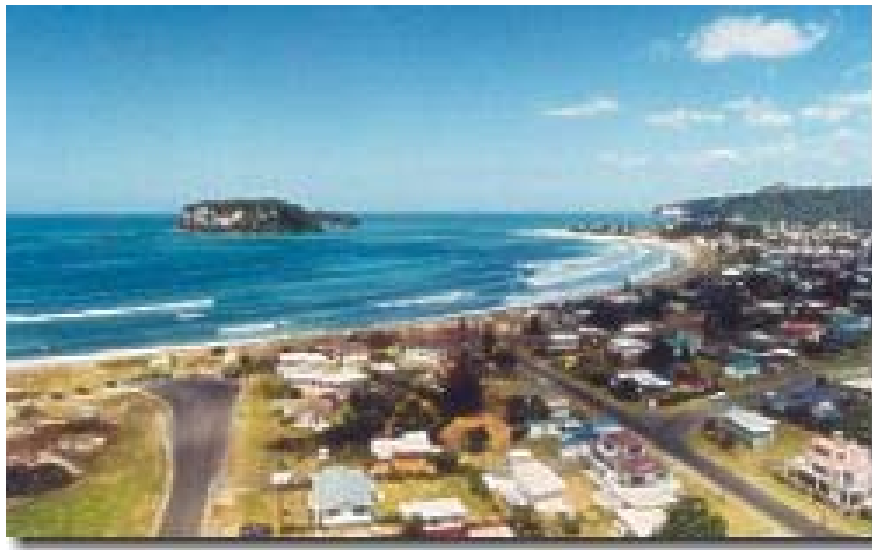
Protect the vistas of hills and ocean that make Whangamata so attractive by managing the height and location of buildings to maintain openness and views.

**Goal:** To ensure developers pay a fair share for entry to services based on all costs.

Actions	Timeframes	Responsibilities	Cost estimates
New developments pay an entry fee covering all costs.	Immediately.	TCDC, Community Board.	Nil, policy issue.

**Goal:** To ensure the provision of appropriate infrastructure is ahead of growth through good planning.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Stop new connections until WWTP upgrade completed.	Immediately.	TCDC, Community Board.	Nil initial cost, other economic costs.
Develop best practice guidelines on water, waste, and energy.		TCDC, Community Board.	\$10,000 per ratepayer \$2 per ratepayer /pa.



Growth and development threatens the visions by changing the landscape, blocking views, increasing pollution, and putting more pressure on recreational resources.

# Town Centre

**Principle:** The town centre will be an attractive and vibrant place.

**Goal:** To discuss and approve the town centre project undertaken in 1997.

Actions	Timeframes	Responsibilities	Cost estimates
Undertake public consultation to set priorities and develop an implementation strategy and detailed design.	To be determined.	TCDC, Community Board.	Public consultation to set priorities, develop implementation strategy and detailed design. \$50,000 pa \$10 per ratepayer/ pa



# Leisure and Recreation

**Principle: A diverse range of activities will be available in properly managed areas.**

**Goal:** To ensure public access will be provided around the harbour margins.

Actions	Timeframes	Responsibilities	Cost estimates
Develop reserve management plans for all reserves.	Medium term.	TCDC, Community Board, Ngati Puu.	\$10000 pa.
Progressively uptake esplanade reserve option.	Long term.	TCDC, Community Board in co-operation with Ngati Puu.	Nil, policy issue.

Maintain Riparian margins where appropriate.

**Goal:** To provide appropriate recreational amenities to meet community needs.

Actions	Timeframes	Responsibilities	Cost estimates
Establish and define selected areas for water activities: <ul style="list-style-type: none"> <li>• play area for children</li> <li>• water sports</li> <li>• boating</li> <li>• etc.</li> </ul> Refer Navigational safety by-laws.	2001.	EW, TCDC, Community Board.	\$2000 pa.

**Goal:** To ensure activities on and in the harbour will be appropriately managed.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Control of boat effluent pump out facility on the wharf.		TCDC, Community Board, EW.	\$5000 - \$10,000.
Enforcement of bylaws, and navigation bylaws discharge rules.	From 1 July.	EW.	User pays.
A mooring review is undertaken to assess future needs: <ul style="list-style-type: none"> <li>• quantity location type</li> <li>• allocation mechanism.</li> </ul>	Once the decision regarding a marina is finalised.	EW.	\$20,000.
Review dredging, Develop a protocol for the placement of dredging.  Pre and post-dredging sampling, to determine shellfish: content; quantities; location; condition; sediment types; etc.	Before December 2001.	Ngati Puu, TCDC, Community Board reports to EW.	\$40,000 per dredge \$4 per ratepayer per dredge.



Facilities identified as desirable for Whangamata:

- Entertainment centre/sound shell
- Open space and gardens
- Footpaths
- Sports and recreation centre
- Shade trees
- Library
- Dump/recycling facility
- Market place
- Street lighting
- Beach accessways
- The Whangamata Bar
- Camping ground
- Wharf/slipway
- Seating
- Toilets
- Art gallery/museum
- Car parks



# Catchment Management

**Principle:** Catchment management will minimise any adverse environmental effects.

**Goal:** To ensure native vegetation will be cared for and will extend to cover the western face of the peninsula.

Actions	Timeframes	Responsibilities	Cost estimates
Carry out feasibility study of pest management options.	By December 2001	EW	\$3,000
Design and implement animal pest control programme.	Starts in 2002-03 financial year. Ongoing maintenance.	EW, DoC, CHH and other land owners.	Estimated capital cost of \$160,000 with annual \$80,000 maintenance.
Negotiate a return of commercially forested land on the Peninsula to DoC management standards - subject to Treaty claims.	Negotiations completed in time for a handover at next harvest (approximately 25 years). Restoration of native vegetation will take approximately another 20 years.	DoC, Ngati Puu, CHH	Costs dependant on conditions of lease.
Construct a pest proof fence across the northern end of the Peninsula.	After final harvest.	DoC, Ngati Puu.	Approximately \$60,000 to upgrade existing fences?

Waahi Tapu and other sites of historic value are respected and protected.



**Goal:** To protect riparian area of the catchment from harmful effects.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Continue to fence and plant all farmed stream banks in the Wentworth Valley.	Already underway. Another 3-5 years to complete.	Wentworth Rivercare group with financial support from EW and TCDC.	Currently spending about \$13,000 pa.
Fence and plant all farmed stream banks in other catchments.	Form landcare group(s) during 2002. Begin a five year programme of work in summer of 2002-03.	TCDC and EW.	\$10,000.
Enforce the riparian management aspects of the Regional Coastal Plan.	Ongoing.	EW.	

Streams and adjacent land are managed to protect the harbour from pollutants.

**Goal:** To ensure land use in the catchment will minimise erosion.

<b>Actions</b>	<b>Timeframes</b>	<b>Responsibilities</b>	<b>Cost estimates</b>
Monitor forest harvest activities and enforce consent conditions.	Check timetable with CHH.	EW.	Full cost recovery from CHH. Costs depend on level of compliance.

# Acknowledgements

- Environment Waikato
- Ngati Pu
- Thames-Coromandel District Council
- etc—still to be completed

**The people of Whangamata who attended forums:**

Attached

**The people of Whangamata Community on the listing for Consultation:**

Attached

**Photos accessed from:**

[http://tour.thepeninsula.co.nz/index\\_thepeninsula.htm](http://tour.thepeninsula.co.nz/index_thepeninsula.htm)



## Appendix D: Systems approach to sustainable wastewater treatment

**Note:** This appendix is an extract from a letter from Charles Willmot, Senior Adviser, Sustainable Industry and Climate Change, Ministry for the Environment, to the Parliamentary Commissioner for the Environment, 4 February 2004.

This letter follows the processes outlined in our recent publication *Sustainable wastewater management: A handbook for smaller communities*, published in June 2003, which I would recommend to all communities embarking on a similar journey.

***My comments are not specific to the situation in Whangamata and it would not be appropriate at this point in time for me to make more than general comments in respect of consultative processes as I am not sufficiently conversant with any particular case to ensure a fair critique of the situation. (PCE's emphasis)***

### Systems approach

*Sustainable wastewater management* provides a systems approach to wastewater. This means that it considers wastewater as part of the three waters and the environment in which it is produced and discharged. This means that it is important, whether starting from scratch or adding to an existing solution, to take a holistic view of the situation. Not only then, is it necessary to look at the disposal options, but investigations should ensure that water use, reuse and management at source have been considered along with the available treatment and disposal options. Source technology is a growing field and aims to reduce the amount of water used in toilets, reducing the amount of black water, reducing the amount that becomes grey water, and recycling and reuse of water before it becomes wastewater.

Prior to the concept of consultation, the local authority provided solutions for the benefit of the community. Now the community has an opportunity to contribute to the process of solution development. Whilst the initial stages of this process might seem to be slow, the community has a greater understanding of the design process and has a degree of ownership of the solutions. Obviously, the factors of management and cost are dependent on the ability of the community to pay, and they are fortunate that the Sanitary Works Subsidy Scheme is available for communities of 100 to 10,000 people, which have not received the benefit of central government subsidy in the past to ease the burden.

Simply keeping your community informed of recent developments is not enough. It is important that a distinction is drawn between the dissemination of information and consultation. Whilst dissemination is an essential part of the consultation process, it is not an adequate substitution for consultation. Consultation requires active community involvement in the decision-making process. Development of a

suitable way to achieve this is often one of the first hurdles that any community will face.

It is relatively easy to find the more vociferous within the community but they do not necessarily provide the most acceptable solution. For successful consultation to occur, all opinions must be sought and listened to. This might be an unattainable goal, but it is worth trying to achieve this at the outset. Consultation is not cheap, but it has been found to be cheaper than the construction of an inappropriate solution. Indeed, the Local Government Act 2002 requires local authorities to take a sustainable development approach and to regularly assess the wastewater services in their district.

The Ministry's Handbook recommends that communities work with their local authority to achieve a satisfactory result without the need for lengthy and acrimonious confrontation in the courts. This work can be driven either by the community itself or by the local authority but whichever route is used, there must in the end, be a consensus or everything is liable to become unravelled at the end of the planning stage, resulting in a lot of wasted effort by all concerned. Before consensus there comes trust. For consensus to be reached, first the community must trust those who are working for them. In most cases, that will be the local authority and their consultants.

## **Consultation process**

So who are the people that need to be consulted and what sort of issues need to be discussed? Again I would refer you to *Sustainable wastewater management*. Part 2 describes the people involved and groups them conveniently under five main headings. These are:

- local community—residents and business people
- local government
- tangata whenua
- central government
- developers, individual landowners and interest groups.

The first three are likely to take the most integrated view of the community; they have to deal with the issues daily and are more intimately involved in the economic, social and environmental issues. In a community where the population fluctuates radically from season to season, such as in a holiday resort, the problems are magnified. In some cases the fluctuations can be huge. Those who visit might bring a short sharp increase in money and vitality but they leave their waste behind. The needs of the community encompass dealing with the problems that this population explosion causes. Not only is the load on the infrastructure large and stressful, but the transient nature of the temporary population also stresses the economic and environmental well-being of the community.

## **Funding processes**

Nothing raises the temperature of a public consultation process more than the issues of funding and environmental degradation. Of these, funding is probably the most contentious. Whilst environmental degradation tends to receive universal condemnation, the decisions over who should pay and how much tend to be less consensual. This issue then must be dealt with early and with authority. Clearly the Government's approach in recent years has tended towards costs being distributed more transparently to those who create the need for them. There is, however, room within this 'user-pays' environment for equity and fairness to be determined through consultation.

With a stable population base a community can take the lead from the Local Government Act (2002) and the Local Government (Rating) Act (2002). These both appear to fall short of 'user-pays' for domestic wastewater, but clear the way for charging trade wastes according to use. How a local community deals with the tourist trade in this context is one of the issues with which consultation will need to grapple. I suspect a degree of professional and/or legal advice may also be required on this matter due to the recent nature of the relevant legislation. Certainly Central Government has signalled the national importance of improved wastewater treatment and disposal by the introduction of the Sanitary Works Subsidy Scheme, it is then left to local communities to determine the fair distribution of costs within them.

## **Planning and decision-making processes**

The planning process can start for a number of reasons and these are likely to drive the process differently. In many cases, it is the expiry or pending expiry of an existing consent that promotes activity; in other cases it can be driven by a desire for development or simply a discontent with the status quo. It isn't hard to see that each of these reasons will provide a different process of initiation, but at the end of the day the result will tend to be similar. The way in which the result is reached describes the planning and decision-making process.

The handbook approaches this from a concept of risk management:

- understanding the issues
- risk or hazard identification
- consideration of the consequences of each risk
- managing the risk.

With system risks, the process provided in the handbook does not give you the solution: the best system for your community to install, but it does allow the community to assess the cost of designing the system that will reduce the risks. This is where the handbook provides relatively innovative thinking in terms of presenting solutions. The traditional engineering approach is quite often to have experts go away and assess systems and

risks, rank them and then ask the community to make choices. The community-based system requires the community to understand the issues and the risks prior to exploring the options. A decision tree is a helpful tool to help lead the community through this process, and an example of a simple one is again provided in the handbook.

## **Fitting with community expectations**

Before embarking on a solution I would suggest that a 'community vision-checking' exercise might bring people together to look at their expectations, what the pressures are and provide answers to a number of questions that the community might pose itself. This is particularly useful where there may be a small, relatively well-informed sector of the community who at best can prove expensive in time resources but at worst can skew the decision away from the most appropriate solution.

## **Conclusion**

In conclusion, a systems approach is all about selecting the option that best fits the total natural and human ecosystem within which it is embedded. It is important that the community has involvement in development of the solution. Sometimes this can involve a total reconfiguration of the existing arrangements, but in most cases it is more likely to involve understanding of the existing issues and fixing up the existing situation. In evolving the solution for the community, I would recommend that they are provided with sufficient copies of Sustainable wastewater management. These are available free of charge from the Ministry for the Environment. This handbook comes with an informative compact disk containing interesting background information as well as a copy of the handbook in electronic form that can be shared with interested parties.

In addition to the handbook, The Ministry has a pamphlet which provides an introduction suitable for issue at a public meeting forum, and this contains further information on how to obtain the full handbook for further study. In essence, the thrust of the New Zealand Waste Strategy and the handbook encourage alternative solutions to water conservation and wastewater management that are often pragmatic and cost-effective.



## Acronyms

CWW	Clean Water Whangamata
DOC	Department of Conservation
DPMC	Department of Prime Minister and Cabinet
EW	Environment Waikato
LGA 1974	Local Government Act 1974
LGA 2002	Local Government Act 2002
LTCCP	Long Term Council Community Plan
MFE	Ministry for the Environment
NIWA	National Institute of Water and Atmospheric Research
NZCPS	New Zealand Coastal Policy Statement
OAG	Office of the Auditor General and Controller
PCE	Parliamentary Commissioner for the Environment
RMA	Resource Management Act 1991
TCDC	Thames-Coromandel District Council



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