

Regional Coastal Environment Plan Review



Bay of Plenty Regional Council
Strategic Policy Publication 2012/04
April 2012

5 Quay Street
P O Box 364
Whakatāne
NEW ZEALAND

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Executive summary

A review of the operative Regional Coastal Environment Plan (the Plan) has been undertaken to fulfil the requirements of sections 35(2A) and 79 of the Resource Management Act 1991.

This report provides a summary of the evaluation process and reports on the effectiveness and efficiency of the current Regional Coastal Environment Plan.

The Plan has performed well in achieving its overall outcome: *To enable Environment Bay of Plenty to promote the sustainable management of the natural and physical resources of the Bay of Plenty coastal environment.*

However, there are a number of areas where greater clarity could be provided to resource users and decision makers to improve the effectiveness of the Plan. The Plan also contains significant amounts of explanatory text that can now be removed to provide a more streamlined document.

In addition, the legislative and policy context to the Plan has changed during the past 10 years, which needs to be reflected in the Plan.

The key recommendations are:

- 1 That the basic structure of the Plan is retained but thought is given to:
 - (a) Simplifying issues, objectives, policies and rules and methods (especially the methods)
 - (b) Drafting measureable Anticipated Environmental Results (AERs)
 - (c) Targeting issues and objectives to provide greater clarity to resource users and decision makers
 - (d) Removing unnecessary narrative
 - (e) Updating Schedules of the Plan and the accompanying map book.
- 2 Appendix 4 of this report is used to identify which parts of the Plan should be retained and which should be changed or removed.
- 3 Additional provisions are drafted in consultation with the community that cover:
 - (a) Integrated catchment management (sedimentation, mangrove management, water quality)
 - (b) Aquaculture
 - (c) Infrastructure
 - (d) Renewable energy generation (including geothermal)
 - (e) Direction on appropriate restoration, remediation and mitigation.
- 4 To give effect to recommendations 1-3, the current Plan is replaced with a new Regional Coastal Environment Plan.

Contents

Executive summary	i
Part 1: Introduction	1
1.1 Report purpose	1
1.2 Evaluation process	1
1.2.1 Information Sources	2
Part 2: Consultation and Feedback	5
2.1 Summary of feedback received	5
Part 3: Evaluation	11
3.1 Introduction	11
3.2 Overall effectiveness	11
3.3 Plan efficiency	13
3.4 Plan appropriateness	15
3.4.1 Key Issues for the coastal environment	15
3.4.2 Context for the Regional Coastal Environment Plan	16
3.4.3 Additional Knowledge and Information	17
Part 4: Conclusion and recommendations	19
4.1 Conclusion	19
4.2 Recommendations	20
Appendix 1 - Twelfth Schedule of the Regional Coastal Environment Plan: Plan Monitoring and Review	23
Appendix 2 – Consultation Record	25
Appendix 3 – Assessment of Anticipated Environmental Results	29

Appendix 4 – Assessment of individual provisions	45
Appendix 5 – Recommended changes to the issues	117
Appendix 6: Iwi Management Plans	125

Part 1: Introduction

The Regional Coastal Environment Plan (the Plan) became operative on 1 July 2003. Its purpose is to:

Enable the Bay of Plenty Regional Council to promote the sustainable management of the natural and physical resources of the Bay of Plenty coastal environment.

The Regional Council must formally review the Plan no later than ten years from the date it became operative (section 79 of the Resource Management Act 1991 (RMA)). Section 35 of the RMA requires that the Regional Council reports on the effectiveness and efficiency of the Plan provisions at least once every five years. The last report on effectiveness and efficiency was produced in 2009 – the findings of that report have been used in this review.

1.1 Report purpose

The purpose of this report is to:

- 1 Fulfil the requirements of section 79 of the RMA; including recommending whether the existing Plan should be retained or changed.
- 2 Assess and report on the efficiency and effectiveness of the policies and methods of the Plan (as required by section 35(2A) of the RMA).
- 3 Advise of issues that are relevant to future plan development and implementation (such as giving effect to the second generation Regional Policy Statement (RPS) and New Zealand Coastal Policy Statement 2010 ('NZCPS')).

1.2 Evaluation process

This review has been carried out in accordance with the process set out in Schedule 12: Plan Monitoring and Review (attached as Appendix 1). This involved:

- Consultation with a range of stakeholders to determine whether the outcomes have been achieved and to identify gaps in coastal policy or rules.
- "Testing" plan outcomes and other provisions by reference to variety of information sources.

The review has sought to answer the following questions listed in Schedule 12 of the Plan:

- whether or not the policies and methods are achieving the objectives;
- whether or not the policies and methods are achieving the anticipated environmental outcomes;
- whether or not the methods are achieving an acceptable level of efficiency;
- whether or not issues addressed in the plan are still relevant; and
- whether additional issues have arisen which require attention within the plan.

1.2.1 Information sources

The Natural Environmental Regional Monitoring (NERM) programme includes coastal environment monitoring. This information has been taken from regional council technical reports and used to assist the review and evaluation of the Plan. The databases used by the regional council to record information on resource consents, compliance and incident have also been used to source information.

In addition, the findings of the 2009 review of the effectiveness and efficiency of the Plan (Opus International Consultants Limited, 2009) have been used – particularly when assessing the policies and methods. This was a targeted review that focused on the chapters relating to Coastal Hazards and Structures. Consultation was undertaken with regional council and territorial authority staff with responsibility for implementing the Plan.

A third information source is the Gap Analysis of the Plan against the New Zealand Coastal Policy Statement 2010 (NZCPS), undertaken by Rob van Vorthuysen in 2011 (Voorthuysen, 2011). This analysis has helped identify areas of the Plan that require amendment to give full effect to the NZCPS.

The following reports were reviewed:

- NERMN beach profile monitoring 2011, Bay of Plenty Regional Council 2011
- Monitoring the impacts of on-site wastewater treatment systems, Bay of Plenty Regional Council 2011
- Sand Dune Vegetation Mapping and Condition Assessment for Ōtamarākau to Cape Runaway 2009, Bay of Plenty Regional Council 2010
- Bathing and Shellfish Surveillance Report 2009-2010, Bay of Plenty Regional Council 2010
- Bay of Plenty Dune Lands Baseline Report for NERMN Programme, Bay of Plenty Regional Council 2010
- Bay of Plenty Marine Sediment Contaminants Survey 2008, Bay of Plenty Regional Council 2009
- 2007 Coastal Hazard Risk Indicators Review, Bay of Plenty Regional Council 2009
- Coastal Indigenous Forest Canopy Condition in the Bay of Plenty Region, Bay of Plenty Regional Council 2009
- Coast Care Programme: Independent Review, Boffa Miskell Limited 2009
- Outstanding Natural Features and Landscapes Bay of Plenty Coastal Environment, Boffa Miskell Limited 2006.
- Coastal Historic Heritage Review Project: Historic Heritage Inventory, InSitu Heritage 2006.
- Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna in the Coastal Environment of the Bay of Plenty Region, Wildland Consultants 2006.
- Keeping Pests Out: Regional Pest Management Plan for the Bay of Plenty 2011-2016, Bay of Plenty Regional Council 2011.
- Vehicles on Beaches/Dunes: Regulation Options and Enforcement Issues, Bay of Plenty Regional Council 2005.

- Aspects of Mangrove Distribution and Abundance in Tauranga harbour, Bay of Plenty Regional Council 2004.
- Review of the Bay of Plenty Regional Coastal Environment Plan, Opus International Consultants Limited 2009.
- Gap Analysis of Regional Coastal Environmental Plan against the NZCPS 2010, Rob van Voorthuysen 2011.

Part 2: Consultation and Feedback

Feedback on the Plan was sought and received from the following Bay of Plenty Regional Council teams: Māori policy, Consents, Pollution Prevention, Water Science and Support, Land Management, Maritime and Rivers and Drainage.

External consultation included discussions with tangata whenua, Department of Conservation (DoC), district/city councils, estuary and coast care groups, Transpower, NZTA, Ministers, Forest and Bird and the Port of Tauranga. In addition, letters and newsletters explaining the review process and seeking feedback were sent to key to over 500 interested parties.

Consultation records are included in Appendix 2.

2.1 Summary of feedback received

This section provides a summary of the main feedback received during consultation.

(a) Natural Character

The key provisions of the Plan that are relevant to Natural Character are Chapter 4 and the policies and methods (including rules) relating to the Coastal Habitat Preservation Zone. The purpose of the Coastal Habitat Preservation Zone (CHPZ) is *the preservation in perpetuity of its constituent habitats... The emphasis is on excluding all activities which may have any actual or potential adverse effects on the habitats in this zone.*

The current regulatory framework contains rules that either prohibit activities occurring in the CHPZ (structures, dredging, spoil disposal, reclamation) or require resource consent (LIST).

Coastal Habitat Protection Zones (CHPZ) and associated rules and policies – the current regulatory framework has worked well at preventing inappropriate activities occurring in CHPZ; however in some instances it is too restrictive as activities that would help protect or enhance site values are prohibited or require resource consent. For example, regional council staff noted that installation of structure such as boardwalks or information panels is prohibited under Rule 13.2.4(l) and resource consent is required to undertake weed control.

(b) Restoration of natural character

Ongoing degradation of natural character is noted as a key issue in the Plan; however, the large majority of the policies and methods of the Plan are directed toward preservation of existing natural character rather than enhancement or restoration. There is one policy (4.2.3(g)) that directs that natural character must be restored where appropriate in areas where it has been degraded, but no guidance on how this could be achieved.

Many of the iwi consulted noted that there needed to be restoration and enhancement of natural character. Frustration was expressed by some at the length of time taken to see action. Collaboration with the community and facilitation of groups like the Ōhiwa Harbour Strategy Co-ordination Group are seen as key to progressing restoration projects.

Regional council respondents requested policy guidance on what is ecologically appropriate mitigation and remediation, particularly with regard to making decisions on consent applications and the imposition of consent conditions.

The Ōhiwa Harbour Strategy Co-ordination Group expressed a desire to expand existing high quality sites and provide corridors and buffers.

(c) Access to the Coastal Environment

Whilst the territorial authorities generally felt that access to the coast was appropriately controlled via the existing bylaws, others, such as the Ōhiwa Harbour Co-ordination Group, iwi groups in the eastern Bay of Plenty and Land Management staff from the regional council felt that vehicle and horse use is having an adverse effect on the values of the coastal environment. This was considered of special of concern in areas of high natural character or biodiversity such as Ōhiwa Harbour and sensitive areas such as sand dunes.

(d) Tangata whenua interests

Chapter 8 of the Plan addresses tangata whenua interests. The chapter sets out three objectives: involvement of tangata whenua in management of the coastal environment; protection of characteristics of spiritual, cultural and historical significance to tangata whenua and sustaining the mauri of coastal resources.

Many commenters highlighted the significance of the coastal environment to tangata whenua as a source of food and sustenance rather than a recreational area. Iwi and hapū groups were concerned that insufficient weight was given to consideration of cultural values during decision making and that tangata whenua views are not represented in the decision-making process.

The policies in the proposed RPS were identified as being a good starting point, as was the way that the EPA incorporates matauranga Māori in decision making.

Most iwi and hapū groups considered the current identification of sites of cultural significance in the Plan to be inadequate, but noted that this may be in part due to a reluctance to disclose information publicly. The majority of tangata whenua representatives consulted do wish to see a more comprehensive list of sites of significance identified in the Plan, although there may be restrictions on the extent to which the exact location of some sites can be made.

The importance of Iwi Management Plans was also commented on. It was generally agreed that plans need to include policy directing decision makers to take these into account during decision making (as required by the NZCPS 2010).

Many participants also drew attention to recognitions made under other legislation that may have a bearing on consideration of consent applications. Namely Treaty of Waitangi settlements; gazetting of Rohe Moana and Mataitai under the Kaimoana Customary Fishing Regulations 1998 and the customary rights recognitions available under the Marine and Coastal Area Act 2011.

Many iwi felt that they had insufficient information on the state of the environment and that the flow of information from the regional council was poor.

(e) Water Quality

Most consulted expressed concern for the quality of water and level of sedimentation in the coastal environment, particularly in estuaries and harbours and around river mouths. It was noted that often the main influence on water quality was land based activities and that a whole of catchment approach (mountains to sea) needed to be taken to improve water quality in the coastal environment.

(f) Coastal Hazards

Concerns were raised by iwi about coastal erosion, particularly around sites of cultural significance. Participants generally accepted the need for restrictions on development in close proximity to the coast due to the risk of coastal hazards. Climate change was also recognised as having implications for coastal planning, and in particular sea-level rise.

The territorial authorities recognised that the natural hazards provisions of the proposed RPS differ from those of the current Plan, and the Coastal Hazards chapter will require revision to give effect to the proposed RPS once it is operative. Councils expressed concern that there is still no clear land-use control mechanism for addressing tsunami related risk.

Land Management staff from the regional council reported a number of examples of coastal erosion that is threatening residential properties. This is a particular concern for residents in Ōhope, Pukehina and Wāhi Beach, who are querying whether the use of hard protection structures, such as sea walls, would be appropriate.

The policy contained in the current Plan is to take a precautionary approach to the installation of coastal hazard protection works and to only allow for such works when they are the best practicable option for the future (policy 11.2.3(a)). Both the NZCPS 2010 and proposed RPS discourage the use of hard protection structures in the coastal environment, unless there are significant environmental or public benefits.

It is important that information regarding coastal hazards in our region and the policy direction regarding use of hard protection structures is effectively communicated to residents.

(g) Mangrove Management

There are currently no provisions or rules in the Plan specific to the management of mangroves.

Appropriate management of mangroves was raised by Estuary Care groups, Waihi Beach community Board, Ōhiwa Harbour Strategy Co-ordination Group, attendees at the Whakaue Marae hui and hapū of Ngāti Ranginui as an issue that should be addressed in the Plan. The iwi groups commented that the desire for mangrove removal was not universal, and that decisions needed to be made on a site by site basis using clear criteria. It was also noted that the underlying cause of mangrove expansion (accelerated sedimentation) must also be addressed in order to achieve long-term gains.

(h) Aquaculture

The Plan does not currently include any aquaculture provisions.

Many comments were received regarding the importance of facilitating aquaculture, and also providing appropriate policy direction regarding the management of potential adverse effects. Commenters also noted the significant work that has been done to date by the regional council in relation to identifying potential aquaculture management areas and requested that this work be taken into consideration in the Plan, and updated where necessary.

Some iwi groups expressed a desire to participate in aquaculture but felt that there was a lack of a clear framework to protect any potential investment. Water quality issues were also noted as an impediment to aquaculture as was the recent Rena incident.

(i) Alignment with the Regional Water and Land Plan

The Regional Coastal Environment Plan and the Regional Water and Land Plan both contain policies and rules around discharges of contaminants to water, disturbance of wetlands, disturbance in the coastal environment (earthworks) and activities associated with river and drainage schemes. The Plan that applies depends on whether the location is in the coastal marine area or not.

Those tasked with implementing the Plan noted inconsistencies between the Plan and the Regional Water and Land Plan. Examples included rules and policies regarding stormwater discharges; permitted activity status of enhancement and restoration projects; and permitted activity status of works undertaken as part of the river and drainage schemes.

(j) Coastal security and biosecurity

Coastal security was raised as an issue at two hui. It was inferred that the Government has divested too much responsibility (particularly financial) for biosecurity issues to regional councils and that the costs for the Rena disaster were falling on locals. It was further suggested that we need bonds on risky activities in the coastal marine area. Incidents of ships purging ballast in local waters, potentially introducing exotic species to the marine area, and the inability of locals to do much to stop it were raised.

(k) Geothermal resources

Geothermal resources are not currently mentioned in the Plan. Enquiries have been received from commercial enterprises regarding potential geothermal resource use in the coastal marine area – seeking information on the planning framework.

Some iwi and hapū noted the geothermal resource has been used for centuries by Māori (mai ra anō).

(l) Future development

Ōpōtiki District Council and Whakatōhea Māori Trust Board have indicated that the offshore marine farm and Harbour Entrance project at Ōpōtiki will drive further development in the coastal environment at Ōpōtiki. Possibilities include the need for additional and upgraded wharves, a mussel-processing factory adjacent to the coastal marine area, a marina and associated land-based infrastructure for these developments.

Lack of certainty regarding future coastal occupation charges was mentioned by Whakatōhea Māori Trust Board as a potential barrier to development.

Marina developments have also been mooted by for the Whakatāne River and northern Tauranga Harbour.

(m) Other issues

A number of other issues were mentioned during hui with iwi and hapū groups and by regional and territorial authority staff. These included:

- Integration between territorial and regional council functions could be improved
- Consider inclusion of policy direction on how balancing or 'weighting' or competing values is achieved
- Littering in the coastal environment
- Poor enforcement of navigation and safety bylaws

Part 3: Evaluation

3.1 Introduction

This section of the report presents a high level assessment of the:

- Overall effectiveness of the Plan
- Plan efficiency
- Plan appropriateness

The high level assessment has been undertaken in accordance with Schedule 12 of the Plan and also draws on the suggestions of the

Detailed assessments are contained in three appendices:

- Appendix 3 provides an assessment of whether each Anticipated Environmental Result (AER) has been achieved
- Appendix 4 contains an assessment of whether each objective has been achieved and the effectiveness and efficiency of the policies and methods (including rules).
- Appendix 5 provides an assessment of the appropriateness of the issues identified in the Plan.

3.2 Overall effectiveness

Effectiveness is an assessment of whether the outcome sought was achieved. The Plan directs an effectiveness evaluation to consider:

- whether or not the policies and methods are achieving the objectives;
- whether or not the policies and methods are achieving the anticipated environmental outcomes;

It is also worth assessing whether the stated purpose of the Plan has been met. The overall outcome for the Plan is:

To enable Environment Bay of Plenty to promote the sustainable management of the natural and physical resources of the Bay of Plenty coastal environment.

3.2.1 Has this outcome been achieved?

The regional council is the consent authority under the Resource Management Act 1991 for activities in the coastal marine area and is also responsible for navigation and safety issues in coastal waters.

The regional council has and continues to be involved in a range of activities that promote the sustainable management of the coastal environment. The Plan provides the framework for assessing and making decisions on proposals to undertake activities in the coastal marine area that require resource consent. The objectives and policies are generally effective and have assisted the decision making process; therefore in this regard the Plan has achieved its overall purpose.

The Plan also includes a number of methods that relate to other non-regulatory functions, such as the Coast Care programme. In general, these methods have been well-implemented and have contributed to achieving the overarching goal of the Coastal Plan.

3.2.2 **Are the policies and methods achieving the objectives and the anticipated environmental outcomes?**

The Plan sets out a number of anticipated environmental results (chapter 23). These are stated at a very high level and are not linked in the Plan to specific objectives, policies or methods. Therefore, Appendix 3 links AERs to the relevant Plan provisions and includes an assessment of the extent to which each of the AERs has been achieved. This assessment draws on the relevant monitoring information, and the extent to which the policies and methods pertinent to an AER have been implemented. Each AER has been given a rating of “achieved”, “partially achieved” or “not achieved” with comments justifying the rating.

In some instances there is no clear monitoring programme to assess whether an AER or objective has been achieved. In these instances assessment has been based upon whether the associated policies and methods have been implemented.

Appendix 4 presents an assessment of the effectiveness of the policies and methods for each chapter, and whether the objectives have been achieved.

Feedback on implementation has been provided by regional council staff and territorial authorities. The analysis shows policies and methods have generally been well implemented and achieved the objectives. Policies have mainly been implemented through the Plan rules, guidelines, methods, the resource consent process and comments and submissions made on district council applications and plan changes.

The rules of the Plan are clearly written and well implemented by regional council staff during the consent and compliance monitoring processes. The large majority of consents (approximately 50%) are for the placement of structures in the coastal marine area.

Individual rules have been commented on in Appendix 4 when there is a specific matter of interest or concern. In summary, concerns are regarding inconsistency with rules that apply under the Regional Water and Land Plan, the restrictive rules that apply in the Coastal Habitat Preservation Zone and the need to update the Port Zone rules. Changes to objectives and policies of the Plan may also require changes to the rules to ensure efficient and effective implementation.

The majority of the AERs have been met. The Plan has been most effective at achieving the desired outcomes in the following areas:

- Protection of high value ecological sites in the coastal marine area – the Coastal Habitat Preservation Zone and associated policy and rules has been a very effective framework for restricting use and development in areas of significant biodiversity value.
- Coastal hazards – the use of the Plan to identify an Area Sensitive to Coastal Hazards on a regional basis and direct the territorial authorities to undertake detailed mapping and develop appropriate land use planning and regulatory controls has worked well. All the territorial authorities have either completed or have made significant progress toward including district specific coastal hazard policies and rules within their plans.

- Coast care programme – a number of the methods in the Plan refer in whole or in part of the Coast Care programme. This programme is well-established and is providing effective at achieving its goals, which are :
 - To educate those who manage, benefit from or use beaches on natural dune ecosystems
 - To increase community involvement in the management of BOP beaches
 - To protect and enhance the natural character and biodiversity of BOP beaches
 - To improve the capacity of dune systems to withstand coastal hazards and relevant climate change effects.
- Less Effective areas are:
 - Water Quality – consultation identified a number of areas of concern for water quality including Tauranga Harbour, Rangataua Bay, Maketū Estuary, Kaituna River mouth and Tarawera River mouth. Monitoring data supports community concerns and shows that there are water quality concerns for some of our estuaries and harbours.
 - Access – the adverse effects associated with vehicle and horse access to sensitive areas are still apparent and of concern to the community. This is an area that requires further investigation to determine whether the extent to the issues and whether adverse effects are being observed on water quality, shellfish beds, dune stability and other values.
 - Cumulative effects on biodiversity – incremental loss and degradation of dune lands, wetlands and coastal forest were identified by land management staff from the regional council and tangata whenua as an ongoing issue. The lack of a consistent programme to monitor the extent and quality of these habitats makes quantifying the loss that has occurred problematic.
 - Associated with this cumulative effect, is the use of mitigation or remediation that is not ecologically appropriate – such as the creation of an artificial wetland used as mitigation for loss of part of a dune system.
 - Tangata whenua Interests – the majority of iwi and hapū consulted felt that they are not able to exercise kaitiakitanga or effectively participate in decision making. There was a strong feeling that cultural values are given insufficient weight and that matauranga Māori is not recognised by decision makers.

3.3 Plan efficiency

3.3.1 Whether or not the methods (which include rules) are achieving an acceptable level of efficiency;

Plan efficiency is a measure of the benefits (social, economic and environmental) relative to its costs (social, economic and environmental). The higher the ratio is between these benefits and costs the more efficient the Plan.

Given the large number of policies and methods in the Plan, analysis of the provisions is undertaken at an overview level in this section of the report and individually in Appendix 4.

Costs and benefits of the policies/methods	Identified as:
Environmental	<p>Benefits: Reduces risk of coastal hazards. Protects coastal environment ecosystems, riparian values, and natural character. Maintains water quality.</p> <p>Costs: Ecologically in appropriate mitigation and restoration</p> <p>Unable to undertake weed control and other enhancement activities in the CHPZ</p>
Social	<p>Benefits: Reduces risk of coastal hazards. Protects heritage, landscape, recreational, cultural and other amenity values. Maintains and enhances access to and along the coastal marine area.</p> <p>Costs: Perception that the ability of tangata whenua to practice kaitiakitanga is reduced. Regulatory intervention required to give effect to many policies, which creates uncertainty for tangata whenua and other communities.</p>
Economic	<p>Benefits: Provides for the sustainable management of the coastal environment which in turn supports tourism, recreation and commercial fishing activities and associated economic benefits.</p> <p>Costs: Consent costs – including cost of preparing consent applications and consultation. Monitoring costs (e.g. Natural Environmental Regional Monitoring Network reporting (NERMN)). Consent compliance and enforcement costs. Consent administration costs. Plan administration costs (e.g. developing and defending plan provisions).</p> <p>Limitations on use and development in some areas.</p> <p>Regulatory intervention required to give effect to many policies, which creates uncertainty for developers.</p>

There are significant environmental and social benefits derived from the implementation of the Plan such as risk management of coastal hazards and protection of significant ecosystem areas.

Particularly efficient methods are those relating to community focussed programmes such as Coast Care. This programme has delivered a range of social, environmental and cultural benefits. Due to the community focussed nature of the programme economic costs (in terms of increased rates) are minimised.

The rules are a type of method that has generally proven to be effective and efficient at carrying out the policies. However there are some concerns, raised by Council staff and estuary care groups, about the restrictive nature of the rules that apply in the Coastal Habitat Preservation Zone preventing works that could enhance the biodiversity or amenity values of a site.

The main costs are economic. In general terms the group or individual benefiting from use of coastal resources (and applying for a resource consent) bears the associated economic costs.

The Plan contains numerous methods, which are located at the end of each subject chapter, the consolidation of these methods into one section of the Plan would make it easier to remove duplication and reduce overlap between methods. This would improve efficiency.

There are also a number of inconsistencies between the rules in the Regional Coastal Environment Plan and similar rules that apply under the Regional Water and Land Plan. This causes confusion to resource users and regulatory staff and is an inefficient approach to resource management.

The Plan contains some methods that relate to areas in which the regional council is not the primary regulator or agency responsible for promoting policy or legislation requirements. For example, biosecurity and control of vessel related discharges. There are also a number of methods that repeat statutory requirements or relate to the consent process rather than decision-making. These methods are inefficient as they repeat existing obligations and do not add value in terms of implementing policies or achieving the objectives of the Plan.

Given the above the overall efficiency of the Plan is evaluated as high. There is potential to improve the ratio by introducing additional permitted activity rules, particularly where these activities have cultural, environmental or social benefits and streamlining the non-regulatory methods.

3.4 **Plan appropriateness**

An evaluation of the Plan appropriateness involves assessing:

- whether or not issues addressed in the plan are still relevant; and
- whether additional issues have arisen which require attention within the plan.

Recommendations to review the provisions of the Plan also need to reflect any relevant changes to the RMA, the regional council's functions, the emergence of new and significant regional issues and any relevant national instruments (National Policy Statements or National Environmental Standards).

3.4.1 **Key issues for the coastal environment**

Comments on the current relevance of the key issues identified in the Plan are presented in Appendix 5. Where appropriate, recommendations are made regarding possible changes.

In summary, the issues are generally still relevant, but need to more clearly stated (some of the issues are hidden within the explanatory text). Many of the issues are worded at a very high level and could be expanded to give a more regional context.

New issues identified are:

- Sedimentation and effects of land use and land based activities on coastal water quality
- Spread of mangroves
- Use of ecologically appropriate restoration, remediation and mitigation
- Uncertainty regarding where aquaculture is appropriate
- Loss of cultural sites due to coastal erosion
- Scattering of ashes
- Potential for adverse effects associated with exploration and extraction [exploitation] of minerals, petroleum and geothermal resources in the coastal marine area
- Infrastructure requirements
- Need to provide for renewable energy generation activities

It is noted that further investigation may determine that some of these issues are already adequately addressed by the current provisions of the Plan.

3.4.2 Context for the Regional Coastal Environment Plan

The Plan has not been subject to a Plan change (except for the removal of Restricted Coastal Activities) since it became fully operative on 1 July 2003. There have been a number of changes to the legislative and policy framework guiding resource and coastal management in the past 10 years. These changes need to be reflected, and in some cases 'given effect to' in the Plan.

A summary of the main changes and their impact on the Plan is presented below:

New Zealand Coastal Policy Statement 2010 – a Gap analysis of the current Plan against the NZCPS 2010 was undertaken on behalf of the regional council by Rob van Voorthuysen and noted the need for a number of amendments.

Proposed Regional Policy Statement 2010 – the Plan must give effect to the Regional Policy Statement. The second generation RPS is not yet operative; however it has progressed a significant way through the development process and provides direction on issues of a regional significance for the coastal environment. A decision on the Coastal Environment provisions of the proposed RPS was notified on 27 March 2012; however a variation to this section of the proposed RPS is required to give effect to the NZCPS. Additional policy and methods (including rules) are required to give effect to the proposed Regional Policy Statement – particularly with regard to management of mangroves and aquaculture.

Other sections of the proposed RPS are also relevant to the coastal environment and may require to be given effect to in the Plan – in particular, provisions regarding Natural Hazards, Matters of National Importance, Integrated Resource Management and Iwi Management. A decision has not yet been made on these provisions.

National Policy Statement on Electricity Transmission 2008 - this national policy statement (NPS) sets the overall policy framework for electricity transmission. Parts of the existing transmission network are located in the coastal marine area; therefore this NPS is relevant to the Plan. The deadline for local authorities to give effect to the NPS provisions by initiating a plan change or plan review is 10 April 2012.

The Plan does not contain any objectives, policies or rules that are specific to the transmission network (or infrastructure in general, except with regard to avoidance of significant natural hazards and placing new services in or adjacent to existing infrastructure). The objectives and policies relating to the operations and maintenance of existing transmission networks are most relevant. The Plan should identify where the transmission network falls within the coastal marine area (CMA) and include policies that potential adverse effects of other activities on the network.

National Environmental Standards for Electricity Transmission Activities 2009

The National Environmental Standards for Electricity Transmission Activities (NESTA) came into effect on 14 January 2010. NESTA applies to activities concerning existing electricity transmission lines. It sets out a framework of permitted activities and resource consent requirements for the operation, maintenance and upgrading of such lines. Some of the rules of the Plan are inconsistent with NESTA (for example, require a resource consent for maintenance activities that are permitted by NESTA).

National Policy Statement for Renewable Electricity Generation 2011

- this NPS enables a consistent approach to planning for renewable electricity generation in New Zealand by giving clear national direction on the benefits of renewable electricity generation and requiring all councils to make provision for it in their plans. The current Plan does not foresee or provide direction on renewable electricity generation in the coastal marine area, and requires amendment to give effect to the Renewable Electricity Generation NPS.

Marine and Coastal Area Act 2011 (MACAA) – this legislation provides a mechanism for customary rights and/or customary marine title to be recognised in the coastal marine area. The recognition of customary rights or granting of customary marine title has implications for the resource consent process that need to be outlined in the Plan. For example, a group that has a customary rights recognition does not need to hold a resource consent to carry out those customary rights activities. Those groups holding customary marine title have a RMA permission right, which means that activities in the CMA in the area over which they hold title cannot commence until permission is received (regardless of whether consent has been granted). The RMA permission right does not apply to permitted activities.

At the time of writing this report, one new Customary Marine Title (CMT) application had been lodged with the Office of Treaty Settlements (OTS)¹, and four existing applications made under the now repealed Foreshore and Seabed Act had been transferred to either the High Court or OTS.

Until an application under the MACAA is determined the only RMA related obligation is for applicants applying for resource consent within a CMT area to seek the views of the MACAA applicant group.

3.4.3 Additional knowledge and information

Considerable work has been undertaken by and behalf of the regional council to improve our understanding of the coastal environment and to assist identification of high values areas. The following additional work may be suitable for inclusion in the Plan (for example by way of mapping and/or policy provisions):

- Natural Character assessment and mapping
- Coastal Environment mapping

¹ Acting on behalf of the Minister of Justice

- Historic Heritage Inventory
- Aquaculture - constraints mapping

The effect of the recent Rena grounding and the necessary response and recovery work was at the forefront of many people's minds. Participants requested that the Plan made sufficient provision for any clean-up operations required as a result of such events.

More than 15 Iwi Management Plans (IMPs) containing reference to the coastal environment have been submitted to the Regional Council since the Plan was drafted. For completeness a full list of IMPS relevant to the Plan is attached at Appendix 6. Only those IMPs produced during the early-mid 1990s were considered during development of the current Plan. An analysis of the content of the current IMPs against the provisions of the Plan is currently being undertaken.

The majority of the policies in the Plan have been an effective and efficient means of achieving the objectives and addressing the issues; however many now require some amendment to provide better direction or to reflect changes to national or regional policy. Like much of the Plan there is an opportunity to streamline these policies to reduce unnecessary wording and remove duplication.

Part 4: Conclusion and recommendations

4.1 Conclusion

The Plan has performed well in achieving the overall outcome:

To enable Environment Bay of Plenty to promote the sustainable management of the natural and physical resources of the Bay of Plenty coastal environment.

However, there are a number of areas where greater clarity could be provided to improve the effectiveness of the Plan. The Plan also contains significant amounts of explanatory text that can now be removed to provide a more streamlined document.

In addition, the legislative and policy context to the Plan has changed during the past 10 years, which needs to be reflected in the Plan.

The review has highlighted the following key issues:

- Tangata whenua are committed to kaitiaki of the coastal environment. Their meaningful involvement during any changes to the current Plan is important and should be enabled.
- Accelerated sedimentation and spread of mangroves
- Lack of policy direction regarding aquaculture
- A need to enable rapid response to events such as ship-grounding (Rena)
- Loss of cultural sites due to coastal erosion
- A lack of policy direction on activities associated with the exploration and extraction [exploitation] of minerals, petroleum and geothermal resources in the coastal marine area
- A need to incorporate new information that has become available in the past 10 years
- Need to review the current Water Quality Classification standards
- The high level ('fuzzy') wording of the Anticipated Environmental Results and Objectives and lack of explicit linkage to policies and methods.
- Need for a monitoring programme that reflects the AERs and objectives of the Plan
- Changes to other legislation and policy documents that influence management of the coastal environment need to be taken into account, and in the case of National Policy Statements and the Regional Policy Statement, given effect to in the Plan. Of particular note is the New Zealand Coastal Policy Statement 2010 and the proposed Regional Policy Statement 2010 (and pending variation).

4.2 Recommendations

The key recommendations to resolve the above issues are:

- 1 That the basic structure of the Plan is retained but thought is given to:
 - (a) Consolidating and simplifying provisions (especially the methods)
 - (b) Drafting measureable AERs
 - (c) Drafting more targeted issues and objectives
 - (d) Removing unnecessary parts of the Plan
 - (e) A revision and update of the information contained in the Schedules of the Plan and accompanying map book
- 2 The detailed analysis contained in Appendix 4 is used to identify which parts of the Plan should be retained and which should be changed or removed.
- 3 Additional provisions are drafted in consultation with the community that cover:
 - (a) Integrated catchment management – to cover sedimentation, mangrove management, water quality
 - (b) Aquaculture
 - (c) Infrastructure
 - (d) Renewable energy generation (including geothermal)
 - (e) Direction on appropriate restoration, remediation and mitigation
 - (f) Direction on allocation and efficient use of resources
- 4 To give effect to recommendations 1-3, the current Plan is replaced with a new Regional Coastal Environment Plan.

Appendices

Appendix 1 - Twelfth Schedule of the Regional Coastal Environment Plan: Plan Monitoring and Review

1 July 2003

Regional Coastal Environment Plan

Plan Monitoring and Review

S12.1

Explanation

Once the coastal plan is in place, it is necessary to monitor and review its effectiveness. This refers to periodic assessment of the performance of the methods used to achieve the objectives. If they are not adequate to achieve these objectives, then the provisions of the plan will need to be amended accordingly.

Environment Bay of Plenty will use the Natural Environmental Regional Monitoring Network (NERMN) as the basis for these reviews, in conjunction with the results of monitoring activities undertaken by applicants and by other agencies involved in coastal management. In addition to this, it will be necessary to review the methods contained within the plan in terms of their efficiency. This refers to assessing whether or not they are achieving the desired results in a cost-effective manner.

The Act requires that coastal plans be reviewed no later than ten years following the date that they become operative. The review must be carried out in accordance with the procedures outlined in Part I of the First Schedule to the Act. Environment Bay of Plenty recognises the importance of this coastal plan and its impact on use, development and protection within the Bay of Plenty coastal marine area. Consequently, the first review of this plan will be determined according to the success or otherwise of plan implementation (to be evaluated as a consequence of on-going plan monitoring), and may eventuate earlier than ten years following the date of approval. The Act also provides a process for plans to be changed before the review date.

The review process needs to focus on issues, and on whether the policies and methods are effective (or still appropriate) in addressing these issues. In some instances, issues may have been resolved, while new ones may have been identified. In addition, the aspirations of the community may have changed with regard to particular issues. It is appropriate, therefore, that each review be undertaken in full consultation with all relevant agencies and interest groups.

S12.2

Monitoring and Review

Environment Bay of Plenty will review this plan no later than ten years following the date of its approval, and will use on-going plan monitoring as the primary means of determining the timing of all subsequent reviews.

S12.2.1

Information for plan monitoring will be drawn from:

- consultation with tangata whenua;
- consultation with other interested parties;
- surveys of public views on management of the coastal environment;
- reviews of the effectiveness of methods;
- monitoring undertaken by other agencies involved in coastal management;
- records of investigations of environmental damage, and enforcement action;
- compliance monitoring of consent conditions;
- state of the environment monitoring including NERMN aspects listed in the table below:

Aspect of the Environment to be Monitored	Resource Management Issues and Chapters
Suitability (bacteriological) of coastal water for contact recreation.	Coastal Discharges (ch 9), Tangata Whenua Interests (ch 8), Recreation (ch 19).
Suitability (bacteriological) of shellfish for human consumption.	Coastal Discharges (ch 9), Tangata Whenua Interests (ch 8), Recreation (ch 19), Fishing (ch 21).
Rate of contaminant accumulation in Tauranga Harbour sediments and marine organisms.	Coastal Discharges (ch 9), Tangata Whenua Interests (ch 8), Natural Character (ch 4).
Quantity of human sewage being discharged to the sea, without first passing through land (and other treatment).	Coastal Discharges (ch 9), Tangata Whenua Interests (ch 8), Natural Character (ch 4).
Sediment accumulation rates in Tauranga and Ohiwa Harbours.	Coastal Discharges (ch 9), Tangata Whenua Interests (ch 8), Natural Character (ch 4).
Change in area of harbour and estuary reclaimed.	Reclamation (ch 15), Natural Character (ch 4), Outstanding Landscapes (ch 5), Tangata Whenua Interests (ch 8), Public Access (ch 7), Recreation (ch 11).
Change in the extent of riparian vegetation on estuarine margins and dune systems.	Coastal Discharges (ch 9), Natural Character (ch 4), Outstanding Landscapes (ch 5), Coastal Hazards (ch 11).
Change in quality of the ecologically significant sites identified.	Significant Flora and Fauna (ch 6).
Change of subdivision intensity, structural development and vegetation cover; in and adjacent to the outstanding and regionally significant landscape features.	Natural Character (ch 4), Outstanding Landscapes (ch 5), Structures (ch 13).
Change in the active beach system including short and long term trends	Coastal Hazards (ch 11).
Storm surge events	Coastal Hazards (ch 11).
Change in intensity of subdivision and structural development in known coastal hazard areas.	Coastal Hazards (ch 11).
Change in extent of coastal reserves, and area subject to occupation permits.	Public Access (ch 7), Recreation (ch 19).
Change in indicators of values of significance to tangata whenua (to be developed through consultation).	Tangata Whenua Interests (ch 8).

S12.2.2 In reviewing this plan, Environment Bay of Plenty will determine:

- whether or not the policies and methods are achieving the objectives; and
- whether or not the policies and methods are achieving the anticipated environmental outcomes; and
- whether or not the methods are achieving an acceptable level of efficiency; and
- whether or not issues addressed in the plan are still relevant; and
- whether additional issues have arisen which require attention within the plan.

S12.2.3 In reviewing this plan, Environment Bay of Plenty will consult with neighbouring regional councils, constituent district councils, local tangata whenua, key user groups and the regional community in general.

Appendix 2 – Consultation Record

Correspondence and meetings held as part of this evaluation included:

- November 2011 – March 2012 - internal meetings with pollution prevention, Māori policy, consents, water science and support, land management, maritime management and rivers and drainage staff to discuss the effectiveness of the Plan and identify future direction for the Plan.
- 18 January 2012 – Focus group meeting – Department of Conservation and Territorial Authority representatives
- January and February 2012– hui with iwi and hapū groups throughout the region.
- 7 February 2012 – letter to key stakeholders (including Ministers, industry groups, NZTA, neighbouring authorities - approx. 50 people).
- February 2012 – newsletter to interested parties (approx. 500 people).
- 17 February 2012 – presentation to the Ōhiwa Harbour Strategy Co-ordination Group to inform them about the review of the Plan.
- 22 February 2012 – meeting with the Port of Tauranga.
- 7 March 2012 – presentation to the Southern Tauranga Harbour Users forum.
- 4 April 2012 – presentation to the Estuary Care Leaders forum.

Appendix 3 – Assessment of Anticipated Environmental Results

This table complements the main report. It shows:

- Whether and how each Anticipated Environmental Result has been achieved
- Linkages between the AERs, objectives, policies and methods

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
Generic					
Sustainable management of the natural and physical resources of the coastal marine area	The whole Plan	The whole Plan		Very generic objective – relies on assessment of all aspects.	Achieved
A better informed and more environmentally aware regional community.	Not applicable	4.2.6 5.2.4(a) 5.2.4(b) 6.2.5(f) 6.2.6 7.2.4(b) 9.2.6(a) 9.2.6(b) 9.2.6(c) 11.2.4(a) 11.2.5(a)	This is a non-statutory outcome of the Plan; accordingly performance of the methods is key to assessment of this outcome. Community Involvement is one of the 10 Council Outcomes. Community involvement in environment Care Groups has increased significantly over the life of the Plan – there are currently 36 Coast Care and 11 Estuary Care groups. School groups are also involved with these programmes. The Coast Care programme is a strong focus of a number of the methods – this programme has been effective in achieving its operational goals and objectives, which are consistent with the provisions of the Plan. The programme has resulted in a significant proportion of the sandy coastline of the region being under some level of dune restoration management and has also been highly successful at engaging the community (Boffa Miskell, 2009). Technical reports	There are a number of methods that relate to the communication of information and involvement on the community in environmental protection and enhancement. In general these methods have been well-implemented well; however consultation has identified some potential issues with the effectiveness of the information flow between the regional council and the community. This is a very generic AER and not specific to coastal environment. Potential to create more focused AERs that fall under this general heading and are measurable.	Achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
			relating to the state of the coastal environment are freely available on the regional council website, as is more general information regarding our coast, potential pressures and how to look after the environment. Strategies for the ongoing management and protection of Tauranga Harbour, Ōhiwa harbour and the Kaituna-Maketū estuary have been developed in collaboration with the local community. Feedback received strongly supports this type of community engagement and emphasizes the importance of collaboration to achieving results on the ground.		

Natural Character

Preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development	O 4.2.2 P 4.2.3(a) – 4.2.3(j)	4.2.4 4.2.5 4.2.6	<p>No specific monitoring assessment of natural character as a whole is undertaken by the regional council; however natural features and landscapes and biodiversity have been assessed.</p> <p>An assessment of natural character values is currently being undertaken on behalf of the regional council. The findings of this assessment will provide a baseline from which to monitor effects on natural character.</p> <p>One of the Coast Care programme objectives is to protect and enhance the natural character of Bay of Plenty beaches) – this programme has been effective at achieving its goals (Boffa Miskell, 2009).</p> <p>The current rules and policies regarding subdivision, use and development in the</p>	<p>The relevant provisions and methods have been achieved. The restrictive nature of the Coastal Habitat Preservation Zone has met that natural character values in the coastal marine area have been protected from development.</p> <p><u>Future AERs:</u> There is potential to add an additional AER related to restoration and/or enhancement of natural character. There is also room to provide more specific and measurable AERs</p>	<p>Achieved – coastal marine area</p> <p>Partly achieved – land in the coastal environment</p>
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Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
			<p>Coastal Habitat Preservation Zone are generally restrictive and limit the ability for development to occur. This has protected the natural character values of these areas. In some instances the policy and regulatory framework has also limited the ability of restoration and enhancement works to be undertaken.</p> <p>There could also be stronger policy direction regarding the use of indigenous species in restoration and mitigation projects linked to consented activities, and guidance on what is appropriate mitigation or remediation for the loss of natural character.</p> <p>The non-statutory strategies developed for Tauranga Harbour, Ōhiwa harbour and the Kaituna-Maketū estuary all consider protection of natural character.</p> <p>Matakana Island – development proposal declined in part due to potential effects on natural character effects. Various provisions of the Plan are cited in the Court decision.</p>		

Natural Features & Landscapes

Protection of outstanding natural features and landscapes of the coastal environment.	O 5.2.2 P 5.2.3(a) – 5.2.3(i) Fifth Schedule – management guidelines	5.2.4(a) – 5.2.4(d)	The coast and estuary care programmes contribute to the protection of ONFL. Work undertaken under the biodiversity programme looks at site specific approaches to managing significant natural areas. The majority of the policies and the Fifth schedule are used regularly during the assessment of resource consent applications, as is Schedule 4, which identifies ONFL sites. Awaiting comment from TAs on some of	2006 review reported either no change to extent or an increase proposed (positive effect) to sites currently identified in the Plan. Three new ONFLs also identified. There needs to be a commitment to ongoing monitoring of the quality and extent of these sites a suitable time intervals. <u>Future AER:</u> Refine the existing AER	Achieved
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Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
			the more DP relevant ones. A review of the Outstanding and Regionally Significant Natural Features and Landscapes identified in the Plan was undertaken in 2006 (Boffa Miskell, 2006). This review identified that adverse landscape change had not had any significant effect on the identified sites, and that in some areas indigenous regeneration has matured to a stage where it is a significant part of the landscape, making a positive contribution to an adjacent identified ONF&L. This review confirmed that all sites were worthy of 'outstanding' status and also identified three additional ONFL.	so that it is measurable	

Biodiversity

Protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna within the coastal environment. Values contained within the areas of significant conservation value are protected.	O 6.2.2 P 6.2.3(a) – P 6.2.3(h)	6.2.4(a) 6.2.4(b) 6.2.5(d) 6.2.5(e) 6.2.5(f) 6.2.6	The policies are generally well implemented by the resource consent process. More guidance would be useful regarding what constitutes ecologically appropriate mitigation and remediation. It is difficult to find quantitative data on how the quality of significant sites has changed over time. Dune and coastal forest monitoring is being undertaken – but there is currently insufficient data to assess trends. In addition, this monitoring does not directly correlate to the sites of significance identified in the Plan. A report assessing dune cover notes that: <i>Coast Care remains a valuable vehicle for education, attitude change and benefits for biodiversity in the region's dune lands</i> (Bay of Plenty	Implementation of policies and methods is high; however, achieving protection of sites on private land is an ongoing challenge. Loss of quality and quantity of dunelands, wetlands and coastal forest (in some areas) is of concern, but difficult to quantify.	Achieved – coastal marine area Partly achieved – land in the coastal environment
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Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
			<p>Regional Council, 2010). This report also identifies a number of pressures on dunes and makes recommendations for improving dune protection.</p> <p>A report assessing coastal indigenous canopy condition notes that approximately 6% of sites assessed showed a decline in condition (Bay of Plenty Regional Council, 2009). The report identifies the decline of some larger tracts of mixed species coastal forest in the eastern part of the region, and the continuing decline of Thornton kanuka as being of most concern.</p> <p>The relevant methods have been implemented – this includes recent research that has identified sites of significance in the Ōhiwa harbour; working with the community on a variety of biodiversity protection projects and Coast care; and submitting to District Plan proposals and consent applications on matters concerning biodiversity. Sites of significance on land identified in the Plan have also largely been identified as such in the relevant district Plan; however there are some boundary differences.</p>		
Maintenance of biological diversity within the coastal environment. Maintenance and enhancement of the intrinsic values of coastal ecosystems.	O 6.2.2 P 6.2.3(a) – P 6.2.3(h)	6.2.4(a) 6.2.4(b) 6.2.5(d) 6.2.5(e)	Whilst overall the objectives, policies and methods of the Plan have been implemented, there have been biodiversity losses. The cumulative effects on certain ecosystems types are of concern, namely dunelands, wetlands and coastal forest, dunelands and wetlands. A recent report (Bay of Plenty	The policies and methods of the Plan have been implemented; however dune lands, wetlands and coastal forest are at a critical state. More guidance is needed regarding appropriate mitigation and off-set mitigation, and when avoidance of effects	Partly achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
		6.2.5(f) 6.2.6	Regional Council, 2010) suggests that we have reached a threshold in the region where no further loss of dune land is appropriate. This report also notes the 'loose' use of terms such as 'mitigation; and off-set mitigation' during consenting processes, and the importance of providing ecologically appropriate mitigation. This report also notes that we may have reached a point where any further loss of dunelands is inappropriate (with regard to maintaining this particular ecosystem type).	is required rather than mitigation.	
Maintenance of physical and ecological coastal processes.	Part 2 RMA		This is a very broad AER and it is difficult to envisage a circumstance (aside from a catastrophic event) in which coastal processes would cease to operate. Beach profile monitoring - the profile monitoring provides a baseline dataset for determining the physical state of these beach systems.		Achieved
Consideration of the finite characteristics of the natural and physical resources of the coastal environment.	Part 2 RMA		This is required to be taken into account during decision-making by Part 2 of the RMA, and taken into account during consent processing. This is not an environmental outcome that can be measured or monitored.		N/A

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
The extent and quality of estuarine vegetation in sites of significance is retained.			Estuary care programme outcomes Information held on the extent of wetlands and saltmarsh in the coastal environment in our region indicates that the extent of this habitat in areas of significance has not notably changed. It should be noted that adverse effects on wetlands not identified as sites of significance in the Plan have occurred.		Achieved
Safeguarding the life-supporting capacity of coastal water and coastal ecosystems	Part 2 RMA		Water Quality – see WQ section Coastal Ecosystems – see comments in remainder of Biodiversity section.	Although there is room for improvement in some areas, the capacity of coastal water and ecosystems to support life has not been compromised.	Partly Achieved

Water Quality

Maintenance and enhancement of the quality of coastal water and open coastal water.	O 9.2.2 P 9.2.3(a) and (b)		Open coastal sites generally show excellent microbiological water quality (09/10). There is little in the way of point discharges to these waters or other activities that could adversely affect water quality.		Achieved
Water quality in harbours and estuaries is maintained and enhanced.	O 9.2.2 P 9.2.3(a)-(p)		Water quality in some estuaries and harbours is showing signs of decline. Contaminants of concern include nutrients, sediment, microbes and heavy metals (such as copper and zinc). Often the sources of contamination are from activities occurring outside the coastal environment - such as land use and land use change in the surrounding catchment. Discharges of stormwater are another source of contamination. For example, monitoring undertaken to date shows that stormwater discharges are having a localised impact on contaminant levels	Degraded water quality is a concern in some harbour and estuarine areas. Potential sources of contamination are land use in the catchment, stormwater and sewage. Positive steps are being taken to improve water quality.	Not achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
			<p>in Tauranga Harbour. (Bay of Plenty Regional Council, 2009). Bay of Plenty Marine Sediment Contaminants Survey 2008.</p> <p>Improvements to water quality have occurred - for example, the results of monitoring at Omokora, which joined the reticulated sewage network in 2007, show a marked reduction in indicator bacteria levels (Bay of Plenty Regional Council, 2011). Monitoring the impacts of on-site wastewater treatment systems, Bay of Plenty. 2011.</p> <p>Land management programmes and the newly created Tauranga Harbour programme are focussing effort at improving land use management practices to reduce sediment discharge to waterways that ultimately lead to the coast. Proactive pollution prevention work has also been undertaken in the Mount Maunganui industrial area surrounding Tauranga Harbour - targeting industries that have the potential to contaminate stormwater.</p>		
Reduction in human induced sedimentation within harbours and estuaries.	9.2.3(a) 9.2.3(d)	9.2.5(f)	Sedimentation continues to be a concern - especially in Tauranga and Ohiwa Harbours. Strategies have been developed for both harbours - and part of the focus of each of these documents is reducing sedimentation.	Progress is being made toward reducing sedimentation entering harbours, but this is still a concern.	Partly achieved
Coastal Hazards					
Avoidance and mitigation of the risk to property and other values from the effects of natural coastal hazards, in particular storm erosion	O 11.2.2 P 11.2.3(c) – (h) P 11.2.3(m)–(o)	11.2.4(a) – 11.2.5(c)	Coastal Hazards Indicator monitoring is undertaken – a baseline for total physical risk was established in 2009 (Bay of Plenty Regional Council, 2009).		Partly Achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
and storm flooding.			The next assessment is due to be undertaken in 2012/2013. The 2009 report states that all of the coastal territorial authorities have adopted or are in the process of adopting coastal hazard zones and subsequent rules and policies		
The ability of the active beach system to resist natural coastal erosion is maintained.	P 11.2.3(j) P 11.2.3(k)	11.2.4(a) 11.2.5(a)	A key outcome for the Coast Care programme is minimising the threat of natural hazards to human life and environment. This is achieved through planting, enhancement and protection of dune systems. The most recent published review of the Coast Care programme concluded that: <i>The Bay of Plenty Coast Care programme has been effective in achieving its operational goals and objectives. In 14 years it has resulted in a significant proportion of the sandy coastline of the region being under some level of dune restoration management. (Boffa Miskell, 2009).</i>		Achieved

Cultural

Recognition of kaitiakitanga.	O 8.2.2(a) P 8.2.3(b)	8.2.4(b) 8.2.4(k)	The method that directly links to this AER (8.2.4(b) has not been implemented; however kaitiakitanga is specifically considered and recognised during the resource consent process, and required by section 6 of the RMA. Iwi management plans are also taken into account during the decision-making process.	Kaitikitanga is recognized; however procedures to give effect to the tangata whenua role as kaitiaki of their coastal taonga have not been developed (method 8.2.4(b)).	Partly achieved
Provision for the relationship of Maori and their culture and traditions with coastal taonga.	O 8.2.2(b) P 8.2.3(a)		These matters are recognised and provided for during the resource consent process, as required by s6 of the RMA.		Partly achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
The relationship of tangata whenua and their culture and traditions with their ancestral taonga, including use of and access to these taonga, are recognised and provided for.			However, the Plan contains little guidance on how these outcomes should be achieved.		
Adverse effects of use and development on the relationship of tangata whenua and their culture and traditions with their ancestral taonga are avoided, remedied or mitigated.	O 8.2.2(b)	8.2.4(c)	Potential effects on cultural values and relationships are considered during the resource consent process. Resource consents have been granted that will have an adverse effect on cultural values where it has been found that it meets the purpose of the RMA to allow an activity (for example, the Port of Tauranga dredging consent). Lacking guidance or information on how adverse effects can be remedied or mitigated (where avoidance is not possible).		Partly achieved
Shellfish beds of importance to tangata whenua and the community generally are not degraded by development and use.	O 8.2.2(b) P 8.2.3(c) P 9.2.3(c)	8.2.4(c)	Feedback received from tangata whenua indicates that there is concern regarding the loss of shellfish beds. The reasons for degradation aren't clear, but thought to be linked to development – for example, changes in land use resulting in increased sedimentation of estuaries and harbours. In some areas faecal coliform levels found in shellfish have been above the safe consumption guideline – especially after periods of increased rainfall. Fishing pressure may also be degrading some shellfish beds (commercial and recreational).	Land use may be adversely affecting shellfish beds. Not clear if degradation is due to new use and development or existing.	Not achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
Involvement of tangata whenua in managing their ancestral taonga, including decision making, in accordance with tikanga Maori.	O 8.2.2(a)		Tangata whenua are involved in the resource consent process by way of consultation (both by applicants and the regional council) and participation in notified consent hearings. Cultural Impact Assessments are requested from applicants where a proposal has the potential to have significant effects on cultural values. A cultural review of the resource consent processing has recently been undertaken and the report being finalised. This review has made a series of recommendations for improving the consideration of cultural values, which includes recommendations that internal policy guidance is developed in a number of areas to facilitate consultation with tangata whenua and their involvement in the consent process.	Partly process rather than decision-making.	Partly Achieved
Protection of the mauri of the natural and physical resources of the coastal marine area.	O 8.2.2(c) O 9.2.2	8.2.4(a)	Potential effects on mauri are considered during the resource consent process. There is no specific monitoring of cultural health or mauri indicators undertaken by the regional council. Resource consents have been granted that will have an adverse effect on cultural values where it has been found that it meets the purpose of the RMA to allow an activity (for example, the Port of Tauranga dredging consent).	Protection of mauri in the coastal marine area (CMA) has generally been provided for, unless special circumstances apply.	Partly achieved
The special Treaty relationship between the Crown and tangata whenua is recognised and facilitated.	Section 8, RMA		This AER does not directly link to any of the objectives, policies or methods of the Plan.	Wider regional council process not decision-making.	N/A

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
Appropriate and meaningful consultation is undertaken with tangata whenua on all matters of resource management significance to them.	O 8.2.2(a)	8.2.4(e) 8.2.4(h) 8.2.4(j)	<p>The methods relating to this AER have not been fully implemented.</p> <p>There is tension between achieving this outcome and the requirements of the RMA, which states that there is no duty to consult for resource consents and designations (s36A).</p> <p>Statutory acknowledgements usually have requirements regarding notification of consent applications – these are implemented by the Consents Team. A weekly consent notification list is sent to iwi listing all applications – this is intended to act as a ‘flag’ for iwi and hapu groups to request more information if needed. Further information is often requested from applicants regarding potential cultural effects – and advising that consultation with tangata whenua is likely to be the most effective way of obtaining this information.</p>	Process not decision-making.	Partly achieved
			A cultural review of resource consent processing has recently been undertaken (findings are not yet published). The initial outcomes of the review indicate that achieving meaningful consultation with tangata whenua is an issue that requires attention – and that this could be addressed in part by development of policy regarding the standard of cultural information in consent applications.		

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
Amenity Values					
Maintenance and enhancement of the amenity values of the coastal environment, including recreational, educational, cultural social and inspirational experiences.	O 8.2.2(b) P 8.2.3(a) O 19.2.3(a) P 19.2.3(a) – 19.2.3(g)	8.2.4(c)	<p>Potential effects on amenity value are considered through the consent process.</p> <p>Enhancement of amenity values more often occurs via non statutory mechanisms. Examples in the coastal environment are:</p> <ul style="list-style-type: none"> • Tauranga Harbour Recreational Strategy – largely implemented, recreational users forums to continue operation. • Ōhiwa Harbour Strategy – contains various amenity actions – implementation progressing Kaituna/Maketū Estuary. 		Achieved
Protection of the heritage values of sites, structures, places or areas within the coastal marine area.	O 18.2.2 P 18.2.3(a) – 18.2.3(g)	18.2.5(a) – 18.2.5(c)	Heritage inventory prepared in 2006 – and recently reviewed. This is referred to during resource consent processing. Applications are forwarded to the New Zealand Historic Places Trust if historic places may be affected.		Achieved
Maintenance and enhancement of public access to and along the coastal marine area, unless otherwise appropriate.	O 7.2.2 Policies 7.2.3(a) – 7.2.3(e)	7.2.4(a) – (e) 7.2.5(a) 7.2.5(b)	Public access to and along the coast is only restricted by way of consent conditions where consistent with the policy direction given in the Plan. The Coast Care programme contributes to providing appropriate access and identifying areas where access is not appropriate due to potential damage to dunes. The Tauranga Harbour Recreational Strategy includes a number of actions related to access – a gap analysis of implementation of these actions is currently being undertaken.	Note that this AER doesn't reflect on prevention of in appropriate access, which may be more of an issue.	Achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
			This AER doesn't provide for measurement of inappropriate access to the coastal environment, which may be more important for the region. For example, damage caused to dune lands by vehicle use and pedestrian access.		

Resource Use

Prevention of non-essential or unnecessary activities locating within the coastal marine area, unless otherwise appropriate.	O 13.2.2 P 13.2.3(b) P 13.2.3(d) P 13.2.3(e)		<p>Consents database – the majority of consents (approximately 90%) have been granted for one (or more) of the following activities:</p> <ul style="list-style-type: none"> • Structures • Excavation/Disturbance • Discharge of Contaminants to Water • Occupation • Deposition of Material <p>These activities are either associated with structures that require a coastal marine area location, regionally significant infrastructure or dredging projects.</p>		Achieved
The efficient and appropriate use and development of the natural and physical resources of the coastal marine area where such use and development is also consistent with sustainable management.	P 13.2.3(g) P 13.2.3(n)		<p>Appropriate location of activities is discussed above and has been achieved.</p> <p>Very few policies in the Plan address efficient use and development of resources. This is an area that requires further consideration – and could be particularly relevant to aquaculture.</p>	Efficient use of resources is not well addressed in the Plan	Achieved
Avoidance, remedy or mitigation of the adverse effects of maintenance works within the coastal marine area that are associated with the operation of certain operations essential to the regional economy.			Maintenance activities are either permitted by rules in the Plan that are subject to conditions designed to avoid, remedy or mitigate effects, or require a resource consent.		Achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
Increased certainty of outcome for potential and actual users of coastal resources.			The policies and rules of the Plan generally provide certainty to resource users. The notable exception is with regard to aquaculture, as the Plan does not currently include aquaculture specific provisions. This is relevant given the recent aquaculture legislation reform (2011), which has removed the requirement for aquaculture activities to be located within a designated Aquaculture Management Area.		Achieved
Compensatory works or services provided by the operators of consented activities which have adverse environmental effects.	P 4.23(j) Esplanade Reserves Generic policies requiring adverse effects to be avoided, remedied or mitigated Schedule 10: Financial contributions		Mitigation or remediation is required if avoidance of adverse effects can't be achieved. This is imposed by way of consent conditions; however there is currently no guidance in the plan provisions regarding what is appropriate in terms of mitigation or remediation. There are examples of large projects that require some type of compensatory work, but there is no easy way to determine which projects provide 'compensatory works' as this is not recorded in the consents or compliance database. Examples include: Ōpōtiki Harbour Entrance – consent conditions require that an area of equivalent sand dune restoration and remediation (creation of dune and dotterel habitat) to replace that destroyed/disturbed by works.	Achieved through the consent process – more policy guidance would assist	Achieved
Integrated Management					
Coordination between the various agencies, which exercise management responsibilities within the coastal environment.	P 9.2.3(m)	11.2.4(c) 17.2.5(b)	Where do we do this: <ul style="list-style-type: none"> Coastcare Estuarycare 		Partly achieved

Anticipated Environment Result	Objective (O) Policy (P) Linkage	Methods	Comment	Summary	Achieved?
Integration of the management of the coastal environment with the management of the terrestrial environment.			<ul style="list-style-type: none"> • Coastal Hazards Management Forum Biodiversity programme. • Inconsistencies between the Regional Water and Land Plan and Regional Coastal Environment Plan identified. 		

Appendix 4 – Assessment of individual provisions

This table complements the main report. It shows whether and how each Objective, Policy and Method has been achieved, and how effective and efficient provisions have been.

Reference	Section of Plan	Analysis	Recommendation
Part I	Plan Framework		
Chapter 1	Preamble		
Chapter 2	Plan Coverage		
		The basic structure of this chapter is still appropriate but requires updating in light of changes to the NZCPS 2010 (in particular the stronger direction regarding identification of the coastal environment and the need for integrated management); the second generation RPS, changes to legislation (for example the Marine and Coastal Area Act 2011) and changes to the agencies involved in the management of the coastal environment. For example, a succinct description of the relationship between MAF/Biosecurity/us with regard to controlling and harvesting aquatic flora and fauna would be useful.	Update to reflect changes to NZCPS, RPS, legislation and agencies that contribute to management of the coastal environment.
Chapter 3	Plan Structure		
		Plan structure is basically sound – but contains duplications/overlaps and some material that is surplus to requirements. The addition of new provisions may require additional chapters.	Stream-line content & revise chapter headings – remove non-essential sections (advocacy). Consider moving Methods to a separate chapter (similar to the proposed RPS). Possibly addition of new chapters for example, Port, Aquaculture, Mangroves.
Part II	Matters of National Importance		
		There is considerable overlap between the matters addressed in chapters 4, 5 & 6	Consider combing chapters 4, 5 & 6
		The current heritage chapter is contained within Part III of the Plan. Historic heritage was added to section 6 of the RMA as a matter of national importance in 2007	Move Historic Heritage chapter to Part II of Plan.
Chapter 4	Natural Character		

Reference	Section of Plan	Analysis	Recommendation
General		<p>The Plan does not currently make reference to 'outstanding' natural character areas. Areas containing high natural character values are identified, but these have not been identified using criteria consistent with the definition of natural character contained in policy 13 of the NZCPS 2010.</p> <p>The Plan needs to reference the areas of outstanding and high natural character identified in the proposed Regional Policy Statement (RPS). The current objectives and policies also need rewording to ensure that they are consistent with the direction to avoid all effects on areas with outstanding natural character and to avoid significant adverse effects in areas of high natural character.</p>	Amend to incorporate natural character assessment work and policy direction from proposed RPS to give effect to the NZCPS 2010.
Objective 4.2.2	The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.	<p>Met</p> <p>This is a repetition of the first part of policy 13 of the NZCPS 2010. Direction from the NZCPS and proposed RPS is to also provide for restoration of natural character. Some operational staff noted that restoration is open to interpretation and that enhancement may be a better term to use.</p>	<p>Retain</p> <p>Possible to add some additional objectives:</p> <p>Intensive development only occurs in areas where natural character is already low.</p> <p>Areas appropriate for sustainable use and development are identified.</p> <p>Outstanding sites are maintained and enhanced.</p> <p>Activities that will enhance or preserve areas of high or outstanding natural character are supported and facilitated.</p> <p>Include additional objective regarding the enhancement (or restoration) of natural character.</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 4.2.3(a)	To recognise that there are areas of exceptional natural character which require preservation and for which no development is appropriate. These include but are not limited to the Coastal Habitat Preservation Zone (see chapter 6 – Significant Areas of Flora and Fauna, and the maps).	<p>Met</p> <p>Rules prohibit the majority of development in these areas. The implementation of this policy (via the rules) has been very effective; however, the current rules associated with this policy have also prevented ‘positive’ activities that help preserve/enhance sites.</p> <p>Natural character definition used in the Plan is not consistent with the NZCPS 2010. Recent technical work has assessed natural character in accordance with the definition provided in the NZCPS.</p>	<p>Amend</p> <p>Use ‘outstanding’ rather than exceptional. Use alternative title to ‘Coastal Habitat Preservation Zone’. Refer to new mapping work</p> <p>Recognise that some activities may be appropriate in high value areas.</p>
Policy 4.2.3(b)	<p>To recognise that most of the coast has some degree of natural character which needs to be protected from inappropriate use and development. The following plan provisions should be used as a guide to the relative weight to be attached to the protection of natural character in particular localities:</p> <ul style="list-style-type: none"> • The purpose of the zones as set out in chapter 3 – Plan Structure. • Policies 4.2.3(f), 4.2.3(i), 5.2.3(a), 5.2.3(b), 6.2.3(a) and 6.2.3(b). • Policies 13.2.3(b), 13.2.3(c) and 13.2.3(d). • The outstanding and regionally significant landscapes and natural features identified in the maps and the Fourth Schedule – Natural Features and Landscapes. • The sites of ecological significance and areas of significant conservation or cultural value identified in the maps, the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, the Seventh Schedule – Significant Indigenous Vegetation Areas, and the Fourteenth Schedule – Areas of Significant Cultural 	<p>Met</p> <p>The process for assessing the relative weight provided to areas of natural character is applied during the consent process and is an effective means of providing a framework for decision-making. However, the policy is fairly lengthy and refers back to other provisions of the Plan – it is possible to draft a more efficient policy that achieves the same result.</p> <p>New information is now available on the natural character of the coastal environment, and policy direction from the proposed RPS. The schedules are also being reviewed and may alter.</p>	<p>Amend</p> <p>Policy requires amendment to incorporate reference to Natural Character assessment and any changes required due to rewriting other policies/rules.</p>

Reference	Section of Plan	Analysis	Recommendation
	Value. <ul style="list-style-type: none"> Fifth Schedule – Management Guidelines for Natural Features and Landscapes. 		
Policy 4.2.3(c)	To recognise that all remaining areas of indigenous vegetation and habitats in the coastal environment contribute to the overall natural character of the environment. Cumulative adverse effects on these areas should be avoided.	<p>Not met</p> <p>The use of ‘to recognise’ has limited value in this policy and restricts the ability of this policy to effect preservation of natural character. More directive language would be more effective.</p> <p>Still a cumulative loss of dunes and wetlands (or degradation of these areas). Realistically not possible to avoid <u>all</u> cumulative effects on indigenous vegetation and habitats. Little guidance within the Plan regarding how to mitigate or remedy adverse effects on these areas.</p> <p>A National Policy Statement on Biodiversity has been proposed, which introduces the concept of offsets; however this is on hold until the Wai 262 Treaty of Waitangi claim has been decided.</p>	<p>Amend</p> <p>Use more directive language. Addition of policy guidance regarding what constitutes appropriate mitigation and remediation works. May need to consider offsets as well (proposed Biodiversity NPS).</p>
Policy 4.2.3(d)	To recognise the important ecological interconnections that are necessary to sustain species and their habitats. Cumulative and irreversible adverse effect on these interconnections should be avoided.	<p>Met</p> <p>This is still a relevant policy that is implemented via the consent process (for example by consideration of effects on fish passage). There is scope to provide better information on the known path of migratory fish species and important stages of their life-cycles (similar to the Regional Water and Land Plan) and more policy guidance on how to provide and sustain ecological interconnections.</p> <p>More directive language would assist decision makers. For example: To maintain and, where degraded, enhance ecological interconnections necessary to sustain species and their habitats</p>	<p>Amend</p> <p>Use more directive language. Addition of policy guidance regarding how to appropriately provide for ecological interconnections. Provide additional information on migratory fish species</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 4.2.3(e)	To encourage other agencies to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.	Does not assist RMA decision-making or method implementation. The issue underlying this policy is cross-jurisdictional management of natural character. Improving cross-boundary management in general is an issue that requires further consideration.	<p>Delete</p> <p>Not a suitable policy for the Plan (could be included within a method)</p> <p>New issue</p> <p>Need to improve cross boundary management of the coastal environment</p>
Policy 4.2.3(f)	New subdivision, use and development should be located in areas already modified by development. It should also be compact, not add to sprawl or sporadic development, and minimise further loss of the remaining natural character of the areas. In particular, further urban development of the coastal environment in western areas of Tauranga Harbour, Ōhiwa Harbour, and Waiotahi Estuary, should be avoided unless it can be demonstrated that there will not be cumulative effects on the natural character and life supporting capacity of these areas.	<p>Met</p> <p>This policy has been effectively implemented by the consent process and by development of strategies that address urban growth (amongst other matters).</p> <p>The Growth Strategy for the Western Bay (SmartGrowth) provides for growth landward of coastal environment (consistent with this policy) and limits large scale urban development in the coastal environment to existing development at Waihi Beach, Katikati, Omokoroa, Bethlehem and Papamoa.</p> <p>Ōhiwa Harbour – non statutory Ōhiwa Harbour Strategy in place that sets out policy on the development of the Ōhiwa harbour. Where appropriate, the strategy will be reflected within the Ōpōtiki and Whakatāne District Plans (the Whakatāne District Council is in the process of reviewing its District Plan, Ōpōtiki District Plan will be reviewed in the next two to three years).</p> <p>Waiotahi Estuary – no urban development has occurred.</p> <p>Some clarity around ‘use’ and ‘development’, and what activities are captured by this policy is required. Some activities can be carried out in the coastal environment without compromising natural character, or may be required to enhance or preserve natural character values.</p>	<p>Amend</p> <p>New Policy that provides for appropriate activities in areas of high natural character – using the work undertaken to assess natural character.</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 4.2.3(g)	Natural character must be restored where appropriate in areas where it has been degraded.	<p>Not met</p> <p>This policy is too broad to be effective. The Plan provides no guidance on where restoration is appropriate and doesn't identify where degraded areas are – all sites that aren't of outstanding natural character could be considered to be degraded to some extent.</p> <p>NZCPS policy 14 requires identification of areas and opportunities for restoration or rehabilitation. These areas don't necessarily have to be mapped within a Plan.</p>	<p>Amend</p> <p>See comment under policy 4.2.3(c)</p> <p>Add method regarding identification of areas and opportunities for restoration (to give effect to policy 14 of the NZCOS 2010)</p>
Policy 4.2.3(h)	To promote the appropriate protection and management of privately-owned areas within the coastal environment in order to maintain or enhance natural character values.	Does not assist RMA decision-making or method implementation, but could be a method with minor rewording.	<p>Amend</p> <p>Translate into a method</p>
Policy 4.2.3(i)	New development requiring a coastal marine location should be located in the port and harbour development zones, in preference to other areas. The remaining natural character in these zones should be retained to the extent consistent with achieving the purposes of the zones as set out in chapter 3 – Plan Structure, and the need to avoid sprawling development through the wider coastal environment.	<p>Met</p> <p>The only new consented development of significance (in size/scale) outside the Harbour Development Zones has been Eastern Sea Farms (aquaculture) and the Ōpōtiki Harbour development. Other development activities outside the harbour development areas are a mooring outside the mooring zone, an artificial reef near Whale Island, barge landings at Mōtītī Island and a variety of erosion protection structures and stormwater outfalls. These activities couldn't be located in the existing development/port zones, but are required to be located in the coastal marine area.</p> <p>There are only three harbour development zones in the Plan – Whakatāne; Tauranga (CMA adjacent to Dive Crescent & the Strand) and Ōpōtiki. These don't anticipate activities such as aquaculture and the associated infrastructure. Existing development areas are relatively small and can't provide for much additional development (such as a new marina).</p>	<p>Amend</p> <p>Re-evaluate Harbour Development Zone locations, extent and details.</p>

Reference	Section of Plan	Analysis	Recommendation
		<p>The continued usefulness of the first part of this policy is limited (given the small extent of current harbour development zone).</p> <p>Port Zone – Port of Tauranga. Probably not in the interests of the Port to see much in the way of development (other than Port related activities) in this area.</p>	
Policy 4.2.3(j)	Esplanade reserves or strips adjacent to the coastal marine area should be required as a condition of subdivision or major development.	<p>Esplanade reserves are required by s230(3) of the RMA when subdivision occurs – this section of the RMA sets a minimum width of 20 metres (that can be reduced by a rule in a district plan or s resource consent). The purposes of esplanade reserves are set out in s229 of the RMA and include protection of conservation values as well as enabling public access and recreational use. There is a potential conflict between provisions on access and protection (or enhancement) or conservation values, as riparian plantings may not be encouraged (in order to facilitate access) and the reserve becomes subject to weed invasion.</p> <p>There is also a potential issue that esplanade reserves don't 'link'; therefore frustrating the intention of facilitating public access.</p> <p>The district/city councils have Reserves Management Plans – this policy could be more effective if reworded to provide direction to these Reserve Management Plans (and District Plans as appropriate) to consider issues regarding linkages between esplanade reserves, the use of appropriate planting that maintains or enhances natural character and requirements to minimise risk of weed invasion.</p> <p>NZCPS policy 18 directs that the likely impact of coastal processes and climate change be considered when providing for public open space adjacent to the coastal marine area.</p>	Amend – current policy restates a statutory obligation. Reword to provide more strategic direction on esplanade reserve management – including consideration of the potential effects of climate change and sea level rise on public open space.

Reference	Section of Plan	Analysis	Recommendation
Method 4.2.4(a)	Environment Bay of Plenty will recognise and provide for natural character values when undertaking coastal margin protection and/or retirement works.	<p>Met</p> <p>The Coast Care programme aims to protect and improve the natural character and storm-buffering functions of dune systems in sandy beach areas.</p> <p>One of the programme's objectives is to:</p> <p><i>To protect and enhance the natural character and biodiversity of BOP beaches.</i></p> <p>The regional council doesn't undertake 'hard' coastal margin protection works. Generally this is a Territorial authority or individual landowner responsibility.</p>	Amend – amend to better reflect the regional council role with regard to coastal management
Method 4.2.5(b)	Environment Bay of Plenty will promote the use of indigenous species, and in particular the use of local genetic stock, in all natural character rehabilitation strategies or other operational works within the coastal environment unless otherwise appropriate.	<p>Met, but could also be translated into policy direction.</p> <p>The importance of using indigenous species and local genetic stock is well understood and accepted by the Land management group of the regional Council, and is an important part of the Coast Care programme.</p> <p>'Life's a Beach' is a coastal education resource for schools. The education kit is distributed to all schools in NZ and teacher training sessions are run by regional council officers. The regional council also produces a Coast Care brochure series, which includes information on appropriate planting in and near dunes.</p>	Amend Translate into a stronger policy direction regarding the use of indigenous species in restoration and mitigation projects linked to consented activities, and the avoiding the use of potentially invasive species.
Method 4.2.6	Environment Bay of Plenty will be actively involved by way of education and promotion in raising the awareness of the regional community regarding the natural character values of the Bay of Plenty coastal environment.	<p>Met</p> <p>As for 4.2.5(b), and one of the Coast Care programme's stated goals is:</p> <p><i>To educate those who manage, benefit from or use BOP beaches about natural dune ecosystems.</i></p> <p>The regional council has also produced non statutory strategy documents and associated implementation plans for Ōhiwa Harbour, Tauranga Harbour and Kaituna/Maketū. These documents provide information on natural character values, and other values.</p>	Amend Reflect an engagement and education focus rather than promotion.

Reference	Section of Plan	Analysis	Recommendation
Chapter 5	Natural Features and Landscapes		
Objective 5.2.2	The maintenance of the quality of the outstanding and regionally significant landscape features.	<p>Met</p> <p>Little change identified by the 2006 assessment of outstanding/regionally significant landscapes (Boffa Miskell, 2006). Note that the objective refers to quality but not quantity of landscape features. Also no objective regarding natural features.</p>	<p>Amend</p> <p>Include extent</p>
Policy 5.2.3(a)	To ensure the visual quality, and the physical and ecological integrity of the outstanding and regionally significant natural features and landscapes of the coastal environment are maintained. The guidelines contained in the Fifth Schedule – Management Guidelines for Natural Features and Landscapes, will be applied.	<p>Met</p> <p>This policy refers to a mix of landscapes natural features and ecological integrity, which are quite separate concepts. Rehabilitating a landscape feature can be vastly different from rehabilitating natural character both of which are different from restoring ecological integrity. There is scope to provide some clarity around the difference between a landscape and a natural feature, and some separate objectives and policies for the two.</p> <p>The fifth schedule guidelines are referred to and used when assessing consent applications (regional council) and by the Environment Court (for example, recent decision to decline a development proposal on Matakana Island). <i>Chapter 5 of the Coastal Plan contains the management guidelines which sit behind the various scheduling of features as described in the other schedules referred to above. The schedules direct us primarily to the guidelines pertaining to Dunelands (S5.2) and Islands (S5.8). These guidelines also provide a section specific to Subdivision (S5.9). We set these out below as they form an important reference when we consider the planning and landscape evidence provided to the court...</i></p> <p>There is scope to better align the guidelines with the rules and zoning of the Plan.</p>	<p>Amend</p> <p>Potential to tighten up the links between the policies/rules and the guidelines and to clarify the distinction between natural features, landscapes and significant natural areas.</p>

Reference	Section of Plan	Analysis	Recommendation
		For example, the guidelines say to avoid roads across scarps wherever possible, and to restrict access to the maintenance of existing roads but this isn't reflected in the rules or policies.	
Policy 5.2.3(b)	To recognise and provide appropriate protection for natural features and landscapes of district or local significance in the coastal environment. The guidelines contained in the Fifth Schedule – Management Guidelines for Natural Features and Landscapes, should be applied.	<p>Met</p> <p>District Plans identify sites of district and local significance. The regional council implements this policy via submissions on District Plan and consent applications.</p> <p>Need to ensure consistent with policy 15 of the NZCPS.</p>	<p>Amend</p> <p>Ensure consistency with policy 15 of the NZCPS</p>
Policy 5.2.3(c)	Adverse visual effects on the outstanding and regionally significant natural features and landscapes identified in the Fourth Schedule – Natural Features and Landscapes, and the significant sub-tidal scenery identified in the Third Schedule – Areas of Significant Conservation Value, should be avoided or remedied.	<p>Partially Met</p> <p>Little change identified by the 2006 assessment of outstanding/regionally significant landscapes (Boffa Miskell, 2006). No deletions warranted, and some expansions and positive results of restoration noted.</p> <p>The significant sub-tidal scenery identified in the Third Schedule includes the Astrolabe Reef; this has suffered adverse visual effects as a result of the Rena grounding.</p> <p>NZCPS policy 15 requires that adverse effects on outstanding natural features and outstanding natural features be avoided (not remedied or mitigated).</p>	<p>Amend</p> <p>Ensure consistency with NZCPS Policy 15</p>
Policy 5.2.3(d)	To maintain significant public views and visual corridors associated with the outstanding and regionally significant natural features and landscapes identified in the Fourth Schedule – Natural Features and Landscapes. This includes views from within the landscapes or features, and views of the landscape and features.	<p>Partly Met</p> <p>Significant public views and visual corridors are identified by the SmartGrowth strategy and in some district plans. Implementation of this policy would be more effective if public views and visual corridors were consistently identified.</p>	<p>Amend</p> <p>Consider need to identify significant public views and visual corridors associated with the outstanding and regionally significant natural features and landscapes</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 5.2.3(e)	To avoid damage to visually significant vegetation such as Pohutukawa and other native vegetation on headlands, coastal cliffs, and margins of the outstanding and regionally significant landscapes and features identified in the Fourth Schedule – Natural Features and Landscapes.	<p>Met</p> <p>Little change identified by the 2006 assessment of outstanding/regionally significant landscapes (Boffa Miskell, 2006).</p> <p>This policy requires amendment to provide for trimming and removal of trees where needed, for example to manage risks of landslides.</p>	<p>Amend</p> <p>Vegetation requires management in some areas.</p>
Policy 5.2.3(f)	Wilderness values should be protected.	<p>Partly Met</p> <p>Wilderness is part of Natural Character (using the NZCPS definition) but not specifically provided for in ONFL assessment criteria, and 'wilderness' sites are not identified in the Plan.</p> <p>This policy implemented to some extent by the other natural character and landscape and natural feature policies and guidelines. There are tools that can be used to assess 'wilderness' values, such as the Recreational Opportunity Spectrum used by the Department of Conservation.</p>	<p>Amend</p> <p>Incorporate within other policies or guidelines</p> <p>Investigate options for assessing our wilderness areas so that they can be identified and protected.</p>
Policy 5.2.3(g)	To protect the cumulative landscape qualities of channels, tidal flats, beaches, coastal margins, vegetation and the land backdrop.	<p>Met</p> <p>The majority of seawall consents granted relate to existing structures (pre-RMA) that require ongoing authorisation. Consideration of effects on natural character are included in assessments of applications for new seawalls, reclamations and other structures; however these policies are not always specifically referenced in the officer's report – possibly because works are not always in areas identified in the Plan as being Outstanding Natural Features and Landscapes.</p>	<p>Retain – but move to relevant 'activity' chapter as specific to activities or broader Natural Character chapter.</p>
Policy 5.2.3(h)	Reclamations and seawalls must reflect natural coastal landforms (curves, embayments and headlands) rather than straight lines and rectangular shapes.		
Policy 5.2.3(i)	New development should be of a design, materials and colours which blend the development with the surrounding environment, and maintain amenity values. Markers or high visibility materials may be required to provide for safety where relevant.		

Reference	Section of Plan	Analysis	Recommendation
		<p>Inclusion of policies under a broader 'natural character' chapter would ensure that relevant policies are referred to during decision making.</p> <p>Ways of complying with this policy are identified in the <i>Erosion Protection Works Guidelines for Tauranga Harbour 2002</i>, which are used when assessing applications for works in Tauranga Harbour.</p>	
Method 5.2.4(a)	Contribute to a community based coast care programme and may contribute to other programmes.	<p>Met</p> <p>The regional council is the main contributor to the Coast Care programme. Other programmes we contribute to are:</p> <ul style="list-style-type: none"> • Estuary Care • Tauranga Harbour 	<p>Retain</p> <p>Possibly need to amend to list Estuary Care and Tauranga Harbour programmes.</p>
Method 5.2.4(b)	Encourage landowners and other agencies to provide appropriate protection and management of privately owned areas within the coastal environment which have outstanding or regionally significant natural features and/or landscape values.	<p>Met</p> <p>The Coast Care programme works closely with landowners and other agencies to promote the restoration of foredune throughout the region, and back dune areas where these are identified as significant natural areas.</p> <p>The regional council often makes submissions or provides comment to Territorial Authorities on resource consent applications/district plan changes that may affect natural features and landscape values.</p>	<p>Retain</p>
Method 5.2.4(c)	Encourage the appropriate agencies to undertake research for the purposes of identifying the outstanding and regionally significant sub-tidal natural features and landscapes.	<p>Met</p> <p>The RPS Plan change 1 provided the direction for assessing natural features and landscapes. Boffa Miskell has undertaken research on our behalf (2006).</p>	<p>Remove</p> <p>Sites identified. We now need to consider how to ensure that there is ongoing monitoring and reporting of identified ONFL.</p>

Reference	Section of Plan	Analysis	Recommendation
Method 5.2.4(d)	Promote and encourage the identification, protection and enhancement of other natural features and landscapes within the landward component of the coastal environment significant at the district and local level.	<p>Met</p> <p>Site specific management is undertaken through the biodiversity programme. The regional council has identified 400 SNA sites and categorised them into 3 classes. The Biodiversity Protection Programme (BPP) focuses on these 400 sites in order of priority.</p> <p>Submissions on District Plan changes and proposals requesting the identification, protection and enhancement of natural features & landscapes in the coastal environment.</p>	<p>Amend</p> <p>Combine with Biodiversity methods and amend to reflect progress made to date with the Biodiversity Protection programme</p>
Chapter 6	Significant Areas of Flora and Fauna		
General	Identification of Significant sites	<p>Significant sites of flora and fauna identified in three of the schedules – the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas.</p> <p>There is also an additional Coastal Habitat Preservation Zone that includes all sites that are significant at a regional, national or international level.</p> <p>There is scope to rationalise the presentation of this information so held in one section of the Plan and classification is consistent with policy 11 of the NZCPS, which provides for a two-tier hierarchy of protection based on the values of a site. Adverse effects on biodiversity values must be <u>avoided</u> in the highest value sites that meet the criteria listed in NZCPS policy 11(a). Significant adverse effects must be avoided, and lesser effects avoided, remedied or mitigated in other biodiversity areas.</p> <p>Technical work is being undertaken to reclassify sites using NZCPS criteria (Wildlands).</p>	<p>Consolidate Schedules identifying areas of significant flora and fauna into one Indigenous Biodiversity Schedule that identifies Preservation (avoidance of effects) and Protection areas.</p> <p>Also scope to provide a ‘protection schedule’ that includes a table that identifies each of the recognised values of a site</p>

Reference	Section of Plan	Analysis	Recommendation
Objective 6.2.2	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.	<p>Met</p> <p>Application of rules and policies meet this objective. <i>The sites within the coastal marine area that were identified as being significant in either a botanical or wildlife context have either been included within the Coastal Habitat Preservation Zone or otherwise identified as being sites of district or local significance. The policies are rigorous in seeking to achieve the objective.</i> [Matakana Island decision]</p> <p>Fairly generic objective, that's consistent with policy 11 of the NZCPS – still relevant.</p> <p>Potential to add additional objective(s) regarding enhancement/restoration and use of appropriate mitigation and remedial actions.</p>	<p>Amend</p> <p>Expand objectives to encompass more than protection of the best sites.</p> <p>New objective(s) regarding enhancement/restoration and use of appropriate mitigation and remedial actions.</p>
Policy 6.2.3(a)	To preserve the ecological values of the Coastal Habitat Preservation Zone by avoiding adverse effects on those values, and encouraging restoration and enhancement of those values where appropriate (a summary of those values is provided in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas).	<p>Met</p> <p>The rules of the Plan are fairly restrictive; therefore little activity is allowed in the CHPZ. Rules also restrict some activities that may facilitate restoration and enhancement – such as construction of boardwalks or weed control.</p> <p>Maimais – currently a permitted activity in the CHPZ. There is a potential for adverse effects in sensitive areas, for example in Ōhiwa Harbour, as a result of increased access.</p> <p>Technical work currently being undertaken by Wildland Consultants (Wildlands) to reclassify biodiversity sites in accordance with the NZCPS</p>	<p>Amend</p> <p>To reflect revised technical work (Wildlands) and proposed reorganisation of plan schedules.</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 6.2.3(b)	To avoid or remedy adverse effects on the values of the sites and areas of significance in the Coastal Management Zone. The sites and areas are shown on the maps, and a summary of values is provided in the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas. Remediation can be achieved by means of a financial contribution, where appropriate, as set out in the Tenth Schedule – Financial Contributions.	<p>Policy doesn't provide for mitigation of effects, which may be appropriate in some circumstances. Little guidance on what is appropriate remediation or mitigation. Proposed NPS on Biodiversity provides some guidance on mitigation/remediation.</p> <p>Policy direction also needs to clarify that avoidance of effects on biodiversity values is preferable and that no net loss of a particular ecosystem is the desired outcome. This is particularly relevant to areas in the coastal environment where there is little 'space' available to create new or replacement habitat.</p>	<p>Amend</p> <p>To reflect revised technical work (Wildlands) and ensure consistency with NZCPS 2010</p> <p>New policies – regarding appropriate mitigation and remediation options; seeking avoidance of effects as a preference; desired outcome is no net loss of ecosystem/habitat</p>
Policy 6.2.3(c)	To promote and encourage the appropriate protection and management of all sites of significance on land within the coastal environment, as identified in the maps, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas.	<p>Met – see comments under method 6.2.5(d)</p> <p>This policy does not assist RMA decision-making or method implementation (and is a duplication of method 6.2.5(d) regarding advocacy and district councils).</p> <p>Policy could be rephrased to direct applicants/decision makers to consider the potential direct and indirect effects of activities in the CMA on land-based sites of significance, and provide more direction on appropriate protection and management.</p>	<p>Amend</p> <p>To provide more direction to decision makers</p>
Policy 6.2.3(d)	To afford an appropriate level of protection to significant indigenous vegetation and habitats of indigenous fauna which are not specifically identified in this plan.	<p>Met</p> <p>Effects on biodiversity are considered as part of the consent process regardless of whether a site is identified in the Plan. Useful to have policy direction that this is required. The use of the word 'significant' could be removed to ensure that appropriate protection is provided regardless of status.</p>	<p>Amend</p> <p>Remove the word 'significant'</p>
Policy 6.2.3(e)	To ensure that all Environment Bay of Plenty planning, decision-making and operations within the coastal environment provide for the protection of significant sites of indigenous vegetation and significant habitats of indigenous fauna as matters of national importance.	<p>Met</p> <p>Repetition of obligations imposed under section 6(c) of the RMA. Could potentially be reworded as an objective (but adds little value given RMA direction).</p>	<p>Delete</p> <p>Statutory obligation under the RMA</p>
Policy 6.2.3(f)	To promote the undertaking of the further studies	Met – see comments under methods 6.2.5(a)-(c)	Delete

Reference	Section of Plan	Analysis	Recommendation
	necessary in order to complete the identification of all areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.	Does not assist RMA decision-making or method implementation (duplication of methods regarding research). Potential to replace with rules that provide for research/monitoring activities as permitted activities (subject to conditions) and associated policy that states that research/monitoring is an appropriate use of the coastal environment	Use alternative provisions and rules to meet the intent of this policy
Policy 6.2.3(g)	To encourage landowners or lease holders in the development of conservation strategies for the significant sites identified in the maps and shown in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas and to work with them in the development of these strategies.	Met – see comments under method 6.2.5(f) Does not assist RMA decision-making or method implementation (duplication of method 6.2.5(f) regarding protection and management of privately-owned areas). Potential to replace with rules that provide for appropriate protection and management of sites as a permitted activity (subject to conditions) and associated policy direction.	Delete Use alternative provisions and rules to meet the intent of this policy
Policy 6.2.3(h)	To encourage district councils to take into account the adverse effects that domestic dogs and cats have on the wildlife of the Coastal Habitat Preservation Zone and other sites of significance identified in this plan, when preparing district plans which regulate urban development and public access.	Met Submissions to District Plan proposals and reviews, and consent applications. This could be incorporated within Method 6.2.5(d).	Amend Incorporate within method 6.2.5(d).
Method 6.2.4(a)	The relevant provisions of the Biosecurity Act will be used to facilitate the management of pest problems in the Coastal Habitat Preservation Zone and other sites of significance.	Met The Regional Pest Management Plan has been prepared in accordance with the Biosecurity Act. This Plan sets out roles and responsibilities for the regional council. It is a species (rather than location) led plan. Rabbit and/or weed control is undertaken at Coast Care sites as required to achieve the restoration objectives for each site.	Amend

Reference	Section of Plan	Analysis	Recommendation
Method 6.2.4(b)	Environment Bay of Plenty with district councils will prioritise remedial actions to address unauthorised activities in the Coastal Habitat Preservation Zone and other sites of significance identified in this plan.	<p>Met</p> <p>The regional council undertook a programme to prioritise and remove illegal structures; the location of a structure in a CHPZ formed one of the criteria in that prioritisation, also territorial authorities have taken action in a number of places.</p> <p>Consideration of the values of a site and the extent of adverse effects caused by unauthorised activities are considered by operational staff as a matter of course when responding to complaints and incidents.</p>	<p>Remove</p> <p>Structures already addressed and prioritisation of other unauthorised activities sits better with pollution prevention operational strategy.</p>
Method 6.2.5(a)	Encourage research on marshbird habitats within the Maketu, Little Waihi, Waiotahi, Waiaua and Waioeka/Otara estuaries.	<p>Met</p> <p>Work undertaken by the regional council (for example looking at Marshbird habitats in Ōhiwa Harbour and sand dune habitat across the region). Regional council support provided to other projects and student research.</p>	<p>Amend</p> <p>Research priorities and needs alter over time, a more appropriate method is one seeking that research needs in the coastal environment are identified and prioritised, and that projects addressing priority research needs are encouraged.</p>
Method 6.2.5(b)	Encourage research on other wildlife habitats within the coastal environment, with particular regard to sub-tidal areas, intertidal mudflats, beaches, spits and fresh water wetlands.	<p>Manaaki Taha Moana project – monitoring project of Tauranga Harbour (intertidal complete; subtidal monitoring due to be undertaken next year). Theregional council is supporting this project.</p>	
Method 6.2.5(c)	Encourage further botanical research for the purpose of identifying any additional areas of significant indigenous vegetation within the coastal environment.	<p>The regional council recently begun sponsorship of the Coastal Chair at Waikato University.</p>	
Method 6.2.5(d)	<p>Encourage district councils to seek the protection of the natural character of the coastal environment, and sites of ecological significance within the landward component of the coastal environment by way of:</p> <ul style="list-style-type: none"> • appropriate provisions within district plans; • the purchase of land for reserves; • the acquisition of land through reserves contributions; • the use of heritage protection orders; 	<p>Met</p> <p>Submissions/comments on District Plan proposals or changes and notified consents</p> <p>This is a significant component of the Coast Care programme – working with the five partner agencies to improve the natural character of the coastal environment. We do this in the ‘landward’ component where the Coast Care site is also a Significant Natural Area.</p>	<p>Retain</p>

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> • the use of conservation covenants or other voluntary agreements; • incentives (such as rating relief); • the use of operational works (such as fencing); • the inclusion of appropriate conditions on resource consents; • any other appropriate technique or mechanism; • reserve management plans. 		
Method 6.2.5(e)	<p>Encourage the Department of Conservation to develop and implement appropriate strategies for the purposes of protecting areas of significant indigenous vegetation and significant sites of indigenous fauna within the coastal environment, including:</p> <ul style="list-style-type: none"> • appropriate provisions within conservation management strategies; • the development and implementation of management plans for coastal reserves (where applicable); • the purchase of land for reserves; • the use of conservation covenants or other agreements; • the use of operational works (such as fencing); • any other appropriate technique or mechanism. 	<p>This is the Department of Conservation's (DoC) role. Possibly we can add value by way of support or collaboration. For example, Cast Care has provided beach access posts for DoC reserves and assisted with rabbit control at Waitohi spit.</p> <p>Also examples of collaboration in the various Strategies – Ōhiwa Harbour, Kaituna-Maketu – review to determine whether any actions that it is appropriated to incorporate as methods in the Regional Coastal Environment Plan.</p>	<p>Remove</p> <p>Replace with an alternative method that has more of a working collaboratively with others (not just DoC) direction</p>
Method 6.2.5(f)	<p>Encourage landowners to provide appropriate protection and management of privately-owned areas within the coastal environment which have significant indigenous vegetation or significant habitats of indigenous fauna.</p>	<p>Met</p> <p>Undertaken as part of the Coast Care programme and the Biodiversity programme.</p>	<p>Retain</p>

Reference	Section of Plan	Analysis	Recommendation
Method 6.2.6	Environment Bay of Plenty will be involved in education programmes to raise community awareness of the need, and means to maintain significant indigenous vegetation and fauna in the coastal environment. This includes the Coastcare programme.	<p>Met</p> <p>Achieved through the Coast Care programme. Also, the 'Life's a Beach' is a coastal education resource for schools. The education kit is distributed to all schools in NZ and teacher training sessions are run by regional council officers. The regional council also produces a Coast Care brochure series, which includes information on appropriate planting in and near dunes.</p>	<p>Retain</p> <p>Potential to consolidate some of methods around this topic.</p>
Chapter 7	Public Access		
Objective 7.2.2	The maintenance and enhancement of appropriate public access to and along the coastal marine area.		
Policy 7.2.3(a)	<p>To promote public access to and along the coastal marine area and ensure that public access is restricted only where necessary:</p> <ul style="list-style-type: none"> • To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; • To protect Maori cultural values; • To protect public health or safety; • To ensure a level of security consistent with the purpose of a resource consent; or • In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access. <p>Further provision for and enhancement of public access to and along the coastal marine area will, as far as practicable, avoid any adverse effects on other values.</p>	<p>Met</p> <p>Effects on public access are considered as part of the consent process. District Plan submissions/consent application comments are also made by the regional council on this topic.</p> <p>NZCPS policies 19 and 20 relate to public access. The NZCPS separates walking access from vehicle access and also contains a direction to provide for alternative walking access routes that are free of charge.</p>	<p>Amend</p> <p>To give effect to the NZCPS 2010</p>

Reference	Section of Plan	Analysis	Recommendation
	The provisions of chapter 3 – Plan Structure, chapter 4 – Natural Character, the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, the Seventh Schedule – Significant Indigenous Vegetation Areas, the Fourteenth Schedule – Areas of Significant Cultural Value, and the maps, should be used as a guide to the relative sensitivity of the coastal environment to public access.		
Policy 7.2.3(b)	To promote the use of a limited number of official accessways to and along the coastal marine area in sensitive areas.	<p>Met</p> <p>The Coast Care programme works with territorial authorities to limit official accessways in sensitive areas.</p>	Retain
Policy 7.2.3(c)	Esplanade reserves or strips adjacent to the coastal marine area should be required as a condition of subdivision or major development.	See policy 4.2.3(j)	
Policy 7.2.3(d)	New facilities should be designed to maximise public use and access as well as private use.	<p>The intent of this policy is unclear. It is not certain whether it is designed to capture land-based waterfront development as well as activities in the coastal marine area.</p> <p>Met – in relation to CMA</p> <p>Provision of public access is an important consideration with regard to applications for activities in the CMA – and consent conditions are imposed to provide for public access (unless it is appropriate to restrict access in accordance with policy 7.2.3(a)).</p>	<p>Amend</p> <p>Clarify intent</p>
Policy 7.2.3(e)	Public access onto and alongside the commercial wharfs at the Port of Tauranga should be restricted where reasonably necessary to provide for security and public safety.	<p>Met</p> <p>Overlap with policy 7.2.3(a). Could move to a Port Chapter.</p>	<p>Retain</p> <p>Move to Port Chapter</p>

Reference	Section of Plan	Analysis	Recommendation
Method 7.2.4(a)	Environment Bay of Plenty will undertake consultation and research to identify areas or circumstances where public access through the coastal marine area may need to be restricted for the purposes of policy 7.2.3(a). Consultation will include iwi, district councils, the Department of Conservation, user organisations, community groups, landowners, conservation groups and public.	<p>Partly Met</p> <p>The Coast Care programme achieves this in part through site plans with individual territorial authorities and the Department of Conservation.</p> <p>Development of an Access Strategy is one of the actions included in the Tauranga Harbour Recreation Strategy 2008; however the focus of this strategy is enhancing rather than restricting access. A gap analysis is currently being undertaken to determine whether an Access Strategy is still required.</p> <p>The NZCPS requires the regional council to look at public access – there is potentially an opportunity to identify vehicle access areas and areas where public access (walking) should be restored.</p>	<p>Amend requires rewording to reflect the direction of the NZCPS</p> <p>New method – consider use of a new method regarding development of a region wide access strategy</p>
Method 7.2.4(b)	Environment Bay of Plenty will contribute to a community based coastcare programme for beaches.	Met	Retain
Method 7.2.4(c)	District councils should monitor the effects of recreational access to the coast. This includes effects on private land as well as effects on the environment generally.	To some extent this information is captured through Coast Care's biennial coastal inventory.	
Method 7.2.4(d)	<p>District councils should manage the cumulative effects of recreation on the coastal environment by:</p> <ul style="list-style-type: none"> Rationalising the large number of informal access tracks through dune and saltmarsh areas and replacing them with appropriately designed access ways at appropriate locations. Ensuring that formal access is well marked, and the public is well informed about the need to avoid damage to dunes, saltmarsh or property. 	<p>As part of the Coastcare programme, the regional council works with territorial authorities and residents to decide which accesses should be formalised and which should be closed or moved. For example, changes to access points have been made at Bowentown/Pios Shores.</p> <p>Formal access to the coast is well-marked in each of the four districts. The district/city councils are partners to the Coast Care programme, which provides public information, signage and education about the need to avoid damage to dunes.</p>	<p>Retain</p> <p>This method has been well implemented, although there is some difficulties associated with enforcement of bylaws, and in conjunction with a revised method 7.2.4(d) will provide for management of cumulative effects of access.</p>

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> Restricting vehicles from beaches and dunes and other sensitive coastal sites, except in special circumstances and for vessel launching. Reducing the effects of informal boat launching by considering the provision and maintenance of formal boat launching facilities in appropriate locations. 	<p>The four coastal district/city councils each have bylaws controlling vehicle access to beaches. Part of the focus of these bylaws is restricting vehicle access to sensitive coastal sites. Some members of the community have queried the effectiveness of these bylaws and the extent to which they are enforced.</p> <p>Coastal Reserve Management Plans also look at issues of access and boat launching facilities.</p>	
Method 7.2.4(e)	District councils should exercise their functions under section 35(5)(ja) of the Act; to keep public record of the location of legal public access to the coast. District councils may wish to consider including this information in district plans.		
Method 7.2.5(a)	Encourage appropriate agencies to provide for access to and along the coastal marine area by purchasing areas or formulating agreements such as easements and walkways.		
Method 7.2.5(b)	Encourage district councils to ensure, as far as practicable and where appropriate, that the siting of new structures or activities on land adjoining the coastal marine area will not restrict or impede public access.	<p>Met</p> <p>The regional council makes submissions/comments on District Plan proposals or changes and consent applications on this matter. The NZCPS policy 20 contains direction on provision of public open space.</p> <p>These matters are considered during the consent process for any structures or other activities that require regional council resource consent – should be a clear policy direction regarding this.</p>	<p>Amend to take into account the public open space requirements of the NZCPS.</p> <p>Amend policy 7.2.3(d) to incorporate direction to ensure siting of structures does not restrict or impede public access.</p>
Chapter 8	Tangata Whenua Interests		
Objective 8.2.2(a)	The involvement of tangata whenua in management of the coastal environment.		

Reference	Section of Plan	Analysis	Recommendation
Objective 8.2.2(b)	The protection of the characteristics of the coastal environment of special spiritual, cultural and historical significance to tangata whenua.	Partially met Potential effects on spiritual, cultural and historical values are assessed during the consent process; however, there are instances where consents are granted that do not provide for protection of these values (as it is determined that it meets the purpose of s5 RMA to allow activities). In these instances consent conditions are imposed to limit the extent of effects and provide some degree of mitigation and/or remediation.	Retain
Objective 8.2.2(c)	Sustaining the mauri of coastal resources.	Partially met Difficult to assess overall as there is no monitoring system in place to assess the mauri of coastal resources. In any case, this may only be able to be done meaningfully by tangata whenua rather than the regional council. Potential effects on mauri are considered during the resource consent and decision-making process, and applicants are directed to consult with tangata whenua to determine the potential for effects. Potentially need to also provide for restoration of mauri.	Amend Expand to seek restoration or enhancement of mauri
Policy 8.2.3 (a)	To recognise the significance of the coastal environment to tangata whenua, and to provide for customary uses and management practices relating to the natural and physical resources of the coastal environment, including mahinga mataitai, waahi tapu and taonga raranga, in accordance with tikanga Maori.	Met Provided for in the consent process – consideration could be given to providing for some customary uses as permitted activities (depending on the scale of activities)	Amend Consider need for permitted activity rule for customary uses
Policy 8.2.3 (b)	To recognise the role of tangata whenua of the Bay of Plenty as kaitiaki of the region's coastal resources, and the right of each iwi to define their own preferences for coastal management within their tribal boundaries.	Partially Met Iwi management plans are taken into account during the consent process as are the views of tangata whenua. Transfer of powers has not occurred, so no formal means of implementing this policy.	Amend Make specific reference to Iwi management Plans

Reference	Section of Plan	Analysis	Recommendation
		Some groups in the region are seeking recognition of customary marine title and/or customary rights under the Marine and Coastal Area Act; there are also Treaty Settlement negotiations underway that may result in co-management arrangements over areas of the coastal environment.	
Policy 8.2.3 (c)	To avoid, remedy or mitigate adverse effects on resources or areas of special spiritual, historical or cultural significance to tangata whenua. This includes, but is not limited to, those areas and values identified in the maps and Fourteenth Schedule – Areas of Significant Cultural Value.	<p>Partly Met</p> <p>This is specifically considered during the resource consent process. Proposals that will have an adverse effect on resources or areas of significance to tangata whenua have been granted consent. This has occurred when the proposal has been found to meet the over-arching sustainable management purpose of the RMA.</p> <p>Iwi/hapū would like specific reference to mataitai reserves and rohe moana in the Plan. Iwi and hapū groups recognise that it may not be appropriate to list these within the Plan as these will change with time, but note that there is a need to signal their existence and importance.</p> <p>Note that the Fourteenth Schedule is not comprehensive – requires expansion.</p>	<p>Retain</p> <p>Note – 14th Schedule needs review</p>
Policy 8.2.3 (d)	To provide for papakainga housing in the coastal environment in a manner consistent with other relevant provisions of this plan.	This policy is not particularly clear – would be better to specifically reference the relevant provisions of the Plan.	<p>Amend</p> <p>Provide more specific direction</p>
	Environment Bay of Plenty and the iwi of the region will:		
Method 8.2.4(a)	Develop methods to protect the mauri of the natural and physical resources of the coastal marine area.	<p>Not met</p> <p>No specific methods have been developed to protect of mauri. However, potential for adverse effects on mauri are considered during the resource consent process.</p>	<p>Retain</p> <p>If further consultation supports inclusion</p>
Method 8.2.4(b)	Develop procedures which will give effect to the tangata whenua role as kaitiaki of their coastal taonga and enable the practice of kaitiakitanga.	Not met	<p>Retain</p> <p>If further consultation supports inclusion</p>

Reference	Section of Plan	Analysis	Recommendation
Method 8.2.4(c)	Protect, through both the plan and consent processes, those characteristics, sites, features, resources or attributes of the coastal marine area which are either of cultural value or special significance to tangata whenua (where these are known).	Achieved Repetition of s6(e) of the RMA	Remove Statutory requirement (s6(e) RMA)
Method 8.2.4(d)	Facilitate the development of an appropriate system for the release by tangata whenua of culturally sensitive information to Environment Bay of Plenty.	Met The Maori Policy team manage culturally sensitive information – this applies to a broad range of functions not just the Plan.	Remove Not specific to the coastal environment
Method 8.2.4(e)	Develop processes in accordance with tikanga Maori to facilitate effective consultation with tangata whenua about proposals for the use or development of coastal resources.	Partly met Engagement guideline for regional council staff developed. Processes specific to resource consent consultation have not been developed.	Remove Relevant to all Plans & processes.
Method 8.2.4(f)	Have regard to any local resource management strategies or plans prepared by tangata whenua and consider their incorporation within plan changes or the Regional Coastal Environment Plan First Review.	Met Iwi management plans lodged with council will be referred to	Remove Statutory requirement
Method 8.2.4(g)	Consider the transfer of resource management functions, duties and/or powers to iwi authorities where such is appropriate to the circumstances and to both parties, having regard to the requirements of section 33 of the Act.	Transfer of powers not undertaken to date.	Remove Sits outside the Plan
Method 8.2.4(h)	Maintain and make available a register of contact persons for the iwi of the region to assist applicants in their consultation with tangata whenua.	Met Māori Contacts Database. Freely available to Consents Team, and information provided to applicants.	Remove Statutory requirement and not specific to the coastal environment
Method 8.2.4(i)	Allocate appropriate resources to enable the implementation of these methods in order of priority.	Should be an implementation plan to address resourcing.	Remove

Reference	Section of Plan	Analysis	Recommendation
Method 8.2.4(j)	Environment Bay of Plenty will Require all applications for coastal permits to have sufficient evidence of consultation with all tangata whenua that are likely to be affected by the proposed activity or those who otherwise have tribal jurisdiction over the intended location of the proposed activity.	Not possible Consultation with regard to resource consent applications is not a duty under the RMA (as stated by s36A RMA). An adequate assessment of effects is required and identification of affected persons.	Remove –reword as a policy direction to guide what is required in terms of cultural effects assessment and identification of affected persons.
Method 8.2.4(k)	Environment Bay of Plenty will In accordance with section 104(1)(i) of the Act, have regard to iwi management plans when considering applications for coastal permits	Met IMPs are considered during the consent process under s104(c) of the RMA. Māori Policy has provided folders of all IMPs to assist (which are updated). This should be a policy.	Remove Translate into policy.
Part III	ACTIVITIES AND EFFECTS		
Chapter 9	Coastal Discharges		
Objective 9.2.2	Maintenance and enhancement of the water quality and mauri of the Bay of Plenty coastal marine area.	Partially met Maintenance – this is a strong focus in the resource consent process (particular with regard to discharge consents) Enhancement – just beginning to see progress with implementation of strategies for specific areas (Ōhiwa harbour, Kaituna-Maketū, Tauranga). Would be useful to have a separate objective relating to identifying and enhancing water quality.	Amend Separate objective that requires enhancement of coastal water quality – may need to be more specific about where this can be achieved.
Policy 9.2.3(a)	To integrate the management of water quality in the coastal marine area with the management of land use and freshwater.	Partly Met Potential effects on coastal water considered when consenting discharges to freshwater and land-based activities. The effects of land use in general on coastal water quality are have not been well managed, and have resulted in a deterioration of coastal water quality in harbours and estuaries. Integrated management is a requirement of the RMA – would be more efficient to provide further policy and methods (including rules) on how this should be implemented with regard to the coastal environment.	Amend New Chapter – Integrated Management

Reference	Section of Plan	Analysis	Recommendation
Policy 9.2.3(b)	<p>Discharges must not have significant adverse effects on aquatic life, habitats, feeding grounds, ecosystems or amenity values in the coastal marine area. This policy applies whether or not the actual point of discharge is in the coastal marine area.</p> <p>Environment Bay of Plenty will apply the classifications and standards contained in the Thirteenth Schedule – Water Quality Standards, unless other standards can be demonstrated to be more consistent with the purpose of the Act. When existing water quality significantly exceeds the classification standards, a higher standard may be applied.</p>	<p>Met</p> <p>Implemented to a high level through the resource consent process for point source discharges. Discharge consents assessments and processing are very good at adhering to this policy and also with monitoring.</p> <p>Note: The Water Quality Standards require revision</p> <p>Note: Policy doesn't specifically address the potential for discharges to cause localised erosion and scour</p> <p>The water quality standards are only referred to at a policy level in the Plan. This could be an issue if we want to review a consent under s128(1)(b) as we haven't set rules relating to standards in the Plan.</p>	<p>Amend</p> <p>Water quality standards to be revised; need to incorporate policy regarding potential for erosion and scour caused by discharges</p> <p>Ned to consider the need to have rules relating to standards (in order to be able to trigger a consent review if warranted)</p>
Policy 9.2.3(c)	<p>Discharges must not cause water quality to be unsuitable for the purposes of contact recreation, and shellfish gathering for human consumption, throughout harbours and estuaries and on the open coast out to a distance of 400 metres from the line of mean high water springs. This policy applies whether or not the actual point of discharge is in the coastal marine area.</p> <p>Environment Bay of Plenty will apply the classifications and the standards contained in the Thirteenth Schedule – Water Quality Standards, unless other standards can be demonstrated to be more consistent with the purpose of the Act. When existing water quality significantly exceeds the classification standards, a higher standard may be applied.</p>		

Reference	Section of Plan	Analysis	Recommendation
Policy 9.2.3(d)	<p>Urban land use will be managed to ensure that stormwater does not cause estuarine and harbour water quality to fail the standards set in policies 9.2.3(b) and (c) or cause accumulation of contaminants in harbour or estuary sediment at levels which have adverse effects on marine life.</p> <p>The following techniques should be considered:</p> <ul style="list-style-type: none"> • source control; • integrated management of whole stormwater catchments; • minimising the total area of impermeable catchment surfaces; • maximising disposal of stormwater to ground, except where this would cause flooding, instability or groundwater contamination; • minimising the possibility of cross contamination of stormwater systems with sewage; • the installation of stormwater treatment devices in new or upgraded stormwater systems; • ensuring that the layout of subdivision and services facilitates the retention of riparian margins and wetlands. 	<p>A Stormwater Strategy has been developed since the Plan became operational and stormwater guidelines are currently being developed that will focus on appropriate stormwater treatment methods.</p> <p>The Regional Water and Land Plan contains stormwater provisions (rules and policies) that are more comprehensive – where appropriate this should be included within the Plan.</p> <p>Policy doesn't address changing land use affecting estuarine and water quality due to increased sediment discharge.</p>	<p>Amend</p> <p>To reflect the RWLP and current knowledge</p> <p>New policy</p> <p>Related to sedimentation of harbours and estuaries</p>
Policy 9.2.3(e)	<p>Activities which could result in the accumulation of persistent toxic contaminants in sensitive receiving environments, should be avoided.</p>	<p>Policy gives no direction on what are sensitive receiving environments. Would be more appropriate to avoid the accumulation of persistent toxic contaminants in all environments, as the future use and sensitivity may not be known.</p>	<p>Amend – broaden scope</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 9.2.3(f)	<p>To have regard to the following matters when considering what constitutes reasonable mixing:</p> <ul style="list-style-type: none"> • acute and chronic toxicity effects; • efficient mixing of the effluent with the receiving waters; • minimising the area of water that does not meet the classification standards; • the purposes for which coastal waters are classified 	<p>Met</p> <p>Applied during the resource consent process</p> <p>The RWLP gives more comprehensive direction on this matter in Method 115:</p> <p><i>Define the length or radius of a reasonable mixing zone in the conditions of a resource consent for the point source discharge of contaminants to a surface water body having regard to the following assessment criteria:</i></p> <ul style="list-style-type: none"> (a) <i>The best practicable option to minimise the length or radius of the reasonable mixing zone.</i> (b) <i>The water quality classification of the receiving water body (refer to the Water Quality Classification Map), and the relevant water quality classification standard in Schedule 9.</i> (c) <i>The flow regime of the receiving water.</i> (d) <i>The ambient concentrations of contaminants in the receiving water.</i> (e) <i>Effluent discharge flow rate and contaminant concentrations.</i> (f) <i>Existing discharge and abstraction consents.</i> (g) <i>Fish migration and aquatic ecosystems requirements.</i> (h) <i>The values and existing uses of the water body.</i> (i) <i>Maori cultural values (refer to Policy 42).</i> (j) <i>Proximity to bathing sites, especially those listed in Schedule 10.</i> (k) <i>Adverse environmental effects of the</i> 	<p>Amend –policy should be consistent with the RWLP</p>

Reference	Section of Plan	Analysis	Recommendation
		<p>(l) discharge, including cumulative effects in relation to (a) to (j).</p> <p>(m) The location of the discharge and position of the outfall.</p> <p>(n) Outfall diffuser design criteria.</p> <p>(o) Information provided by the applicant.</p> <p>(p) Any other information relevant to the nature of the discharge and the site characteristics.</p>	
Policy 9.2.3(g)	Discharge of human sewage into coastal waters, that has not passed through, land, soil or wetland, may only occur where there has been full consideration of the objectives and policies of this plan, following consultation with tangata whenua, and where it better meets the purpose of the Act. For the purpose of clarity, policy 9.2.3(d) is to be applied to the discharge of stormwater.	<p>Partially met</p> <p>There is still a discharge of sewage without passing through land at Ōhope – the District Council is currently investigating ways of incorporating land-based disposal – but potentially restricted by land availability.</p> <p>Wastewater overflows result in the discharge of sewage to coastal waters.</p> <p>Transferring wastewater generated by one community for disposal in another area may be culturally inappropriate.</p>	<p>Retain</p> <p>New policy</p> <p>Need direction on the disposal of wastewater generated in one rohe to another</p>
Policy 9.2.3(h)	To continue to monitor and report on the water quality of the Bay of Plenty coastal marine area.	<p>Met</p> <p>Statutory requirement. More useful to have some kind of policy on what type of monitoring is appropriate (or what will be considered when imposing a monitoring programme by way of consent conditions)</p>	<p>Remove</p> <p>Consider inclusion regarding monitoring requirements for resource consents (by way of consent conditions)</p>
Policy 9.2.3(1)	To discourage the discharge of untreated sewage, bilge water and other contaminants from vessels within harbours and estuaries and close to beaches (see rule 9.2.4(e) which applies to untreated sewage).	Marpol regulations place restrictions on discharges of contaminants – discharge of untreated sewage prohibited within 500m of MHWS, a marine farm or a mataitai reserve; in depths less than 5m; or within 200m of a marine reserve.	<p>Amend</p> <p>Need to be at least as restrictive as the Marpol regulations (can be more restrictive). Consider amending rule 9.2.4(e) to make</p>

Reference	Section of Plan	Analysis	Recommendation
		Regulations may allow for the discharge of untreated sewage in certain parts of Ōhiwa and Tauranga Harbours – subject to technical advice/cultural views propose amending rule 9.2.4(e) prohibiting the discharge of untreated sewage anywhere in Ōhiwa and Tauranga Harbours. Need to confirm whether restriction appropriate for any other locations.	clear that the discharge of untreated sewage anywhere in Tauranga and Ōhiwa Harbours is prohibited.
Policy 9.2.3(j)	To maintain a response capability with regard to unauthorised or accidental discharges or spills of contaminants into the coastal marine area.	Met	Retain
Policy 9.2.3(k)	To promote or otherwise require that facilities are available for the appropriate shore based disposal of contaminants associated with the operation or maintenance of vessels.	Met Considered when processing marina consents – should be a requirement.	Amend To provide direct wording
Policy 9.2.3(l)	To ensure as far as practicable that the discharge of ballast water within the coastal waters of the Bay of Plenty does not result in the introduction of harmful substances or organisms.	Met by Biosecurity legislation Import ballast water discharges are controlled by MAF under Section 22 of the Biosecurity Act 1993 – Import Health Standard for Ballast Water.	Remove Controlled by the Biosecurity Act
Policy 9.2.3(m)	In conjunction with all other appropriate agencies, as circumstances permit Environment Bay of Plenty will identify areas where it is unsafe for either contact recreation or shellfish gathering, and shall: <ul style="list-style-type: none"> inform the Medical Officer of Health, and where relevant, the district council; and investigate the cause of the problem; and where the cause is due to consented activities, take all necessary remedial actions. 	Met Policy 9.2.3(m) would fit better as a method. Annual monitoring of bathing waters/shellfish undertaken. Work with TAs and Toi to Ora to identify areas where restrictions are required. Information provided on website and via press releases. Investigations undertaken as required (examples?) and monitoring results fed into consent processes.	Amend Convert to a method
Method 9.2.5(a)	Continue to routinely undertake its triennial surveys of bathing beach suitability and shellfish contamination.		Retain
Method 9.2.5(b)	Continue to operate the coastal component of its Natural Environment Regional Monitoring Network, in accordance with the provisions of its annual plan.	Met	

Reference	Section of Plan	Analysis	Recommendation
Method 9.2.5(c)	Continue to undertake projects and investigations into coastal water quality matters as the need arises.	Achieved For example, Sea lettuce distribution and nutrient levels; stormwater discharges in Tauranga harbour; sediment studies in Tauranga Harbour	
Method 9.2.5(d)	Continue to routinely monitor authorised discharges to the coastal marine area, and take all necessary steps to ensure continuing compliance with the conditions of each consent.	Achieved	Remove – statutory responsibility under RMA
Method 9.2.4(e)	Continue to investigate complaints related to discharges or spills to the coastal marine area, and take all steps, as appropriate, to: stop the continued discharge of the contaminant; and ensure as far as practicable the adverse effects of the discharge or spill are remedied (including removing or neutralising the contaminant), in the first instance by the person or agency responsible for the discharge or spill but failing such by Environment Bay of Plenty staff or its agents; and recover all costs associated with attendance, investigation and any clean-up operation if Environment Bay of Plenty or its agents undertook such actions; and ensure as far as practicable that steps are taken to prevent a reoccurrence of the particular discharge or spill.	Achieved	Remove – statutory requirement under the RMA
Method 9.2.5(f)	Continue to use its erosion control and soil conservation programmes for the direct or indirect protection of water quality within the coastal marine area, principally by way of farm plans and the requirement for and/or promotion of the retention of riparian strips, both on river or stream margins as well as along the coastal edge.	Met Sustainable land management programme – riparian management plans. Tauranga Harbour catchment work – part of new Tauranga Harbour programme.	Amend Need the wording to reflect current programmes.

Reference	Section of Plan	Analysis	Recommendation
Method 9.2.5(g)	Investigate the appropriateness of establishing additional water classifications for other areas with specific management needs.	Met Investigations undertaken with regard to aquaculture – not progressed through a Plan Change due to pending aquaculture reforms. The NZCPS is now directing identification of areas of degraded water quality – this is work that hasn't been specifically undertaken to date. There may also be a need for Tauranga Harbour specific standards.	The water quality classifications need revision.
Method 9.2.6(a)	Make available the results of the investigations described in methods 9.2.5(a)-(d) inclusive by way of both technical reports and news media releases.	Met This method has been implemented as written; however this is not necessarily the most efficient means of communicating information to the community	Amend Communication methods need to suit the target audience.
Method 9.2.6(b)	Provide information on the location of facilities for the land disposal of both sewage and bilge water from vessels as these become available.	Met – indirectly Only land disposal site is at Tauranga Bridge Marina. Booklets available at reception from other organisations. Maritime New Zealand has published a booklet detailing Waste Reception Facilities in Australian and New Zealand Ports. The Marina Operators Association of New Zealand runs Clean Boating and Clean Marina programmes and produces a series of Clean Boating factsheets. Should include policy direction regarding the need for appropriately facilities for land disposal of both sewage and bilge water from vessels for activities such as marinas that will encourage vessel mooring.	Remove MARPOL requirements. Duplication of effort as Maritime New Zealand has lead role. Potential issue – lack of facilities for disposal of sewage and bilge water in the region
Method 9.2.6(c)	Make available information on threats to the quality of the coastal waters of the Bay of Plenty and the means to avoid or mitigate such threats, principally by way of displays, pamphlets and news media releases.	Achieved Information on our website. – general 'protecting water quality' advice and Tauranga Harbour specific factsheets and advice. Ōhiwa Harbour Strategy, Tauranga Harbour Integrated Management Strategy and Kaituna River/Maketū Estuary Strategy identify pressures on water quality and actions to improve or maintain water quality.	Amend Too prescriptive regarding how information should be made available

Reference	Section of Plan	Analysis	Recommendation
		Science reports made publicly available.	
Method 9.2.7	Environment Bay of Plenty will integrate water quality concerns in the coastal marine area with all relevant land based protocols, codes of practices, standards, criteria and guidelines that it may prepare, as well as with all land or river based pollution abatement work that it may undertake.	Achieved Policy 21(e) W&LP requires that we have full regard to the water quality classifications for coastal waters (including harbours and estuaries), and policies relevant to the coastal environment in the Bay of Plenty Regional Coastal Environment Plan when managing land and water resources. Examples: Erosion and Sediment Control Guidelines	Remove Too general to be a method in the Plan. This is not a discrete course of action but inherent in the work that we undertake as a regional council.
Method 9.2.8(a)	Encourage the use of non-toxic or less toxic antifoulants on vessels.	Limited opportunity to implement this method.	Remove
Method 9.2.8(b)	Encourage practices for boat maintenance which will prevent significant quantities of toxic or harmful substances from entering the sea.	There are rules controlling the discharges related to boat cleaning – this should be translated into policy direction.	Amend Should be controlled by policies and rules
Method 9.2.8©	Encourage practices which will prevent vessels from discharging significant quantities of contaminated bilge water and other contaminants into the sea.	Limited opportunity to implement this method.	Remove
Method 9.2.8(d)	Encourage the boat industry to introduce compulsory sewage holding tanks for all vessels which provide accommodation.	Not realistically achievable	Remove
Method 9.2.8(e)	In conjunction with district councils, promote or otherwise ensure adequate provision is made for the collection, treatment and appropriate disposal of vessel maintenance and cleaning residues, as well as sewage from vessel holding tanks and contaminated bilge water.		
Rule 9.2.4(a)	Discharge of stormwater – permitted rule. The discharge of stormwater to the coastal marine area is a permitted activity provided that: <ul style="list-style-type: none"> the suspended solids concentration of the water discharged does not exceed 150 g.m-3; and the water discharged is substantially free of grease, oil, scums and foam; and 	The current permitted activity rule is not consistent with the Regional Water and Land Plan. Should use RWLP as a basis for developing improved stormwater rules, but with amendments to reflect what's been learnt through implementation of the RWLP. For example, some allowance for minor stormwater discharges in areas subject to a CSC as a permitted activity.	Amend Rules should be consistent with the Regional Water and Land Plan unless demonstrated not appropriate. Another option is to transfer the rules covering this activity to the RWLP.

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> the maximum discharge does not exceed 80 litres per second for a 20% AEP storm event (5 year return period storm). 	Stormwater rules need more 'teeth' to require better treatment. The permitted activity focuses on rate of discharge – but more concerned about contaminants in the stormwater (zinc, copper, hydrocarbons for example).	New rule Permitted activity for discharge of certain herbicides over water in specified circumstances
Rule 9.2.4(b)	Catch all discharge rule – discretionary Except as expressly provided for or prohibited by other rules to this plan, any discharge is a discretionary activity.	<p>The use of a catch-all rule is effective as it provides certainty regarding the status of discharges not specifically provided for. Note, that the current rule does not use the word 'discharge of contaminants' this has the potential to cause some confusion about what is captured.</p> <p>This rule currently captures activities such as the discharge of herbicides to wetlands that already have approval by the EPA for use over water. The RWLP contains a permitted activity rule regarding such discharges when undertaken for enhancement purposes. This would provide a more efficient means of regulating these discharges, which have already been assessed at a national level.</p>	Amend Amend rule to specify that it relates to the discharge of contaminants
Rule 9.2.4(c)	Discharge of human sewage The discharge of human sewage, other than from vessels, into the coastal marine area of harbours and estuaries, which has not passed through soil or wetland (in addition to other treatment), is a prohibited activity (Note: rule 9.2.4(e) applies to discharges of untreated sewage from vessels).	Discharge of raw sewage is prohibited (and sewage that hasn't passed through soil or wetlands); however, discharges do occur in overflow situations. We need to have a discussion with the community and territorial authorities regarding whether it is most appropriate to maintain the prohibited status or require such discharges to obtain a consent	Requires community and territorial authority input
Rule 9.2.4(e)	<p>The discharge of untreated sewage from vessels in the Tauranga and Ōhiwa harbours, is a prohibited activity within 500 metres seaward of the harbor entrances and within 500 metres of a marine farm or a gazetted mataitai reserve.</p> <p>For the purpose of this rule, the entrances are defined respectively as:</p> <ul style="list-style-type: none"> Lines drawn across the Katikati and Tauranga entrances at U13 748 109, U13 763 091, U14 883 926 and U14 902 926 respectively. 	<p>This rule implements the MARPOL regulations; however it is difficult to enforce and potentially allows for the discharge of untreated sewage in certain parts of Tauranga and Ōhiwa harbours. A more effective and efficient rule would be to prohibit all discharge of untreated sewage within the harbours. The regional council can impose more strict rules than the MARPOL regulations.</p> <p>ANZECC. May require incorporation within policy direction once finalised.</p>	Amend Expand to extend coverage to the entire area of Tauranga and Ōhiwa harbours

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> A line drawn across the Ohiwa Entrance at W15 738 492, W15 760 487. <p>Note: This rule extends the application of the Resource Management (Marine Pollution) Amendment Regulations 2002.</p>		
Rule 9.2.4(f)	The discharge of any contaminant from cleaning of the exterior of the hulls of ships or offshore installations below the load line, or parts of a ship used for carrying cargo, is a discretionary activity.	<p>This rule is effective and captures an activity with potential adverse effects. Use of appropriate facilities needs to be promoted.</p> <p>Draft antifouling and in-water cleaning guidelines have been produced by the Australian and New Zealand Environment and Conservation Council (ANZECC) – the final version may contain some material that is suitable for incorporation in the Plan.</p>	<p>Retain</p> <p>Note – additional policy guidance/methods may be required to reflect current best practice.</p>
Chapter 10	Taking, Using, Damming or Diversion of Coastal Water		
Objective 10.2.2(a)	No significant changes in marine ecosystems from the taking, diversion or damming of water.	<p>Met</p> <p>Activities undertaken to date have been minor.</p>	Retain
Objective 10.2.2(b)	The diversion of natural watercourses only where necessary to protect human safety.	<p>Not met</p> <p>Diversions have been allowed where protection of human safety is not the intent – namely in relation to wetland restoration/enhancement proposals. These proposals meet the purpose of the RMA and should be provided for in the policy framework.</p> <p>One another instance not consistent with this policy – granted consent for excavation of a tidal lagoon to provide for stormwater disposal prior to discharge to Tauranga Harbour. Stormwater guidelines will help clarify whether this is an appropriate treatment solution.</p>	<p>Amend</p> <p>Expand to clarify includes navigational safety and protection from flooding</p> <p>Expand to provide for diversion where it is part of restoration or enhancement</p>
Policy 10.2.3(a)	Coastal water should not be taken in a quantity or at a rate that would cause adverse effects on marine fauna or ecosystems.	<p>Met</p> <p>Considered during consent processing</p>	Retain
Policy 10.2.3(b)	Damming or diversion of coastal water should not adversely affect ecosystems, the natural character of the coastal environment, or increase the danger	<p>Met</p> <p>Considered during consent processing – particularly</p>	Retain

Reference	Section of Plan	Analysis	Recommendation
	of flooding.	relevant to the Ōpōtiki harbour Entrance consent application	
Policy 10.2.3(c)	Where estuaries are being adversely affected by existing flood protection and drainage works, then remedial work should be undertaken, where practicable, when maintenance or additional works are undertaken.		Retain
Policy 10.2.3(d)	The integrity of major flood protection schemes is to be protected.	Met Considered during consent processing – particularly relevant to the Ōpōtiki harbour Entrance consent application	Retain
Chapter 11	Coastal Hazards		
Objective 11.2.2	No increase in the total physical risk from coastal hazards.	Not met – unachievable It is unlikely that objective 11.2.2 would be achieved even if the policies and methods were fully implemented (especially if consider events like tsunami). Direction from proposed RPS is to move toward a risk assessment and risk management approach. This is slightly contrary to the NZCPS policy 25 which seeks to avoid increasing the risk of social, environmental and economic harm from coastal hazards.	Amend Align with proposed RPS (once decision has been released)
Policy 11.2.3 (a)	To take a precautionary approach to the installation of coastal hazard protection works. Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.	This policy is effective – but note that the only definition of the best practicable option in the Plan relates to discharges. Strong policy direction in proposed RPS – that may require amendment to this policy. Possible to have a hierarchy of rules regarding protection works and to move some of the NZCPS/RPS policy direction relating to erosion protection to the structures section.	Amend

Reference	Section of Plan	Analysis	Recommendation
	<p>When considering the option of protection works, the option of using soft protection works such as dune care, beach replenishment, and restoration of estuarine vegetation, should be considered.</p> <p>When a district council identifies coastal hazard areas that include urban areas it should proactively apply this policy in consultation with the local community, Environment Bay of Plenty and other interested parties. The best practicable option selected should be included in the district plan.</p>		
Policy 11.2.3 (b)	To provide an overview of those areas within the open coast which are sensitive to coastal hazards by identifying areas sensitive to coastal hazards (ASCH).	<p>Met</p> <p>The intent of the ASCH was to provide a ‘flag’ to developers and TAs for when more detailed hazard assessment is required. Each of the coastal territorial authorities has now undertaken more detailed coastal hazard mapping (in accordance with policy 11.2.3(f)) and made associated changes to their coastal plans.</p>	<p>Amend</p> <p>The approach taken to coastal hazards within the Plan – outlining hazard areas as at a regional level and directing territorial authorities to undertake the detailed identification of hazard areas and impose appropriate land use planning controls has worked well to date.</p>
Policy 11.2.3 (c)	Where existing urban subdivision use and development falls within an area sensitive to coastal hazards (ASCH) shown in the maps to this plan, the relevant district council should commission research to identify a coastal hazard area, and include it in the relevant district plan.		

Reference	Section of Plan	Analysis	Recommendation
	<p>That research should comply with policy 11.2.3(f). Policy 11.2.3(c) applies to those areas zoned for future urban development as well as existing urban areas, but does not apply to urban subdivision and land use promoted in a private plan change. Once a coastal hazard area has been identified in a proposed district plan in accordance with policy 11.2.3(f) of this plan, the ASCH identified in this plan have no further relevance to the control of subdivision, use and development in those areas and the ASCH identified in this plan shall have no further relevance to the definition of an area sensitive to coastal hazards for that area.</p>	<p>Note – the ASCH did incorporate tsunami risk – but knowledge has increased significantly since that time.</p>	<p>However, the knowledge of coastal hazard risks has grown considerably since the Plan was drafted – and the science regarding climate change and potential effects has also improved.</p> <p>The proposed RPS introduces the concept of utilising risk based approach to managing natural hazards – this has to be given effect to via the Plan and district plans with regard to coastal hazards.</p> <p>Given the above, the future direction of Chapter 11 requires careful consideration.</p>
<p>Policy 11.2.3 (d)</p>	<p>The following matters should be taken into account when considering new subdivision, use and development within existing urban areas located in coastal hazard areas identified by district councils:</p> <ul style="list-style-type: none"> • Policy 3.4.5 of the New Zealand Coastal Policy Statement: “New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.” 	<p>Met</p>	

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> Policy 11.3.1(b)(x) of the Bay of Plenty Regional Policy Statement: “To ensure that new subdivision, use and development, and significant infrastructure are located and designed to avoid significant natural hazards, unless there is a particular functional need to locate in an area subject to significant risk. In particular, new development within existing settlements which are at risk from natural hazards, shall not result in increased vulnerability, and should aim to reduce net vulnerability over time.” 		
	<ul style="list-style-type: none"> The need to avoid compromising implementation of the best practicable option identified in accordance with policy 11.2.3(a) of this plan. The ability to manage the physical risk from coastal hazards through appropriate conditions on resource consents. 		
Policy 11.2.3 (e)	<p>Applications of new subdivision, use and development which are proposed to take place within the areas sensitive to coastal hazard (ASCH) shown in the maps of this plan should be supported by a coastal hazards analysis of that proposed area of subdivision, use and development. The New Zealand Coastal Policy Statement policy 3.4.5 states that “New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.”</p> <p>Policy 11.2.3(e) applies to both resource consents and private plan changes but does not apply to subdivision use and development in those parts of the ASCH in which policies 11.2.3(c) or 11.2.3(d) are to be; or have been applied by the district council.”</p>	Met	

Reference	Section of Plan	Analysis	Recommendation
Policy 11.2.3 (f)	<p>The following standards and criteria should be applied to the identification of coastal hazard areas for the purposes of policies 11.2.3(c) and 11.2.3(e):</p> <ul style="list-style-type: none"> • Erosion impacts of sea level rise: The Intergovernmental Panel on Climate Change best estimate, presently the IPCC 1995, IS92a scenario estimates (this is 0.49 metres by the year 2100), should be used. • Shoreline response to storm erosion and flooding: Scientifically appropriate models should be used, such as those based on, but not restricted to, the Bruun Rule. • Planning horizon: A 100-year planning horizon should be used. • Long term trend: This should be derived from cadastral, aerial photography, surveys, or other reliable historic data. The reference shore adopted should be the toe of the foredune where these land forms occur, or elsewhere should be the seaward limit of vegetation or some other datum as appropriate. • Short term fluctuation: This should be derived from the most reliable records available at the time for particular stretches of the coast, and should err on the side of caution. • Dune stability factor: This should be based on the angle of repose (AOR) of the dune sands as defined locally. 	<p>Met</p> <p>This policy is an efficient way to guide district councils. This methodology has been tested in courts and it ensures a degree of consistency between district plans.</p>	

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> Factor of safety: The coastal hazard area assessment should include an appropriate factor of safety, either built into the above criteria and standards, or added on in the final stage in the calculation. Any profiles (cross sections) should be carried out to accepted surveyors standards and practice. All levels must be in terms of mean sea level to Moturiki datum. 		
Policy 11.2.3 (g)	<p>For estuaries and harbours, the minimum ground levels or building platforms are to be determined by joint research by the relevant district councils and Environment Bay of Plenty. The following standards and factors should respectively be applied and taken into account:</p> <ul style="list-style-type: none"> sea level rise which is currently 0.49 metres; minimum annual exceedance probability of 2% (1% is recommended); tide level; barometric set up; wind set up; estuary effects; factor of safety (0.5 is recommended). 	<p>Met</p> <p>This policy is efficient but requires updating to reflect current knowledge – such as revised figures for sea level rise. NIWA study underway looking at Tauranga Harbour and modelling wave effects.</p>	<p>Amend</p> <p>Reflect current technical knowledge</p>
Policy 11.2.3 (h)	<p>Until the work in 11.2.3(g) is completed for the landward margins of Ōhiwa Harbour, the minimum ground level upon which buildings may be constructed should be 2.70 metres above Moturiki Datum plus the latest official IPCC best estimate of sea level rise (which is currently 0.49 metres), based on:</p> <ul style="list-style-type: none"> maximum tide level of 1.00 metres; barometric set up of 0.33 metres; wind set up of 0.54 metres; estuary effects of 0.33 metres; factor of safety of 0.5 metres. 	<p>Met</p> <p>The work described in 11.2.3(g) has been completed for Ōhiwa Harbour; therefore this policy is no longer required.</p>	<p>Remove</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 11.2.3 (i)	To ensure that any earthworks undertaken for the purposes of complying with policies 11.2.3(g) and 11.2.3(h) will not be subject to erosion, adversely affect the natural character of the coastal environment, or restrict flood drainage.	Earthworks for building platforms may not require a resource consent – potentially limited ability for district or regional councils to apply this policy.	
Policy 11.2.3 (j)	To protect natural values and features that provide natural hazard protection. This includes but is not limited to dunes, active offshore sand reservoirs and estuarine vegetation. Allowance should be made for the future inland migration of some natural features as a result of coastal processes (including sea level rise).	Met One of the goals of the Coast Care programme is to protect sand dunes that provide natural hazard protection.	Retain
Policy 11.2.3 (k)	Lowering of foredunes is to be avoided.	Met Implemented via consent process and submissions to district plan applications and plan changes.	Retain
Policy 11.2.3 (l)	To take into account the most recent mid-range IPCC IS92a sea level rise scenario when considering the design and location of structures in the coastal marine area.	Met Considered during the consent process. Policy direction needs to be updated in light of most recent technical guidance and the proposed RPS direction. This policy may be better situated with the other structure policies	Amend Reflect current technical knowledge
Policy 11.2.3 (m)	Buildings on the rocky open coast outside of the identified areas sensitive to coastal hazards, should be located so as to avoid the hazard of storm surge and wave run up. A minimum new building platform height of 6 metres above mean high water mark is recommended.	The policy is effective although rarely used, as most buildings on the rocky coast are well elevated. The language should be more directive.	Amend Use more direct language
Policy 11.2.3 (n)	Buildings on the rocky open coast outside of the identified areas sensitive to coastal hazards, should be located so as to avoid the hazard of cliff or slope instability.	District Council matter for consideration	Remove
Policy 11.2.3 (o)	To discourage residential development adjacent to river mouths or other areas potentially at risk from river mouth meandering.	Met	Retain

Reference	Section of Plan	Analysis	Recommendation
Policy 11.2.3 (p)	The ability of pohutukawa and other coastal cliff vegetation to maintain the stability of coastal cliffs is to be protected. Damage to any part of the plant, including the root systems, is to be avoided.	Met The policy is efficient but no need to focus on pohutukawa. Also may need to allow for trimming.	Amend
Policy 11.2.3 (q)	To encourage the incorporation of coastal hazard zones into wider building setbacks or reserves established to provide for recreation, natural character, or waahi tapu. Where appropriate, research to identify coastal hazard areas should be carried out in conjunction with research on the other values of the coast.	Met The policy is well-addressed and linked to district council actions. Generally, district councils consider this point when they are looking at reserves and esplanades. More specifically, this policy has been identified in the Ohiwa Harbour Strategy with erosion impacts on reserves and walkway planning.	Retain
Policy 11.2.3 (r)	To encourage and support initiatives designed to involve the community in Coast Care.	Duplication of method 11.2.4(a)	Remove
Policy 11.2.3 (s)	To promote consistency and integration with regard to future research on coastal hazards within the Bay of Plenty and neighbouring regions.	Met Integrated research is undertaken through the Civil Defence Emergency Management Group, and by the regional council supporting district level research projects (for example Ōpōtiki District Council coastal hazards work).	
Method 11.2.4(a)	Environment Bay of Plenty will: Promote and encourage community groups to become involved in the management (including Coast Care) of coastal hazards.	Met The method is well-implemented through Coast Care by communities. Need to clarify that community group involvement is focused on protection of natural features and soft engineering methods.	Amend Need to ensure that this method doesn't imply use of ad hoc erosion protection structures
Method 11.2.4(b)	Environment Bay of Plenty will: Promote and be fully involved in setting up an inter-regional forum in order to ensure both consistency of approach and data sharing between regional councils with regard to coastal hazards.	Met Natural Hazards Special Interest Group (SIG) and Coastal SIG – regional council involved in both groups.	Remove Special Interest Groups fall under the umbrella of LGNZ. Inter-regional forums now well-established.

Reference	Section of Plan	Analysis	Recommendation
Method 11.2.4(c)	Environment Bay of Plenty will: Encourage further research by other appropriate agencies into an integrated approach to the issues of coastal hazards.	Met Achieved via Special Interest Groups and Civil Defence Emergency Management.	Retain
Method 11.2.5(a)	Environment Bay of Plenty will: Contribute on an equitable basis towards the costs of implementing a regional community coast care programme.	Achieved	Remove Resourcing should be addressed via the relevant councils' ten year planning processes.
Method 11.2.5(b)	Environment Bay of Plenty will: Undertake research on the issue of harbour shore erosion and the effects of harbour shore protection works.	Partly met Tauranga Harbour Erosion Protection Structure Guidelines published in 2001. Scoped project for harbour shore erosion but the costs were prohibitive. More efficient for work to be undertaken on an 'as-needed' basis by territorial authorities – driven by growth and development patterns.	Amend Erosion Protection guidelines will require revision. Harbour shore erosion to be researched at a local level as needed.
Method 11.2.5(c)	Environment Bay of Plenty will: Work with Opotiki District Council to carry out detailed coastal hazard research for those areas zoned for coastal residential purposes and will consider providing financial assistance for that research.	Met Implementation is complete. Technical reports such as the report on coastal erosion (undertaken by Jim Dahm and Peter Blackwood) which was co-funded by Ōpōtiki district council and the regional council.	Remove
Chapter 12	Occupation of Space		
Objective 12.2.2	Provision for the exclusive occupation of land and any related part of the coastal marine area while avoiding, remedying or mitigating any associated adverse environmental effects.	Met This objective is implemented by the consent process. The proposed RPS provides direction on the allocation of space in the CMA that will need to be given effect to in the Plan. No policy direction to guide when occupation is or is not appropriate, and what level of public input is required when making decisions on proposal for commercial enterprises to occupy public space. Suggested by Consents Team that we consider recommending public notification for commercial	Amend – to reflect new RPS New policy (and methods/rules) regarding what is appropriate occupation, including direction regarding the occupation of space for commercial ventures

Reference	Section of Plan	Analysis	Recommendation
		proposals that require occupation of public space (if over a specified length of time).	
Policy 12.2.3(a)	To recognise and provide for the benefits to the wellbeing of present and future generations of maintaining public access to the coastal marine area. Public access should only be restricted where the criteria in policy 7.2.3(a) apply, or specific areas have been identified in accordance with method 7.2.4(a).	Met Implemented effectively by the resource consent process. The NZCPS 2010 and proposed RPS both contain direction on the provision of public access.	Amend – to reflect new RPS and NZCPS 2010
Policy 12.2.3(b)	Environment Bay of Plenty will take into account the environmental advantages of land-based aquaculture operations which avoid occupation of the coastal marine area.	Not applicable during life of Plan An application for land based aquaculture would be decided based on its merits. A consideration of alternatives is required for any water based aquaculture proposal that will have significant adverse effects – although it's unlikely that a large scale water-based venture could be replicated on land. More useful to have aquaculture specific provisions including those regarding the extent of exclusive occupation that should be afforded to an aquaculture venture.	Remove New policies required – aquaculture specific
Rule 12.2.4(a)	The occupation of land and any related part of the coastal marine area, which is land of the Crown, or is vested in Environment Bay of Plenty, is a discretionary activity.	Rule allows for allocation of common space in the CMA. Appropriate to have a 'catch-all' rule with specific exceptions. The Foreshore and seabed Act and now the Marine and Coastal Area Act have removed local and crown ownership of the CMA (except in specific circumstances). Instead the CMA is in common ownership - the common marine and coastal area.	Amend - to refer to occupy any part of the common marine and coastal area
Rule 12.2.4(b)	Notwithstanding rule 12.2.4(a), the occupation of land and any related part of the coastal marine area, which is land of the Crown, or is vested in Environment Bay of Plenty, for recreational events is a permitted activity provided that these conditions are met: <ul style="list-style-type: none"> the event does not involve occupation for more than seven days in any 12 month period; 	Effective at facilitating temporary events. The Foreshore and Seabed Act and now the Marine and Coastal Area Act have removed local and crown ownership of the CMA (except in specific circumstances). Instead the CMA is in common ownership - the common marine and coastal area	Amend – to refer to common marine and coastal area and any changes to zoning in Plan. Also ensure the conditions align with the territorial authority requirements for events.

Reference	Section of Plan	Analysis	Recommendation
	<ul style="list-style-type: none"> • there is no occupation of the Port Zone, or the Coastal Habitat Preservation Zone; • there must be consultation with the territorial authority which administers the adjacent land area; • provisions are made to protect public safety; • toilet facilities which do not dispose human waste into the coastal marine area are provided; • any rubbish or other waste material resulting from the activity must be removed from the coastal marine area; • the public must be notified about the proposed activity and any associated restrictions on the use of the area, at least seven days prior to the activity commencing; • the activity must not obstruct other persons operating in accordance with an occupation permit. • If any of the standards listed above are not complied with, the recreational event is a discretionary activity. 	No similar permitted activity regarding temporary structures.	
Rule 12.2.4(c)	Notwithstanding rule 12.2.4(a), occupation by mooring within the mooring areas shown in the maps to this plan, is a permitted activity.	Effective at providing for mooring in appropriate areas – issue is the lack of mooring space available compared to demand.	Retain New Issue: Lack of mooring space available compared to demand
Chapter 13	Coastal Structures		
Objective 13.2.2	Any structures in the coastal marine area are to be appropriate.	Met Important objective for consideration in the consent process (alongside the policies) and when determining the fate of illegal or abandoned structures. The resource consent process considers whether proposed activities are required to be located in the coastal marine area.	Retain New policy Additional guidance on what is appropriate

Reference	Section of Plan	Analysis	Recommendation
		Erection of structures is the most common activity requiring resource consent in the coastal marine area – the type of structures that are located in the CMA either require a CMA location (erosion protection structures, boat ramps, jetties for example) or are otherwise appropriate, most commonly due to supporting regionally or nationally significant infrastructure such as state highways or power transmission.	
Policy 13.2.3 (a)	To avoid all adverse effects of structures on the values of the Coastal Habitat Preservation Zone.	<p>Met</p> <p>Rule 13.2.4(k) prohibits the placement of most structures in the CHPZ, the structures that are allowed require resource consent (except maimais) – effects on CHPZ values are considered by the consent process. Only four consents for structures have been granted.</p> <p>Consistent with policy 11(a) of NZCPS</p> <p>Possible issue with permitted rule regarding maimai in CHPZ due to the disturbance associated with the access to maimai and the structures are often not removed. Raised with regard to Ōhiwa Harbour, which is also an outstanding natural character site.</p>	<p>Amend</p> <p>Amend to reflect changes to naming/organisation of biodiversity sites and outstanding natural character sites. Potential to include attribute table so it's clear what values that require protection.</p> <p>Issue: Maimais in Ōhiwa Harbour</p>
Policy 13.2.3 (b)	<p>To recognise that those structures listed in the Eighth Schedule – Outline</p> <p>Development Plan Port of Tauranga 1994-2004, are appropriate within the Port Zone provided that adverse effects are avoided, remedied or mitigated.</p>	<p>Met</p> <p>Note – Port reviewing the schedule and associated policies/rules. Will provide updated Development Plan. Potential to provide additional policy guidance regarding term of consents to provide Port with security.</p> <p>The schedule provides reasonable direction – effective means of outlining what development is expected in the Port Zone and planning for that.</p>	<p>Amend</p> <p>Reflect any changes needed to in light of an updated Port development Plan</p> <p>Possibly consolidate all Port related provisions in a stand-alone chapter</p>
Policy 13.2.3 (c)	To take into account the purpose of the Port Zone set out in chapter 3 – Plan Structure, and activities that would significantly conflict with the achievement of that purpose should be avoided.	<p>Met</p> <p>Policy well-implemented. Potential to translate some of purpose of Port Zone into policy as a more efficient mechanism.</p>	<p>Amend</p> <p>Include the purpose of the Port Zone within the policy</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 13.2.3 (d)	To recognise that those structures consistent with the purposes of the Harbour Development Zone, as expressed in section 3.3.2(c), are appropriate in the zone, provided that any adverse effects are avoided, remedied or mitigated.	<p>Met</p> <p>Policy well-implemented. Consistent with direction of NZCPS. Potential to translate some of purpose of HDZ into policy as a more efficient mechanism.</p> <p><i>The purposes of the Harbour Development Zone are to:</i></p> <p><i>Enable the development of vessel related tourism and recreational activities, so that the local community can meet its social and economic needs;</i></p> <p>Concentrate structural development in areas already modified, so that development is guided away from other coastal areas of higher natural character and cultural value;</p> <p>Maintain and enhance public access to and enjoyment of the waterfront;</p> <p>Maintain and enhance amenity, historical and cultural values;</p> <p>Enable the development of vessel related facilities for the commercial fishing industry;</p> <p>Maintain the natural character values of the Whakatāne Harbour entrance.</p>	<p>Amend</p> <p>Include the purpose of the Harbour Development Zone within the policy</p>
Policy 13.2.3 (e)	To allow an activity in the Coastal Management Zone where it is appropriate having considered the actual or potential effects on the environment, including the values of the site.	<p>Limited benefit to decision making – this is what the RMA consent process requires. Guidance on what activities are appropriate (or inappropriate) in the CMZ would be more effective. The proposed RPS provides some direction in policy CE 10B (allocation of space).</p> <p>For discussion:</p> <p>Appropriate activities:</p> <ul style="list-style-type: none"> • Reliant on a location in the coastal marine area • Aquaculture 	<p>Amend</p> <p>Rewrite to provide direction on what are appropriate activities in the CMZ/CMA</p>

Reference	Section of Plan	Analysis	Recommendation
		<ul style="list-style-type: none"> Regionally or national significant infrastructure Provide for public access Restoration of natural character 	
Policy 13.2.3 (f)	Consideration will be given to the effects of any activity having regard to adjoining activities or activities located in an adjoining Harbour Development Zone.	<p>Ineffective</p> <p>Fairly weak policy and badly worded – could provide stronger protection to activities in HDZ.</p>	Amend
Policy 13.2.3 (g)	<p>To discourage the proliferation of structures in the coastal marine area and promote the efficient use of existing structures, facilities and network utility corridors.</p> <p>Where practicable, new services and structures are to be located in or adjacent to existing infrastructure, provided that:</p> <ul style="list-style-type: none"> they are not incompatible with the existing services or utilities; and the environmental effects of locating at an existing facility will be less than the effects of alternatives. 	<p>Met</p> <p>Policy well-implemented through resource consent process and other policies of the Plan.</p>	Retain
Policy 13.2.3 (h)	To avoid, remedy or mitigate any adverse effects of activities associated with structures in the Coastal Management Zone.	<p>Partly met</p> <p>This policy focuses on activities associated with structures, but the Plan does not specifically control the use of structures, although effects are considered via the resource consent process (for discretionary activities).</p> <p>Policy as written largely restates the RMA obligations – should be amended to provide more direction to decision makers.</p>	<p>Amend</p> <p>Include policies and rules regarding use of structures</p>
Policy 13.2.3 (i)	The effects of structures on coastal hydrological and geomorphic processes will be specifically taken into account.	<p>Met</p> <p>Policy well-implemented through resource consent process.</p>	Retain

Reference	Section of Plan	Analysis	Recommendation
Policy 13.2.3 (j)	Activities will not result in any nuisance to adjoining occupiers of the coastal marine area or nearby land, which is not controlled to acceptable levels or avoided altogether. Nuisance effects such as noise, dust, traffic, light, glare or smell are to be avoided, remedied or mitigated.	Partly met Plan contains little guidance on these 'nuisance' effects should be assessed – may be worth directing decision makers to consider the relevant district or city plan provisions when assessing an activity that has the potential for cross-boundary effects.	Amend Refer to relevant district or city plan policies for consideration of cross boundary effects
Policy 13.2.3(k)	Stormwater outfall structures should be designed so that coastal erosion is minimised.	Met No particular issue for coastal structures, but policy is also related to stormwater discharges. Use of the word 'minimised' is problematic as even a 'minimised' effect (in certain circumstances) may not be appropriate. Need clarification if well-implemented through coastal discharges (chapter 9).	Amend Note - A related policy needs to be incorporated into stormwater discharge provisions.
Policy 13.2.3(l)	To recognise that structures that would adversely affect navigation and mooring within navigation channels and mooring areas are inappropriate.	Policy well-implemented, but wording of the policy may be ambiguous.	Amend Use more directive wording
Policy 13.2.3(m)	Structures must not exceed the airport height restrictions identified in planning map 11d.	Met Clear policy that it well implemented. Need to ensure that the planning maps include the current airport height restrictions.	Amend
Policy 13.2.3(n)	To encourage methods of vessel storage that use space in the coastal marine area efficiently.	Met Note that this policy should be broadened to incorporate other activities and direct efficient use of the coastal marine area in general	Amend Broaden scope
Policy 13.2.3 (o)	Mooring areas will be concentrated, so as to leave some areas in a natural state free of boats, and to provide for efficient management of parking, storage and facilities.	Met Policy well-implemented. No particular issue.	Retain

Reference	Section of Plan	Analysis	Recommendation
Policy 13.2.3 (p)	<p>Marinas are inappropriate in the following locations:</p> <ul style="list-style-type: none"> • Waitotahi Estuary; • Ohiwa Harbour; and • the Coastal Habitat Preservation Zone. <p>In other locations the appropriateness of marinas should be determined on a case by case basis.</p>	<p>Met</p> <p>Effective and efficient – need to amend in light of revised and new biodiversity/natural character sites</p>	<p>Amend</p> <p>To reflect technical work on biodiversity & natural character</p>
Policy	<p>13.2.3 (q) All of the following should be installed at new marinas:</p> <ul style="list-style-type: none"> • oil spill containment and clean-up equipment; • adequate provision for immediate isolation of fuel dispensers and reticulations in the event of leakage, rupture or general failure; • hard-standing bunding and sumps in order to prevent the discharge to the coastal marine area of contaminants associated with boat careening, repair and maintenance; • facilities for the collection of sewage, bilge water and rubbish and methods for their appropriate disposal. 	<p>Met</p> <p>Effective and efficient – ensure to consistent with any relevant guidelines. Scope to require a Marina Management Plan.</p>	<p>Amend</p> <p>To reflect current best practice.</p>
Policy 13.2.3 (r)	<p>Consideration should be given to the installation of vessel waste disposal facilities at frequently used boat ramps (see chapter 9 – Coastal Discharges).</p>	<p>Not implemented</p> <p>Lack of adequate waste disposal facilities may be an issue (only one facility in the region at the present). Needs to be a method to implement this policy as it relates to existing structures rather than those going through the consenting process.</p>	<p>Amend</p> <p>Translate into method</p>
Method 13.2.5(a)	<p>Environment Bay of Plenty will encourage, as conditions on coastal permits for structures, the use of designs and materials that can be removed with minimal adverse effects.</p>	<p>Most structures are intended to be permanent, and this policy is not relevant.</p>	<p>Remove</p>
Method 13.2.5(b)	<p>When appropriate, send Land Information New Zealand a copy of any approved coastal permit, in accordance with section 114(2) of the Resource Management Act.</p>	<p>Undertaken as consent process</p>	<p>Remove – statutory requirement under RMA</p>

Reference	Section of Plan	Analysis	Recommendation
Method 13.2.5(c)	Forward copies of consent applications to the Director of Maritime Safety in accordance with section 395 of the Resource Management Act 1991.	Undertaken as consent process	Remove – statutory requirement under RMA
Method 13.2.6(a)	Environment Bay of Plenty may, at its discretion, undertake the removal of structures which: are having adverse environmental effects which cannot be avoided, remedied or mitigated; or are in an unsafe state; and for which there is no owner or no administering authority or some other person or agency willing to assume responsibility for the structure and carry out all necessary remedial works.	Repetition of permitted activity rule. The regulations for abandoned structures associated with the Marine and Coastal Area Act 2011 may impose additional requirements regarding establishment of ownership.	Remove
Method 13.2.6(b)	Environment Bay of Plenty will continue a programme to review all unauthorised structures on the margins of the Tauranga and Ohiwa harbours. The process started with high priority areas in July 1998.	Met Process reaching its conclusion. Remaining privately owned structures in Tauranga Harbour to be reviewed. Approximately 100 sites. May also be implications from the Marine and Coastal Area Act (MACAA) Abandoned Structures Regulations that are currently being drafted and the subject of consultation.	Remove/Amend Depending on progress with project in next 12 months
Chapter 14	Disturbance, Deposition and Extraction		
Objective 14.2.2(a)	Provision for disturbance and deposition within the coastal marine area only as appropriate and while avoiding, remedying or mitigating any associated adverse environmental effects.	Met Through consideration of policies during the consent process and implementation of rules	Retain
Objective 14.2.2(a)	Provision for sand, shell, shingle and/or mineral extraction within the coastal marine area only in appropriate locations while avoiding, remedying or mitigating any associated adverse environmental effects.		Retain
Policy 14.2.3(a)	To avoid the adverse effects of disturbance and deposition within the coastal marine area caused by disposal of spoil from land-based activities.	Met Effectively implemented by Rule 14.2.4(d), which prohibits such activities	Retain
Policy 14.2.3(b)	To avoid, remedy or mitigate adverse effects from dumping into the coastal marine area of aquaculture processing wastes.	Not been required to date – should be considered alongside development of new aquaculture provisions	

Reference	Section of Plan	Analysis	Recommendation
Policy 14.2.3(c)	To restrict the use of vehicles on foreshore and seabed to those which have a legitimate need to utilise such areas.	Met Effectively implemented by Rule 14.2.4(f), which allows for a discrete set of vehicle access over the CMA as a permitted activity. All other vehicle related access requires a resource consent.	Retain
Policy 14.2.3(d)	To provide for disturbance and deposition associated with periodic activities undertaken by the New Zealand Defence Force.	Met Specific rules regarding Defence Force activities.	Retain
Policy 14.2.3(e)	To provide for dredging, disturbance and deposition, where necessary to protect the integrity of major flood protection and/or drainage schemes.	Met Maintenance of flood drainage schemes is a controlled activity.	Retain
Policy 14.2.3(f)	To avoid, remedy or mitigate any adverse environmental effects associated with disturbance, deposition or mineral extraction.	Met Considered as part of the consent process. Duplicating requirement of RMA.	
Policy 14.2.3(g)	To discourage channelisation or piping of streams flowing into estuaries or harbours.	Met Considered as part of the consent process.	Retain
Policy 14.2.3(h)	To recognise the extraction of sand, shell, shingle and minerals from the Coastal Habitat Preservation Zone as inappropriate.	Met Effectively implemented by Rule 14.2.4(a), which prohibits such activities.	Retain
Policy 14.2.3(i)	To take a precautionary approach to sand, shell and shingle removal, or dredging; within the coastal environment in recognition of: <ul style="list-style-type: none"> the importance of maintaining the ability of coastal land forms to resist erosion and flooding; and the limited nature of knowledge on coastal processes in general and local sediment dynamics in particular; and rising sea level and the impact this will have on beach erosion. 	Met Considered as part of the consent process.	Retain

Reference	Section of Plan	Analysis	Recommendation
Policy 14.2.3(i)	To provide for a transition from the extraction of sand from the active beach system to extraction from less sensitive areas, and take into account the areas sensitive to coastal hazards identified in the maps of this plan.	Met Sand extraction no longer occurring in the region	Remove
	To take into account the potential benefits of using sand from dredging for the purpose of beach replenishment. Map 6 of the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, identifies appropriate beach replenishment dumping grounds for sand dredgings from the Port of Tauranga, but other dumping grounds may also be appropriate for beach replenishment.	Met Considered during the consent process. Development Plan requires updating. Potential to provide more certainty to the Port by including policy regarding term of consents and re-consenting policies/rules.	Amend Need to update Development Plan
	To recognise that capital works dredging identified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, is appropriate within the Port Zone.		
	To recognise that capital works dredging identified in the Harbour Development Zone is appropriate where it is to provide for the purpose of that zone, as described in chapter 3 – Plan Structure.		
	To recognise the coastal marine area as requiring a level of protection from adverse effects of dredging and spoil disposal that is appropriate to the site specific environmental values present.	Met Implemented through the consent process.	Retain
	To recognise maintenance dredging as being necessary for the continued operation of certain activities within the coastal marine area.	Met Implemented through consent process. Could provide more guidance on 'certain activities'.	Amend Provide more direction
	The time and duration of dredging or spoil disposal operations should not interfere with: <ul style="list-style-type: none"> the migratory patterns of marine life (such as whitebait runs); and the spawning of marine life. 	Met Implemented through the consent process. The Plan doesn't currently contain information on spawning or lifecycles of marine life.	Retain New schedule – consider including information on life cycles of marine life (similar to the Regional Water and Land Plan)

Reference	Section of Plan	Analysis	Recommendation
	<p>Dredging and spoil disposal activities should use methods of dredging, spoil transport and spoil disposal designed to minimise adverse effects on:</p> <ul style="list-style-type: none"> • water quality; • the benthic community adjacent to the area to be dredged or dumped on; • recreational and commercial activities; • cultural and social values. 	<p>Met</p> <p>Implemented through the consent process.</p>	<p>Retain</p>
	<p>Selection of new dumping sites (additional to those in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004), will be subject to the following criteria:</p> <ul style="list-style-type: none"> • avoidance of interference with areas of existing significant fisheries, or shell fisheries or other areas containing nationally rare or outstanding examples of indigenous ecological community types; • avoidance of areas of heavy commercial or recreational navigation; • the capacity to return seawater to ambient conditions before reaching any beach (except where beach replenishment is one of the purposes of dredging), or significant fishery, shell fishery or identified area or value of significance; • minimum size to limit any adverse effects and to allow for effective monitoring to determine any adverse effects; maintenance of beaches and related sediment transport processes. 	<p>Met</p> <p>Considered during the consent process. Development Plan requires updating.</p>	<p>Amend</p> <p>Need to update Development Plan</p>

Reference	Section of Plan	Analysis	Recommendation
Method 14.2.5	<p>Without limiting the power of Environment Bay of Plenty to set any other conditions for the purposes of avoiding, remedying or mitigating adverse effects, permissions granted for sand, shell shingle and/or mineral extraction may include all or some of the following conditions:</p> <ul style="list-style-type: none"> the establishment and maintenance of suitable monitoring programmes by the operator in accordance with the directions of Environment Bay of Plenty; and • a requirement for Environment Bay of Plenty to review the extraction operation annually, with the power to reduce the amounts to be extracted over the subsequent 12 month period if the adverse effects of the activity justify a reduction; and • a requirement for bonds, environmental compensation, or both. 	<p>Method provides useful direction on possible consent conditions. Extraction not occurring in the region at the moment (and sand, shingle and shell extraction is now prohibited from the active beach system).</p>	<p>Amend</p> <p>Change to policy direction</p>
14.2.6(a)	<p>In consultation with landowners and in collaboration with the Department of Conservation and district councils, Environment Bay of Plenty will promote and encourage the cessation of stock grazing on private land within the coastal marine area by way of education, promotion and where practicable incentives, compensation and/or operational works.</p> <p>This may include the use of environmental plans and farm plans. The information in the maps and the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas, will be used as a guide to setting priorities.</p>	<p>Met</p> <p>Undertaken as part of the Biodiversity and Coast Care programmes</p>	<p>Retain</p>

Reference	Section of Plan	Analysis	Recommendation
Method 14.2.6(b)	Environment Bay of Plenty will promote the prohibition of sand, shell shingle and mineral extraction from beach areas and foredunes within the Bay of Plenty.	<p>Not met</p> <p>Extraction is prohibited from within active beach systems (MHS to 8.5m) by Rule 14.2.4(p); however, earthworks and quarries are discretionary activities in the coastal environment in the Water and Land Plan.</p>	Remove
Method 14.2.7	Environment Bay of Plenty will continue routine monitoring of beach erosion in order to identify long term trends in local beach dynamics.	<p>Met</p> <p>Beach profile measurements have been taken since 1990, and yes should continue. This monitoring forms the basis of the NERMN coastal dynamics programme.</p> <p>Also biennial coastal inventory to assess foredune condition to determine priorities for Coast Care; network of 30 datum posts for public monitoring of sand levels; and photopoints at Coast Care sites</p>	Retain
Chapter 15	Reclamation		
		<p>The NZCPS 2010 policy 10 relates to reclamations and declamations. The current provisions in the Plan are partly consistent with the direction of policy 10, but require amendments to give full effect to the NZCPS. In particular, providing more guidance on the nature of appropriate reclamation and facilitating the removal of inappropriate reclamations.</p> <p>Under the Marine and Coastal Area Act 2011, Land Information New Zealand (LINZ) is responsible for processing applications from parties who wish to acquire an interest in reclaimed land. Decisions are made by the Minister for Land Information. Before an application for an interest in reclaimed land can be made to LINZ, the applicant must have obtained all necessary resource consents from the relevant local authority. This should be outlined within the Reclamations Chapter</p> <p>There are potential issues caused by the leachate from reclamation which used contaminated soils (e.g. Wairaka).</p>	

Reference	Section of Plan	Analysis	Recommendation
Objective 15.2.2	Provision for reclamations within the coastal marine area that are either necessary or otherwise appropriate while avoiding, remedying or mitigating any associated adverse environmental effects.	Met There are 12 current consented reclamations. Aside from one, which authorises a reclamation that occurred in the 1970s following a slip, all reclamations are associated with infrastructure of the provision of services (such as a marina) that require a location in the CMA.	Retain Wording is consistent with NZCPS policy 10
Policy 15.2.3(a)	Reclamations must not have adverse effects on the ecological values of the Coastal Habitat Preservation Zone.	Met No reclamations have been authorised in the CHPZ.	Retain Subject to amendment based on any new biodiversity assessment and mapping
	To take a precautionary approach to reclamations within the Coastal Management Zone. The precautionary approach should consider effects on: <ul style="list-style-type: none"> • siltation rates; • flushing of harbours and estuaries; • the life supporting capacity of harbours and estuaries; • hydrodynamic, geomorphic and ecological processes. 	Met Reclamation proposals are given careful consideration during the consent process, and have often been subject to publicly notification. There is scope to provide more direction in this chapter on the nature of reclamations that may be appropriate (as directed by the NZCPS). Use of the term precautionary approach introduces some uncertainty regarding interpretation.	Amend/New Policy Need to incorporate policy direction from NZCPS, which identifies what types of reclamation may be appropriate. Review use of 'precautionary approach'.
	To recognise that reclamation identified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, is appropriate in terms of section 6(a) of the Resource Management Act 1991, provided that any adverse effects are avoided, remedied or mitigated.	Met Reclamation undertaken by the Port of Tauranga at Sulphur Point as identified in the Outline Development Plan. The consent process considered appropriate management of adverse effects. Outline development Plan is now dated and requires revision.	Amend To reflect revised Outline Development Plan for the Port.
	To recognise that reclamation in the Harbour Development Zone may be appropriate provided that it is consistent with the purposes of the Harbour Development Zone described in section 3.3.2(c), no other practicable options exist, and adverse effects are avoided, remedied or mitigated.	Met	Retain

Reference	Section of Plan	Analysis	Recommendation
	To discourage the proliferation of new reclamations and encourage the efficient use of existing land and reclamation as alternatives to new reclamations.	Met There has not been a proliferation of new reclamations authorised since the Plan became operative	Retain
	To recognise that reclamation for the purposes of waste disposal or to create land for activities not dependent on the coastal marine area, is inappropriate.	Met Clear policy direction and consistent with the NZCPS poly 10.	Retain
	Reclamations must: <ul style="list-style-type: none"> • be constructed of inert materials which will not result in contaminants leaching into the coastal marine area; and • be finished with materials which are compatible with the amenity values, landscape and natural character of the coastal environment in the location; • and be designed by an engineer to a high standard of structural integrity; and • not impede the flow of floodwater. 	Met This policy is effectively implemented during the consent process.	Retain
	To consider the adverse effects and practicality of removing reclamation in comparison to the beneficial effects of removing reclamation.	Met This is considered during the consent process and by operational staff considering the removal of reclamations.	Retain
15.2.5(a)	Monitor general sediment accumulation in the Tauranga and Ohiwa Harbours.	Met Sediment accumulation monitored at 5-yearly intervals. The relevance of this method to reclamations is unclear – changes in sediment accumulation more likely to be a result of land use changes in the catchment.	Amend Move to Discharge chapter or a new integrated catchment management chapter (which could also consider mangrove management).
15.2.5(b)	Maintain a database of reclamations in harbours and estuaries which records: site details; legal status; potential for restoration and use this information to assess existing reclamations and assist in harbour restoration.	Met Database of reclamations compiled and selected sites passed to Land Management to consider restoration options. This work falls within the Harbour Margins programme.	

Reference	Section of Plan	Analysis	Recommendation
15.2.5(c)	Where appropriate, send to Land Information New Zealand, a copy of any approved coastal permit, in accordance with section 114(2) of the Resource Management Act 1991.	Met Undertaken as consent process	Remove – statutory requirement under RMA
15.2.5(d)	Forward copies of coastal permit applications to the Director Maritime Safety, in accordance with section 395 of the Resource Management Act 1991.	Met Undertaken as consent process	Remove – statutory requirement under RMA
Chapter 16	Exotic Plants and Animals		
Objective 16.2.2	To avoid, remedy or mitigate the adverse effects of exotic plants or animals introduced into the coastal environment.		
Policy 16.2.3(a)	To recognise that the introduction of exotic plants into the Coastal Habitat Preservation Zone is inappropriate.	Clear policy direction (and supported by a prohibited status rule) – may require amendment if biodiversity areas are rescheduled. Removal of word 'recognise' would provide a stronger policy.	Amend to reflect revised biodiversity schedules and remove 'recognise'.
Policy 16.2.3(b)	To provide for the introduction of exotic plants (other than Spartina) into the Coastal Management Zone only in appropriate places and circumstances.	Better policy direction should be provided regarding when introduction of exotic plant species may be appropriate (see comment under 16.2.3(g))	Retain
Policy 16.2.3(c)	To promote the eradication of Spartina.	Not a very effective policy as written – consideration of the potential for spread of Spartina due to contamination of machinery and movement of material should be considered as part of the resource consent process. This is consistent with Rule Section B92) of the Regional Pest Management Plan 2011.	Amend – to provide direction on the prevention of the spread of Spartina as a result of contamination
Policy 16.2.3(d)	If eradication of Spartina is likely to result in erosion, consideration should be given to: <ul style="list-style-type: none"> replacement with native species appropriate to the location as a first preference, or replacement with exotic species, subject to rule 16.2.4(d). replacement should be undertaken by the landowner or agency which eradicated the Spartina. 	Met Guidance provided by land management officers.	Retain

Reference	Section of Plan	Analysis	Recommendation
Policy 16.2.3(e)	To avoid, remedy or mitigate the adverse environmental effects associated with the introduction of exotic plants or animals to the coastal marine area.	Repetition of the RMA requirements. Not a particularly useful policy direction. A permitted activity rule regarding the removal of exotic species (except <i>Spartina</i>) may facilitate their removal.	Remove New Rule – permitted activity for the removal of exotic species (would need to be subject to conditions limiting disturbance)
Policy 16.2.3(f)	The introduction of exotic plants to the coastal environment should be avoided where the introduction of those plants could have significant adverse effects on: <ul style="list-style-type: none"> • landscape values; • natural character; • the functioning of natural ecosystems; • the functioning of geophysical processes which form and maintain estuaries and the coastal foredune. 	Not applicable (to date) Clear policy direction	Retain
Policy 16.2.3(g)	A precautionary approach will be taken to the introduction of species not already present in the coastal marine area of the region.	Not applicable (to date) Better policy direction should be provided regarding when introduction of exotic plant species may be appropriate – Appendix 6 of the Regional Pest Management Plan 2011 provides some useful direction that could be adopted (where applicable to the coastal marine area). Regard will be given to: <ul style="list-style-type: none"> • Soil conservation or erosion control effects of plant pests in erosion prone sites (except quarries) • Regeneration of indigenous organisms • Prevention or mitigation of flood damage • Effective suppression of pest spread by grazing or hedging • Whether the pest is being used for valid scientific research • Whether the pest plant is being used for recognised herbal use. 	Amend

Reference	Section of Plan	Analysis	Recommendation
Method 16.2.5	In accordance with Rule 16.2.4(d) without limiting its powers to recommend any other conditions for the purposes of avoiding, remedying or mitigating adverse environmental effects, recommendations to the Minister to permit the experimental introduction of exotic plants for trial purposes may include all or some of the following conditions: <ul style="list-style-type: none"> • appropriate measures to ensure as far as practicable that the species will be contained within the trial area; and • the establishment and maintenance of suitable monitoring programmes by the operator in accordance with the directions of Environment Bay of Plenty; and • Requirements for bonds of a sufficient amount to ensure eradication if the species should escape. 	Not applicable (to date) The regional council has not processed any resource consent applications to introduce exotic plants into the CMA. This method was written to accompany the rule (16.2.4) regarding the introduction of exotic plant species to areas where a species is not already present. Prior to the NZCSP 2010 becoming operative, this was a restricted coastal activity and required the approval of the Minister of Conservation.	Amend Translate to policy direction and remove reference to Minister of Conservation
Method 16.2.6	The eradication of Spartina will be promoted in accordance with the pest management strategies prepared under the Biosecurity Act 1993.	Met Spartina is an Exclusion and Eradication pest plant in the Regional Pest Management Plan 2011.	Remove – duplication of statutory requirements under other legislation
Method 16.2.7	Environment Bay of Plenty will provide information as to the most efficient and effective methods to eradicate Spartina using non-mechanical means.	Met Information provided on our website and by Land Management officers	Remove – duplication of work undertaken under the Biosecurity Act
Rule 16.2.4(b)	The eradication or control of Spartina by mechanical harvesting is a <u>prohibited activity</u> .	Mechanical removal of Spartina is not supported as any if rhizome fragments left behind they can be moved on by tide and current and start new populations elsewhere.	Retain
Rule 16.2.4(d)	The introduction of exotic plant species other than Spartina into the coastal marine area is a <u>discretionary activity</u> provided that the species is already present in the area of the intended introduction.	Rule needs amending so that it is not specific to a species already being present in the area of intended introduction (because Rule 16.2.4, which related to circumstances where a species is not already present has been removed).	Amend
Chapter 17	Hazardous Substances		
Objective 17.2.2	The minimisation of the risk of adverse environmental effects associated with the storage,	Met The current presence of hazardous substances in the	Retain

Reference	Section of Plan	Analysis	Recommendation
	use and transportation of hazardous substances within the coastal marine area.	coastal marine area is limited, and largely concentrated around the Port of Tauranga, where vessels transporting hazardous substances are loaded and unloaded. There is also a small vessel refuelling station at Whakatāne. Future sources may develop as a result of marine based resource exploration and extraction.	
Policy 17.2.3(a)	To prevent the disposal of hazardous substances to the coastal marine area.	<p>Partly Met</p> <p>Implemented by Rule 17.2.4, which prohibits the dumping of hazardous substances in the coastal marine area. Unauthorised dumping of potentially hazardous substances in the coastal environment is an issue – approximately 10% of the complaints received relating to the coastal environment were regarding inappropriate disposal of waste.</p> <p>Alternative methods may be required to address the issue of illegal dumping.</p>	Retain
Policy 17.2.3(b)	To require where appropriate specific contingency and emergency response planning from the industry groups storing, using and transporting hazardous substances within the coastal marine area.	<p>Covered by Hazardous Substances and New Organisms Act (HSNO) - one of the key HSNO controls is a requirement to have emergency management procedures and equipment in place to deal with any potential emergency.</p> <p>Contingency and emergency response to Marine Oil Spills is the primary responsibility of Maritime NZ (with support from partner agencies such as regional councils).</p> <p>The RMA controls site specific effects associated with hazardous substance facilities. The current demand for sites using hazardous substance in the CMA is low – restricted to use onboard vessels and fuel pumps for vessels.</p>	<p>Remove</p> <p>More relevant to the functions of the EPA and Maritime New Zealand</p>
Policy 17.2.3(c)	To ensure that the off-target effects of herbicide or pesticide use in the coastal marine area are avoided, remedied or mitigated.	<p>Met</p> <p>Considered during the consent process</p>	<p>Amend</p> <p>Should sit with the policies regarding discharges</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 17.2.3(d)	To take a precautionary approach to the storage and transportation of hazardous substances in the coastal marine area, where there is the potential for serious or irreversible effects.	Met Considered during the consent process with regard to hazardous substance storage. Vessel based transportation is controlled by the Maritime Protection Rules (administered by Maritime New Zealand).	Amend Little guidance within this chapter on how to assess risk. Could consider introduction of a Hazardous Facilities Screening Procedure within the Plan (similar to District Plans) –given the limited demand to date for hazardous facilities in the CMA this may not be warranted. A simple approach could be to refer to the relevant District Plan provisions when assessing application – but this could result in inconsistencies.
Policy 17.2.3(e)	To promote the development of a management system which will ensure that the storage, use and transportation of hazardous substances is carried out in a manner which minimises any potential risk to the environment.	Met Considered during the resource consent process – could be more directive policy regarding the nature of the management system (for example, what a management plan should include or consider).	Amend Provide better direction on what should be incorporated within management systems.
Policy 17.2.3(f)	To promote the safe and efficient handling, use, storage and transportation of hazardous substances within the coastal marine area.	Met See comments under 17.2.3(d)	Amend See comments under 17.2.3(d)
Policy 17.2.3(g)	To avoid, remedy or mitigate any adverse environmental effects of the storage, use or transportation of hazardous substances within the coastal environment.		
Method 17.2.5(a)	Environment Bay of Plenty will advocate that central government urgently address the issues of: <ul style="list-style-type: none"> the development of an international register of highly hazardous substances; and the development of a national tracking system for highly hazardous substances. 	Partly Met A national tracking system is not yet in place. The regional council does submit and comment on waste issues – this work is guided by a regional Waste Strategy and the national strategy.	Remove This is more relevant to the Regional Waste Strategy and the District and City Plans.
Method 17.2.5(b)	Environment Bay of Plenty will continue to participate in the Hazardous Substances Technical Liaison Committee for the prevention and clean-up of spills of hazardous substances.	Met The Regional Harbourmaster participates in the Hazardous Substances Technical Liaison committee.	Retain

Reference	Section of Plan	Analysis	Recommendation
Method 17.2.6	Environment Bay of Plenty will identify hazardous substances users within the coastal marine area and target these specific groups with: <ul style="list-style-type: none"> education about the safe storage and use of hazardous substances; education regarding minimisation of the requirement for use of hazardous substances; education regarding contingency planning to avoid adverse effects of inappropriate use of substances. 	<p>Met</p> <p>Through the Land Use Register and Hazardous Activities and Industries List (HAIL) many industrial sites bordering the CMA (such as Port businesses) have been visited to ensure they meet industrial guidelines for the safe storage, use and containment of hazardous substances.</p> <p>Very little use of hazardous substances within the coastal marine area in our region, except for fuel dispensers.</p>	<p>Remove</p> <p>Addressed via land-based controls.</p>
Chapter 18	Historic and Cultural Heritage		
Objective 18.2.2	The protection of the heritage values and heritage resources within the coastal marine area.		
Policy 18.2.3(a)	To protect the heritage resources within the Bay of Plenty coastal marine area which are either scheduled by the Historic Places Trust, recorded in the New Zealand Archaeological Association Site Recording Scheme, or listed in the Regional Heritage Inventory (proposed in 18.2.5(a)).	<p>Met</p> <p>Considered during the resource consent process. The inclusion of the sites identified in the Heritage Inventory in the Plan would improve implementation of this policy.</p> <p>Policy is limited to sites in the CMA; however activities in the CMA can have an adverse effect on heritage values on land.</p>	<p>The information contained in the Heritage Inventory 2006 should be incorporated in the Plan</p> <p>Amend or new policy – give direction to consider effects of CMA based activities on land based heritage values.</p>
Policy 18.2.3(b)	To promote further research into identifying any additional sites or features of heritage value within the coastal marine area.	<p>Met</p> <p>2006 Heritage Inventory report undertaken. Also supported heritage research in the wider coastal environment, such as Tauranga City Heritage Study</p>	<p>Amend</p> <p>Translate to a Method and extend beyond the coastal marine area.</p>
Policy 18.2.3(c)	To require the conservation and protection of heritage resources within the coastal marine area not registered by the Historic Places Trust or in the New Zealand Archaeological Association Site Recording Scheme, but nevertheless of significance.	<p>Met</p> <p>Considered during the consent process</p>	<p>Retain</p>
Policy 18.2.3(d)	To recognise the sensitivity associated with certain forms of Maori cultural heritage within the coastal marine area.	<p>Met</p>	<p>Amend</p> <p>Move to tangata whenua section</p>

Reference	Section of Plan	Analysis	Recommendation
Policy 18.2.3(e)	To avoid adverse effects on heritage resources as far as practicable, and where avoidance is not practicable, effects shall be remedied or mitigated.		
Policy 18.2.3(f)	In consultation with the Historic Places Trust, tangata whenua and other interested parties, Environment Bay of Plenty will establish and implement a set of evaluation criteria for assessing heritage resources within the coastal marine area. In doing so, regard will be had to the Historic Places Register criteria.	Met Change 1 to the Regional Policy Statement came into effect in 2008. This included criteria for assessing historic heritage (Set 5).	Remove as completed
Policy 18.2.3(g)	Environment Bay of Plenty will have regard to the conservation principles contained within the New Zealand ICOMOS Charter, when making decisions concerning heritage resources within the coastal marine area. Note: These policies are being given effect to through the heritage criteria of the Bay of Plenty Regional Policy Statement and will also be considered when assessing any resource consent application located in or likely to affect any site of historical or cultural importance.	Met Undertaken as part of the consent process	Retain
Method 18.2.5(a)	In consultation with tangata whenua and other heritage agencies, Environment Bay of Plenty will promote, support and be involved in compiling a regional heritage inventory of the coastal marine area in order to identify heritage sites, features or resources.	Met Coastal heritage Inventory completed in 2006	
Method 18.2.5(b)	In consultation with tangata whenua and other heritage agencies, Environment Bay of Plenty will investigate the most appropriate means of protecting sites of cultural heritage value without the need for their explicit identification.	Ongoing – some groups have identified sites in their Iwi Management Plans, other groups indicated that identification on a broad scale may be acceptable. Further consultation with iwi and hapū is required to determine how to appropriately manage information. Strong feedback that the current level of identification of cultural sites in the Plan is inadequate.	Retain Review Schedule 14 (Areas of Significant Cultural Value) in collaboration with iwi and hapū
Method 18.2.5(c)	Environment Bay of Plenty will send New Zealand Historic Places Trust a copy of every coastal permit application which relates to land subject to	Met Undertaken as part of the consent process	Retain

Reference	Section of Plan	Analysis	Recommendation
	a heritage order or requirement, or is identified in a plan as having heritage value, or is registered under the Historic Places Act 1993.		
Rule 18.2.4	All activities which would affect the remains of any vessel wrecked before 1900 are discretionary activities.	Rule should be expanded to include the sites listed in the Heritage Inventory (unless demonstrated that a site should be excluded)	Amend
Chapter 19	Recreation		
Objective 19.2.2	Appropriate recreation within the Bay of Plenty coastal environment.		
Policy 19.2.3(a)	To recognise the recreational values of the Bay of Plenty coastal marine area as being of national significance. Effects on those values shall be avoided as far as practicable, and where avoidance is not practicable, remedied or mitigated.	Met Considered through the consent process.	Amend Move to structure section
Policy 19.2.3(b)	To minimise the effects of active water sports on other more passive recreational activities, on adjacent activities or uses on land and on indigenous wildlife.	Not met Not a particularly effective policy as much recreational use is not subject to a consent process. Potentially scope to expand the bylaw process to consider matters such as erosion caused by jet boats.	Remove Should be addressed by the bylaw process.
Policy 19.2.3(c)	To discourage the proliferation of commercial, recreational or tourist activities where they would unduly interfere with public access to and recreational use of the coastal marine area. Care must be taken to ensure that existing recreational opportunities and public access are not progressively lost through the cumulative impact of new development.	Met Considered through the consent process and growth strategies. Movement of this policy to the structure section would improve its visibility.	Amend Move to structure section
Policy 19.2.3(d)	To promote provision of the appropriate land-based infrastructure to support recreational activities within the coastal environment while ensuring minimal adverse effects associated with such facilities.	Met Considered in Tauranga Harbour Recreation Strategy and Ōhiwa Harbour Strategy	Amend Move to access section

Reference	Section of Plan	Analysis	Recommendation
Policy 19.2.3(e)	To avoid, remedy or mitigate any significant adverse environmental effects of recreation.	Not met Not a particularly effective policy as much recreational use is not subject to a consent process. Potentially scope to expand the bylaw process to consider matters such as erosion caused by jet boats.	
Policy 19.2.3(f)	District councils should ensure that vehicle use does not adversely affect sand dunes, users of beaches or wildlife.	Met Bylaws in place in each district, and the territorial authorities are partners to the Coast Care programme. Policy should be moved to the access section to improve visibility.	Amend Move to access section
Policy 19.2.3(g)	Areas of high actual or potential use for recreation should be protected from incompatible activities.		
Method 19.2.4	Environment Bay of Plenty will manage water surface recreation within those harbours for which it exercises the powers, functions and duties of a harbour board primarily by way of Local Government Act section 232 bylaws promulgated by Environment Bay of Plenty, by way of launch wardens appointed by Environment Bay of Plenty, and by way of any other provisions of the Local Government Act as considered appropriate by Environment Bay of Plenty.	Met	Remove – could add explanation to section regarding roles and responsibilities
Method 19.2.5	Environment Bay of Plenty will continue to produce and distribute on a regular basis navigation and safety information and signage, as well as information on the location of recreational facilities, for Tauranga Harbour and Ōhiwa Harbour.	Met Maritime Operations team undertakes this work, information provided includes booklets, radio broadcasts, attendance at boat expos, promotional material (for example promoting the 5 knot rule). Information also provided for Whakatāne Harbour, Waioeka and Rangitāiki Rivers.	Remove duplication of Maritime work
Method 19.2.6	Environment Bay of Plenty will promote the appropriate provision of the facilities and infrastructure needed to support recreational activities within the coastal environment, including car-parking, rubbish bins, toilet and changing	Existing non-statutory approaches a providing an effective mechanism for working in collaboration with stakeholders to achieve results. Notable examples related to recreation are:	Amend to support the existing work programmes. The current gap analysis relating to access to the Tauranga Harbour may also indicate what type of methods are required

Reference	Section of Plan	Analysis	Recommendation
	facilities, boat ramps and minor jetties together with access to and along the coastal marine area.	<ul style="list-style-type: none"> The Tauranga Harbour Recreational Strategy 2008 has a number of actions that relate to boating facilities and integrated management across the harbour margins. A gap analysis is currently being undertaken to determine whether a spate Access Strategy is required. The Ōhiwa Harbour Strategy also contains a section dedicated to recreation, and a list of improvements to facilities and infrastructure proposed by the community. 	
Chapter 20	Noise		
Objective 20.2.2	Adverse effects of noise generated in the coastal marine area are avoided, remedied or mitigated.		
Policy 20.2.3(a)	Recreational vessels such as personal watercraft, water ski boats, and hovercraft, which exceed the noise standards, should only operate within the indicative water ski or personal watercraft areas shown in the maps, or beyond 200 metres off the coast. The defined areas are identified in the maps to this plan.		
Policy 20.2.3(b)	The natural character and amenity values of the Tauranga Harbour and Ohiwa Harbour coastal environment should be protected from the adverse effects of noise. The Port Zone noise control boundary is to be used to manage noise from the Port of Tauranga. In other parts of the coastal environment section 16 of the Act is to be applied where necessary.		
Part IV	ADVOCACY		
Chapter 21	Fishing	The appropriateness of advocacy policies within a RMA planning document is questionable. The majority of the policies in these two sections do not assist RMA decision making and relate to matters outside the regional council's jurisdiction. Any policies relevant to decision making should be moved to the relevant section of the Plan, and the remainder removed.	Remove Unless a particular policy or method fits within another section of the Plan
Chapter 22	Marine Protected Areas		

Reference	Section of Plan	Analysis	Recommendation
Part VI	SUMMARY OF RULES		
		This is a useful section of the Plan, which will require amendment if any changes are made to the Plan rules.	Retain
Part VII	SCHEDULES		
Schedule 2	River Mouths	Superseded by 2008 agreement on river mouths	Amend
Schedule 3	Areas of Significant Conservation Values		
Schedule 4	Natural Features and Landscapes		
Schedule 5	Landscape Guidelines for Natural Features and Landscapes		
Schedule 6	Significant Marshbird Habitat Areas		
Schedule 7	Significant Indigenous vegetation Areas		
Schedule 8	Outline Development Plan Port of Tauranga	This information contained in this schedule is for the period 1994-2004. The Port of Tauranga is currently reviewing the information contained in the schedule to see how well it matches their current development plans.	Amend to update
Schedule 9	Information Requirements for Coastal Permit Applicants		
Schedule 10	Financial Contribution	The intent of Schedule 12 was been queried during the resource consent process for the Southern Pipeline in Tauranga. This Schedule needs closer examination to determine if the guidance can be improved to provide better direction to decision makers.	Amend
Schedule 11	Cross-boundary issues		Amend
Schedule 12	Plan Monitoring and Review		Insert information on national environmental indicators for coastal hazard indicators in schedule 12 (12.2.1).
Schedule 13	Water Quality Standards	Schedule to be improved to represent a better guide for users of the Plan – need updated standards that are quantifiable. Potential to link more closely with the Natural Environmental Regional Monitoring Network (NERMN) which is working well.	Amend

Reference	Section of Plan	Analysis	Recommendation
Schedule 14	Areas of Significant Cultural Values		Amend Require expansion – to be undertaken in collaboration with iwi and hapū groups
Schedule 15	Whakatāne Harbour Development Zone Outline Plan		Update
Schedule 16	Bay of Plenty Iwi Authorities and Tribal Runanga	This information is now held separately (as it is required by all Plans).	Remove

Appendix 5 – Recommended changes to the issues

Issues Identified in the current Plan		Comments	Recommendation
Chapter 4 Natural Character			
Key Issue 4.2.1	There is ongoing and often incremental loss and degradation of natural character through inappropriate subdivision, use, and development in the coastal environment.	<p>This is a very generic statement that whilst still relevant to our region could be expanded to provide more direction.</p> <p>The review has identified more specific information on the pressures on natural character. These include:</p> <p>Higher density housing results in higher domestic pet numbers impacting wildlife. Invasive garden escapes alter natural character and ecological values.</p> <p>Particularly vulnerable types of habitat are:</p> <ul style="list-style-type: none"> • Wetlands – estuarine and freshwater • Sand-dunes • Coastal Forest <p>Areas under high development pressure:</p> <ul style="list-style-type: none"> • Pāpāmoa coast-line • Ōhiwa Harbour • Tauranga Harbour catchment and immediate surrounds. 	Amend A more focussed statement of issues is required that reflects the pressures facing our region.
Chapter 5 Natural Features and Landscapes			
Key Issue 5.2.1	There is ongoing degradation of the physical integrity and aesthetic values of natural features and landscapes, including those that are outstanding and/or of regional significance, through inappropriate subdivision, use, and development within the coastal environment.	<p>Little change identified by the 2006 assessment of outstanding/regionally significant landscapes (Boffa Miskell, 2006). This is possibly more of an issue for sites that have significance at a district level.</p>	Amend

Issues Identified in the current Plan		Comments	Recommendation
Chapter 6 Significant Areas of Flora and Fauna			
Key Issue 6.2.1	There is ongoing loss and degradation of significant vegetation and significant habitats of indigenous fauna within the coastal environment through inappropriate subdivision, use and development.	The review has identified that this may still be an issue for land based sites; however the main issue is the cumulative effect of adverse effects on sites that aren't regionally significant.	Amend New issue: Inappropriate restoration, remediation and mitigation
Chapter 7 Public Access			
Key Issue 7.2.1	Provision of access to the coast is not always adequate, although in some cases uncontrolled and/or inappropriate access can cause degradation of the coastal environment, including destabilisation of dune systems and habitat modification.	Still a relevant issue.	Retain
Chapter 8 Tangata Whenua Interests			
Key Issue 8.2.1	Degradation of coastal resources and the lack of recognition of the role of tangata whenua as kaitiaki of this resource can adversely affect the relationship of Maori and their ancestral lands, waters, sites, waahi tapu and other taonga.	This is still a key issue for tangata whenua – particularly loss of kaimoana and degradation of water quality. Erosion of culturally significant sites is an issue for many iwi/hapū. Consultation with iwi and hapū groups revealed a strong sentiment that the Māori world view is not understood or considered during decision making and that cultural views are not given adequate weight. Groups also raised lack of appropriate engagement, consultation and provision of information as issues.	Retain Potential new issues: <ul style="list-style-type: none"> • Erosion of culturally significant sites. • Need for appropriate consultation and engagement. • Lack of recognition of the Māori world view • Disenfranchement of Māori from the resource management process. • Lack of effective communication with tangata whenua regarding resource management issues in the coastal environment.
Part III ACTIVITIES AND EFFECTS			
Chapter 9 Coastal Discharges			
Key Issue 9.2.1	Coastal water resources and ecosystems and their mauri are being adversely affected by direct and indirect discharges of contaminants into coastal water.	Indirect discharges rather than point source discharges are the major issue	Retain New issues

Issues Identified in the current Plan		Comments	Recommendation
			<ul style="list-style-type: none"> Diffuse runoff from catchments within and well beyond the Coastal Environment are having profound effects on some receiving waters and their communities. In particular, coastal estuaries are infilling, nutrient enrichment is occurring and microbiological contamination is occurring. Accumulation of stormwater contaminants in harbour sediments Lack of facilities for disposal of sewage and bilge water in the region Sewage discharges
Chapter 10 Taking, Using, Damming or Diversion of Coastal Water			
Key Issue 10.2.1	Activities associated with the allocation of coastal water, such as taking, diverting and damming, can adversely affect the coastal marine area. In some circumstances, coastal water diversion, can adversely affect the environment, including habitat and natural character.	<p>Very few resource consent applications processed relating to this activity – fewer than 10 resource consents authorising the take of coastal water and/or diversion. To current consents to dam water in the CMA. Need to ensure that policy framework reflects that this is not currently a significant issue for our region.</p> <p>Consents generally related to river or stream mouth alignment or wetland restoration.</p> <p>Others – waterfront redevelopment; Ōpōtiki harbour entrance project and excavation of lagoons for stormwater treatment – potential issue due to water quality concerns (but consent not exercised).</p> <p>Potential for aquaculture growth to increase demand.</p>	<p>Amend to provide more focussed issues</p> <p>For example:</p> <ul style="list-style-type: none"> Excavation of ‘lagoons’ – water quality concerns Flood risk Natural character and biodiversity effects Cultural component – potential issue with the transference of water
Chapter 11 Coastal Hazards			
Key Issue 11.1.1	Coastal hazards pose a threat to human life, property and the environment, but they are difficult	<p>Still an issue,</p> <p>We tend to underestimate risk and</p>	Retain

Issues Identified in the current Plan		Comments	Recommendation
	to predict, avoid and mitigate, they cross administrative boundaries, and they have not always been adequately provided for.	completely undervalue intergenerational perspectives such as associated with land use change.	New Issues: <ul style="list-style-type: none"> • Tsunami identification, risk assessment and response • Changing information regarding climate change, sea-level rise; new methodologies for predicting and modelling natural hazards • Risk assessment of hazards – defining risk assessment criteria and what is acceptable • Cumulative effect of development on hazard risk • Loss of natural defences
Chapter 12 Occupation of Space			
Key Issue 12.2.1	Exclusive occupation of the coastal marine area can have adverse effects on public use of the coastal marine area and cultural values associated with particular areas.	<p>This is a very generic statement that whilst still relevant to our region could be expanded to provide more direction.</p> <p>There is also a potential for “public” space in the CMA to be undervalued and used inefficiently (as it is not currently subject to any form of ‘rental’).</p> <p>There is a lack of mooring space available compared to demand – particularly in Tauranga Harbour.</p>	Retain New Issue: Inefficient use of the common coastal marine area Lack of mooring space available compared to demand
Chapter 13 Coastal Structures			
Key Issue 13.2.1	The maintenance of existing structures and the provision of future structures within the coastal marine area can adversely affect the environment.	Relevant As with most of the issues in the Plan – this is at a very high level and not region specific.	Retain – but requires the addition of region specific issues. New issues: <ul style="list-style-type: none"> • Duplication of consent processes for structures straddling jurisdictional boundary • No consideration of the ‘use’ of structures – this can also have adverse effects on the CMA.

Issues Identified in the current Plan		Comments	Recommendation
			<ul style="list-style-type: none"> • Infrastructure (land and water based) requirements associated with structures need to be planned and considered • Unauthorised structures • Derelict structures • Lack of mooring space • Maimai in Ōhiwa Harbour
Chapter 14 Disturbance, Deposition and Extraction			
Key Issue 14.2.1	<p>The coastal marine area can be adversely affected by disturbance and/or deposition resulting from a variety of activities.</p> <p>Sand, shell, shingle and mineral extraction in the coastal marine area can adversely affect the environment as a result of direct disturbance, deposition of material, introduction of contaminants and can cause coastal erosion.</p> <p>Dredging and spoil disposal, both that which is necessary for maintenance of existing channels and that which is associated with new development, can result in significant adverse environmental effects.</p>		
Chapter 15 Reclamation			
Key Issue 15.2.1	Reclamation can have adverse environmental effects.	Generic issue statement	<p>Amend to provide more focussed issues</p> <p>For example:</p> <ul style="list-style-type: none"> • Loss of finite and sensitive habitat • Leachate from existing reclamation that used inappropriate materials
Chapter 16 Exotic Plants and Animals			
Key Issue 16.2.1	The inappropriate introduction of exotic plants or animals to the coastal marine area can adversely affect the environment, including the loss of habitat and foreshore.		Remove

Issues Identified in the current Plan		Comments	Recommendation
Chapter 17 Hazardous Substances			
Key Issue 17.2.1	There is risk of adverse environmental effects associated with the storage, use and transportation of hazardous substances within the coastal marine area.	Transportation of hazardous substances is not controlled by the Plan. Storage and use of hazardous substances does fall under the Plan (when not associated with vessels); however current usage is very limited in the coastal marine area.	Remove Not a key issue for the region
Chapter 18 Historic and Cultural Heritage			
Key Issue 18.2.1	Heritage resources within the coastal marine area are not always recognised or identified and can be adversely affected by inappropriate activities.		Retain
Chapter 19 Recreation			
Key Issue 19.2.1	Recreational use of the coastal environment is increasing and has the potential to cause conflict, competition and adverse environmental effects.	The current wording does not reflect that inappropriate management (use and development) of the Coastal Environment can affect recreational amenity	Amend
Chapter 20			
	Noise		
Key Issue 20.2.1	Noise within the coastal marine area can cause adverse environmental effects.		Retain
Part IV			
ADVOCACY			
Chapter 21 Fishing			
Key Issue 21.2.1	Non-sustainable fishing activity, poor coordination between fisheries management and the Resource Management Act, and inappropriate activities in the coastal marine area (and on land above mean high water springs) can adversely affect fisheries.	This may be an issue, but cannot be addressed by the Plan	Remove
Chapter 22 Marine Protected Areas			
Key Issue 22.2.1	The full range of marine habitats and ecosystems within the Bay of Plenty coastal marine area have not been adequately identified or protected.		Amend Move to the biodiversity section of the Plan
Other issues not included in the Plan			
		Renewable energy generation – including geothermal resources – need to give effect to the National Policy Statement for Renewable Electricity Generation (NPS REG). Policies E1–E4 of the NPS REG require local	Issues: <ul style="list-style-type: none"> • Uncertainty regarding where geothermal development is appropriate in the coastal environment • Lack of recognition of cultural uses of

Issues Identified in the current Plan		Comments	Recommendation
		authorities to include provisions in their regional plans that specifically relate to developing, operating, maintaining and upgrading new, existing and consented renewable electricity generation activities.	geothermal energy
		Aquaculture	Issues: <ul style="list-style-type: none"> • Uncertainty regarding where aquaculture activities are appropriate • Potential for adverse effects as a result of discharges from aquaculture activities • Poor water quality limiting ability to undertake aquaculture
		Integrated catchment management (sedimentation, mangrove management, water quality)	Issues: <ul style="list-style-type: none"> • Accelerated spread of mangroves in Tauranga and Ōhiwa Harbours • Deterioration of water quality in estuaries and harbours • Need to improve cross boundary management of the coastal environment
		Infrastructure	

Appendix 6: Iwi Management Plans

YEAR	NAME OF PLAN	GENERAL AREA IN RELATION TO THE COAST	INCLUDES COASTAL PROVISION ?	REFERENCE TO COASTAL PLANS AND POLICIES	PAGE	ENGAGEMENT PROCESS
2011	Te Mahere a Rohe mo Ngāti Rangitīhi	Matata	✓	He Wai – Water Ko Tangaraoa Me Tutewehiwehi	31-32 33-34	Section 4 page 41
2011	Te Awaroa: Ngāti Kahu Hapu Environmental Management Plan	Bethlehem Wairoa River	✓	Part 4 – section 4.6 Tangaraoa raua ko Hinemoana	54-58	-
2011	Ngāti Whakaue ki Maketū Iwi Resource Management Plan Phase 2	Kaituna – Little Waihī	✓	Part 4/section 3 coastal water Reference to sites of significance	26-27	Page 18-19
2010	Ngāti Mākino Heritage Trust Iwi Environmental Management Plan – Stage 1 scoping plan	Maketū - Matata	✓	-	Page 4/5	-
2009	Ngāti Whakaue ki Maketū Hapu Iwi Resource Management Plan – Stage 1	Kaituna – Little Waihi	✓	Part 3 – Acts, Statuses of relevance Part 4 – Iwi Management Issues & options	18 24-27	-
2009	Tapuika Iwi Authority Environmental Management Plan 2009 Draft	Pāpāmoa - pukehina	?	-	-	Page 9
2008	Te Awanui Tauranga Harbour Iwi Management Plan 2008	Tauranga Harbour	✓	The entire document references to the Tauranga Harbour	ALL	Page 24
2004-2009	Te Whatu: Natural Resource Environment Management Manual – Ngaiterangi Iwi Inc.	Waihī – Matakana Is – Pāpāmoa	✓	Fisheries Foreshore and Seabed	36 75	2
2004	Nga Taonga Tuku Iho: Pirirakau Hapu Environmental Management Plan	Tauranga Harbour	✓	Section 8.3 – Moana:Marine	8-3	-
2004	Whaia te Mahere Taiao a Hauraki: Hauraki Iwi Environmental Plan	Waihi	✓	Part 3 – Tangaraoa Rerenga Wai Tai Part 5 - Tangaraoa Rerenga Wai Tai	21 39	-
2001	Nga Potiki Environmental Management Plan	Papamo	Not specific, maps only	Maps referring to coastal areas	-	Section 9.1 page 93
1997	Nga Kōrero Whakahirahira o Ngaiterangi me Ngāti Pūkenga	Waihī - Papamo	-	-	-	-
1995	Ngaiterangi Resource Management Plan	Waihī – Matakana Is – Pāpāmoa	✓	Section 2 – 2.4-2.6 Iwi Resource Management Policy Statements 3.1.1 Ngāi Tukairangi Hapu 3.2.1 Ngāti Tapu Hapu 3.3.4 Nga Potiki		

MAUAO/TAURANGA

	Addendum to Ngaiterangi Resource Management Plan			3.4.1 Ngāti He		
				Section D	9-12	
1993	Ngāti Pūkenga Resource management Plan	Tauranga Harbour – Pāpāmoa?	✓		1-4	-
1993	Nga Aukati Taonga o Tapuika me Waitaha	Mauāo – Maketū - Pukehina	?	OLD PLAN		Section two - 3.2
1991	Ngāti Ranginui Iwi Management Plan	Tauranga Harbour		OLD PLAN	-	-