

Review of Efficiency and Effectiveness of the Provisions, as required by
Section 35 (2A) of the Resource Management Act 1991

Review of Bay of Plenty Regional Coastal Environment Plan Environment Bay of Plenty – Bay of Plenty Regional Council

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Date: April 2009
Reference: 3-37965.00

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Status: Final

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Executive Summary

This report describes the approach and findings of a restricted review of the effectiveness, efficiency and appropriateness of the Bay of Plenty Regional Coastal Environment Plan.

Environment Bay of Plenty (EBOP) commissioned the review towards the end of 2008 in order to fulfil its statutory obligations under Section 35 of the Resource Management Act (2003) to compile and make available to the public a review of the efficiency and effectiveness of the policies, rules and methods of the Bay of Plenty Regional Coastal Environment Plan.

The purpose of the review was to:

- Ensure the Bay of Plenty Regional Coastal Environment Plan remains relevant, lawful and appropriate;
- Identify any issues pertaining to the clarity and effectiveness of the regional rules in the Bay of Plenty Regional Coastal Environment Plan and whether there are any disputes over the interpretation of those rules;
- Identify any issues regarding efficiency of the Bay of Plenty Regional Coastal Environment Plan and;
- On the basis of the above, identify whether changes to the Bay of Plenty Regional Coastal Environment Plan are required immediately or following the 10-year review due in 2013.

In accordance with the terms of reference for the project, the review incorporated a literature overview of existing relevant documents as well as consultation with key staff of Environment Bay of Plenty and the four coastal district councils, Western Bay of Plenty District Council, Tauranga City Council, Whakatane District Council and Opoitiki District Council that work with the Bay of Plenty Regional Coastal Environment Plan.

Key Findings of the Review

The Review identified the following issues as requiring attention by 2013.

Overall Issues

1. EBOP to discuss with district councils the need to give consistent effect to the Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan regarding matters of landscape, natural character and sites of significance.
2. EBOP should discuss with the four coastal territorial authorities the issue of having appropriate rules on ecology incorporated in their district plans to give effect to the Regional Policy Statement. At this stage there does not appear to be any requirement for amendment to the BOPRCEP.
3. The current issue of inconsistent ecological boundaries for the beach and foreshore should be investigated by EBOP for resolving and achieving consistency.
4. The issue of vehicles on beaches should be discussed between EBOP and the coastal territorial authorities for resolving through joint agreements (as has been done in Southland). There is also the possibility of by-laws being jointly applied by both Environment Bay of Plenty and the four coastal territorial authorities.
5. EBOP should investigate whether provision is required in the BOPRCEP for the Te Whanau a Apanui deed of settlement with the Crown.

6. EBOP should investigate setting limits for the adverse cumulative effect of development or activities on coastal processes, resources or values.
7. The general list of anticipated environmental results in Chapter 23 is difficult to relate to individual policies and methods contained in the activities section of the Plan. EBOP should investigate revising this list to relate the outcomes more specifically back to planning provisions. Consideration should be given to having a list of relevant environmental results contained in each of the activity chapters that relate to the provisions of that chapter.
8. The method of promoting the inter-regional forum should be a more effective tool than it currently is. However, making it more effective does not rely on making amendments to the plan, but rather on improving cooperation between the regional councils involved. There is probably a need to focus on some definite areas of common interest such as cooperation on how the new New Zealand Coastal Policy Statement provisions for coastal hazards be given effect in the wider region.

Issues from Chapter 11 - Coastal Hazards

1. A possible new policy to consider inserting into the Bay of Plenty Regional Coastal Environment Plan, is that of cumulative effects of development on coastal hazards. This issue is consistent with the Bay of Plenty Regional Policy Statement method of implementation 11.3.1(c) (viii) relating to the assessment of environmental effects for hazard mitigation or control of activities which require resource consents.
2. EBOP should give attention to reviewing the current mapped designation of the Area Sensitive to Coastal Hazards (ASCH) and consider whether the area boundary needs to be extended landwards.
3. EBOP should review whether the policy 11.2.3 (o) regarding development adjacent to river mouths should be removed/ amended or left until the full review
4. EBOP should review removing or rewording this policy 11.2.3 (p) on the possible stabilizing effect of pohutukawa trees on cliffs.
5. EBOP should review the effectiveness of this policy 11.2.3 (q) of encouraging the incorporation of the coastal hazard zones into wider building set backs or reserves in conjunction with the four coastal district councils.
6. EBOP should review its research work with the Opotiki District Council regarding detailed coastal hazard research for those areas zoned for coastal residential purposes. The review found that research was fragmented and not well coordinated.

Issues from Chapter 13 – Coastal Structures

1. EBOP should review its research work with the Opotiki District Council regarding detailed coastal hazard research for those areas zoned for coastal residential purposes. The review found that research was fragmented and not well coordinated.
2. Policy 13.2.3 (a) should be investigated to resolve the alignment of the mapped boundary of the Coastal Habitat Preservation Zone.
3. Policy 13.2.3 (e) should be reviewed by 2013 to assess its value as a policy.
4. Policy 13.2.3(g) should be reviewed by 2013 to consider focusing only on the effects of coastal structures.

5. Policy 13.2.3 (j) should be reviewed by 2013 to improve its wording. Suggested possible wording: 'Any nuisance effects of activities in the coastal marine area for adjoining or nearby land occupiers are to be avoided, remedied or mitigated'
6. Policy 13.2.3 (p) should be researched by 2013 regarding the inclusion of guidance as to where marinas should be located.
7. Policy 13.2.3 (r) should be reviewed by 2013 for rewording to be more explicit about frequency of use.
8. Rule 13.2.4 (b) should be reviewed by 2013 to ascertain if structures not on the list of discretionary activities could be considered non-complying rather than prohibited.
9. It is recommended that criteria are compiled for assessing discretionary activities.
10. Rule 13.2.4 (b) should be reviewed by 2013 to ascertain if structures not on the list of discretionary activities could be considered non-complying rather than prohibited.
11. Rule 13.2.4 (f) should be reviewed by 2013 to consider rewording it to target just legal (authorised) structures.
12. The rule 13.2.4 (g) should remain as is until the mapping of the Coastal Habitat Preservation Zone is more accurate and then EBOP should consider making maimai's prohibited within this zone.
13. The rule 13.2.4 (h) should be investigated by 2013 regarding including criteria for discretionary activities.
14. The rule 13.2.4 (i) should be reviewed by 2013 regarding amending application of the rule to include illegal structures where the adverse effects are less than leaving them in place.
15. The rule 13.2.4 (j) should remain as is until the Coastal Habitat Preservation Zone is more accurately mapped. At that time consideration should be given to prohibiting maimai's in this zone.
16. The rule 13.2.4 (k) should be investigated by 2013 regarding preparing and including criteria for discretionary activities.
17. The rule 13.2.4 (l) should be investigated by 2013 to determine if any structures could be regarded as not prohibited.
18. Rule 13.2.4 (n) should be investigated by 2013 for the inclusion of criteria for discretionary activities.
19. The methods for coastal structure process should be reviewed by 2013 regarding rewording 13.2.5 (a) to be clearer about what can be removed with minimal adverse effects.
20. The methods 13.2.6 (a) & (b) should remain until EBOP is able to determine the status of both programmes. In the event of either or both being completed, then consideration should be given to removing those methods that are no longer applicable.
21. The anticipated environmental result (7) maintenance of physical and ecological processes is regarded as being partly achieved from a coastal structures viewpoint. It is recommended that by 2013 consideration be given to rewording policy 13.2.3 (i) to include reference to ecological processes.

Recommendations

In addition to attending to the list of issues identified above, the following are more general recommendations.

Monitoring

Monitoring information should be captured in a manner that enables a differentiation in reporting between the coastal environment and the rest of the region (this is currently difficult with the indeterminate definition of the coastal environment's landward edge). It could certainly be done fairly easily for the Coastal Marine Area (CMA) for which Environment Bay of Plenty has direct resource use control.

Plan Changes

Effort and intervention should be kept as strategic as possible. Attention should focus on those areas that pose the largest risks and those that should provide the most benefits.

Cooperation and Coordination

More effective plan implementation will require greater effort from EBOP management and staff in getting cooperation with, and support from the four coastal territorial authorities. Improved interregional sharing of information would also be worthwhile in building consistency and effectiveness in dealing with shared coastal issues.

1. Introduction

1.1 Purpose of the Report

This report describes the approach and findings of a review of the effectiveness, efficiency and appropriateness of the Bay of Plenty Regional Coastal Environment Plan. Environment Bay of Plenty (EBOP) commissioned the review towards the end of 2008 in order to fulfil its statutory obligations under Section 35 of the Resource Management Act (2003) to compile and make available to the public a review of the efficiency and effectiveness of the policies, rules and methods of the Bay of Plenty Regional Coastal Environment Plan. Such a review must be undertaken no more than 5 five years after the plan became operative.

1.2 Environment Bay of Plenty and the Regional Coastal Environment Plan

Environment Bay of Plenty is the Regional Council for the Bay of Plenty (refer to Appendix 1 for a context map of the coastal region). The Council exercises control over 9509km² of New Zealand Coastal Marine Area (CMA)¹. Although most of the CMA is owned by the Crown some parts are in private ownership and some areas are subject to Maori claim through the Waitangi Tribunal.

Following promulgation of the Resource Management Plan (RMA) in October 1991, EBOP was required to prepare a Regional Policy Statement and a Regional Coastal Plan.

Following completion of the Bay of Plenty Regional Policy Statement in 1999, the Bay of Plenty Regional Coastal Environment Plan was prepared and became operative on 1 July 2003.

The purpose of the Bay of Plenty Regional Coastal Environment Plan is to enable EBOP to promote the sustainable management² of the natural and physical resources of the Bay of Plenty coastal environment.

The plan includes the entire coastal environment which is defined in the Bay of Plenty Regional Coastal Environment Plan as:

¹ CMA – defined in the RMA as the ‘foreshore, seabed and coastal water and the air space above the water’. The CMA extends from the Mean High Water Springs (MHWS) to the 12-nautical-mile limit offshore.

² Sustainable management is defined in section 5 of the RMA as:
Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:
(a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
(b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
(c) *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

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- The Coastal Environment (CE) includes the Coastal Marine Area (CMA) and the landward edge to this (i.e. wet and dry areas). The landward extent of the coastal environment is not defined in the plan but is generally taken to be the horizon line when looking inland from coast.

Under the RMA the division of responsibility for managing activities in the coastal environment is as follows:

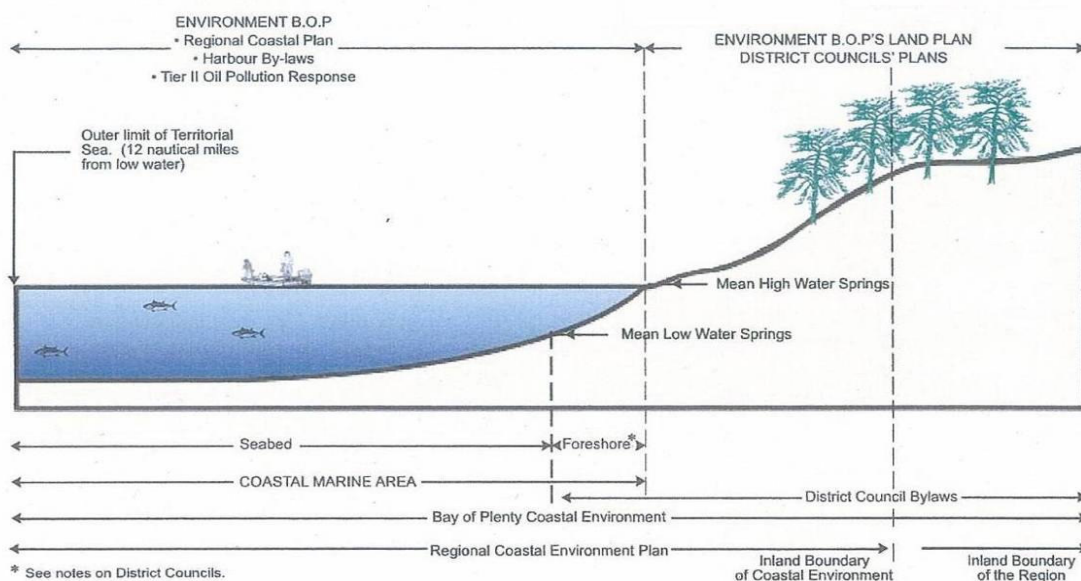
- Environment Bay of Plenty is primarily responsible for resource management of the **'wet'** part of the coastal environment; and,
- The four coastal territorial authorities (Western Bay of Plenty, Tauranga City, Whakatane and Opotiki) are responsible for resource management of the **'dry'** portion of the coastal environment (refer to Figure 1).

In addition to these two primary managers, the Minister of Conservation also has functional responsibility for certain aspects of coastal resource management.

In terms of Section 28 of the RMA the Minister of Conservation is responsible for:

- '(b) The approval of regional coastal plans in accordance with Schedule 1:*
- (c) The making of decisions on applications for coastal permits in relation to restricted coastal activities:*
- (d) The monitoring of the effect and implementation of the New Zealand coastal policy statements and coastal permits granted by the Minister of Conservation:*
- (e) Carrying out his or her functions under Schedule 12'.*

Figure 1 below depicts the hierarchy and spatial extent of the various applicable RMA coastal planning documents and authorities.



Since becoming operative in 2003 there have been no plan changes to date. There is a proposed plan change to provide for aquaculture but this is still at an early proposal stage.

A 2006 plan change to include a Coastal Occupation Charges regime was abandoned prior to notification due to unresolved issues of equity and uncertainties in central government legislation.

1.3 The Statutory Framework

There is a tier of statutory documents that serves to guide environmental management in the Bay of Plenty. From the National down to the Regional level these are as follows.

1.3.1 Resource Management Act (RMA) - 1991

The RMA is New Zealand's main piece of environmental legislation. It provides a legislative framework for managing the effects of activities on the environment. In the context of this review, the RMA requires the Minister of Conservation to prepare and recommend a national policy for the New Zealand Coast under Section 57 of the RMA. It also requires the Minister of Conservation to fulfil the functions outlined in the Section 1.2 of the RMA.

1.3.2 New Zealand Coastal Policy Statement (NZCPS) - 1994

The NZCPS provides national policy guidance for managing the effects of development in the coastal environment of New Zealand. It has served as a comprehensive tool for implementing the purpose of the RMA (Section 56) in the coastal environment.

The 2003 amendments to the RMA require that regional policy statements (Bay of Plenty Regional Policy Statement) and regional coastal plans (Bay of Plenty Regional Coastal Environment Plan) '*give effect*' to the NZCPS. Prior to enactment of the RMA 2003 amendment, these regional policies and plan were just required to *be consistent with* the NZCPS.

1.3.3 Operative Bay of Plenty Regional Policy Statement (BOPRPS) - 1999

The Bay of Plenty Regional Coastal Environment Plan was prepared by Environment Bay of Plenty as required by Section 59 of the RMA. Its purpose is to set the direction for the management of all resources across the Bay of Plenty region. The Bay of Plenty Regional Policy Statement was prepared to be consistent with the NZCPS. In terms of the 2003 Amendment to the RMA, the Bay of Plenty Regional Policy Statement is now required to '*give effect*' to the NZCPS.

The regional policy statement contains two chapters with direct relevance to the Bay of Plenty Regional Coastal Environment Plan. These are Chapter 9 – The Coastal Environment and Chapter 11 – Natural Hazards. Section 5.3 on sustainable resource management also has a bearing. This section identified 19 environmental issues that pertain to the coastal environment. These along with related objectives, policies, methods of implementation and anticipated environmental results have been carried through into the Bay of Plenty Regional Coastal Environment Plan.

1.3.4 Bay of Plenty Regional Coastal Environment Plan (BOPRCEP) – 2003

The plan was prepared by Environment Bay of Plenty in fulfilment of the requirements of the RMA. Environment Bay of Plenty adopted having a '*regional coastal environment plan*' rather than just a '*regional coastal plan*' to better integrate the dry portion of the coastal environment landward of the Mean High Water Springs (MHWS) with the wet portion of the coastal environment.

The Bay of Plenty Regional Coastal Environment Plan is structured around a list of seventeen topics or subjects ranging from natural character to noise. Each topic is a discrete chapter headed by one or more key issues which serve to guide a cascading sequence of policies, rules and methods and ultimately anticipated environmental results.

1.3.5 The Ten Year Plan 2006-2016

The Bay of Plenty Ten Year Plan 2006-2016 is the '*Long Term Council Community Development Plan*' (LTCCP) for the region and was prepared as required by the Local Government Act of 2002. The Local Government Act provides a framework for local government in New Zealand and directs that local authorities must promote the social, cultural, economic, environmental and cultural well-being of their constituent communities using a sustainable development approach.

The Ten Year Plan describes what Environment Bay of Plenty proposes to do over the next 10 years. It includes the way the council will allocate financial and human resources in fulfilment of its statutory obligations such as implementing the Bay of Plenty Regional Coastal Environment Plan.

For the purposes of this review the Ten Year Plan has served to respond to the coastal environment issues raised by the community by adding support for implementation of the Bay of Plenty Regional Coastal Environment Plan. It has a number of strategies to promote more effective policy, regulation, monitoring, environmental education, and service delivery. One of its key proposals currently being pursued by Environment Bay of Plenty is establishing a single data base for integrating environmental monitoring and aligning it with the Ten Year Plan outcomes.

A useful source of information for the review has also been the externally audited 'annual plans' that Environment Bay of Plenty prepares once a year. These provide a snapshot of the Council's activities each year and a good measure of the Councils achievements in terms of the 10 year plan.

1.3.6 The District Plans of the Four Coastal Territorial Authorities

The four territorial authorities with coastal frontage in the Bay of Plenty are from east to west, Western Bay of Plenty District Council, Tauranga City Council, Whakatane District Council and Opotiki District Council. All four authorities are required to give effect to the New Zealand Coastal Policy Statement, Bay of Plenty Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan.

The primary role of territorial authorities with regard to the Bay of Plenty Regional Coastal Environment Plan is to give effect to those regional policies that pertain to activities in the 'dry' portion³ of the coastal environment. A key task is controlling subdivision and development of coastal land as well as managing the effects of activities on the coastal environment.

1.4 Five Year Review of the Regional Coastal Environment Plan

According to Section 35 (2) (b) of RMA, EBOP is required to undertake "*monitoring [of] the efficiency and effectiveness of policies, rules, or other methods*" in the Bay of Plenty Regional Coastal Environment Plan.

In addition, Section 35 (2A) of the RMA requires that 'every local authority must at intervals of not more than 5 years, compile and make available to the public a review of its monitoring under subsection (2)(b).'

More particularly, and as expressed in the brief for the review, the purpose of this interim five year review is seen by EBOP to:

- Ensure the Bay of Plenty Regional Coastal Environment Plan remains relevant, lawful and appropriate;
- Identify any issues pertaining to the clarity and effectiveness of the regional rules in the Bay of Plenty Regional Coastal Environment Plan and whether there are any disputes over the interpretation of those rules;
- Identify any issues regarding efficiency of the Bay of Plenty Regional Coastal Environment Plan and;
- On the basis of the above, identify whether changes to the Bay of Plenty Regional Coastal Environment Plan are required immediately or following the 10-year review (2013).

Such a review provides an indication as to how well policy or plan implementation is resolving the issues identified in the Bay of Plenty Regional Coastal Environment Plan. It also provides a valuable report-back to the Bay of Plenty coastal community on the performance of the Bay of Plenty Regional Coastal Environment Plan.

The provisions of the Bay of Plenty Regional Coastal Environment Plan followed through from issues, objectives, policies, methods (including rules) to anticipated environmental results (refer to Figure 2 below) are written and presented to form a loop. Therefore monitoring of the anticipated environmental results is used to assist in determining whether the methods of the plan are proving effective in achieving its objectives and policies. That evaluation then feeds into the review of the document.

³ The dry portion is the area landward of the High Springs Water Mark (HSWM).

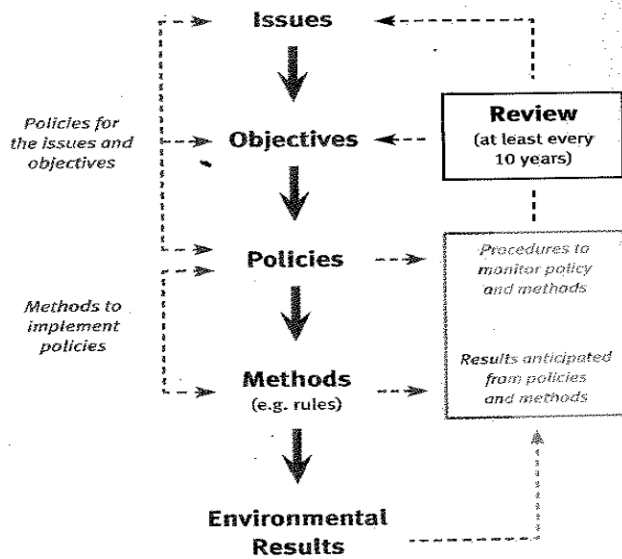


Figure 2 - Organisation of Regional Coastal Environment Plan (Source: Ministry for the Environment, Making Good Decision (workbook 4th edition), 2008)

1.5 Methodology Used in the Review

The methodology used in this review of Bay of Plenty Regional Coastal Environment Plan is summarised in Table 1 below and explained in more detail in Section 2. The review was based on two sources of information. The first was a literature review of the relevant statutory and supporting documents (refer to Appendix 7). The second was consultation with appropriate EBOP staff and the staff (or nominated consultants) of the four district councils (Western Bay of Plenty District Council, Tauranga City Council, Whakatane District Council and Opotiki District Council).

Table 1 – Methodology of the Review

Phase 1	A preliminary review of relevant statutory documents and supporting information.
Phase 2	A workshop with EBOP staff members to identify and discuss key issues relating to the Bay of Plenty Regional Coastal Environment Plan. These issues were collated from anecdotal evidence based on consent processing, public complaints, plan monitoring and research studies.
Phase 3	A panel of 12 EBOP and district council staff members (or their consultants) were used to assist in assessing the Bay of Plenty Regional Coastal Environment Plan using a two pronged approach: <ul style="list-style-type: none"> An overall assessment of the plan to evaluate its appropriateness and effectiveness in addressing current coastal environmental issues. A more detailed assessment of the effectiveness and efficiency of the provisions of coastal hazards and coastal structures chapters of the plan⁴.

⁴ Panellists contributed variously in these assessments according to their use of the Bay of Plenty Regional Coastal Environment Plan.

Phase 4	The results of individual assessments were synthesised and evaluated using a risk based technique qualified by the evaluative comments provided by the individual reviewers. The findings of this evaluation form the basis of this report.
Phase 5	A draft review findings report was prepared and following comments by staff at EBOP was finalised.

1.6 Assumptions and Limitations of the Review

The following list details assumptions and limitations of the project:

1. This 5-year review was based on a literature review as well as consultation with key EBOP and district council staff (and their appointed consultants). It did not involve consultation with other stakeholders or the wider public;
2. This project does not include anticipated changes to the Coastal Plan as a result of the proposed New Zealand Coastal Policy Statement;
3. The review comprised an effectiveness overview of the overall plan with a more detailed effectiveness and efficiency assessment of the provisions of the chapters on coastal hazards and coastal structures;
4. The review was strategic rather than comprehensive in nature. It was based largely on qualitative expert opinion.; and,
5. Only one stakeholder group (staff from the regional and local councils) was consulted for the review.

2. Explanation of Review Methodology

2.1 1 Introduction

This review had two main objectives.

- To provide a broad overall review of the whole Bay of Plenty Regional Coastal Environment Plan to examine its effectiveness and appropriateness in addressing present and future environmental issues.
- To undertake a more detailed review of two key chapters (coastal hazards and coastal structures) of the Bay of Plenty Regional Coastal Environment Plan. The main purpose of this component was to review the effectiveness and efficiency of the provisions of these two chapters.

2.2 Overview review

In this review panellists used the following scoring system to ascribe low medium or high scores for likely effects on the 'Environment' and 'Community' for each of the issues identified in a workshop with Environment Bay of Plenty Staff (refer to Appendix 3).

Effects on 'Environment' were considered broadly to include both the natural and built environments. Similarly, effects on 'Community' were taken to include social, cultural, institutional and economic aspects. (refer to Figure 3 below). In addition, and where applicable, information gained from the literature review helped inform the assessments.

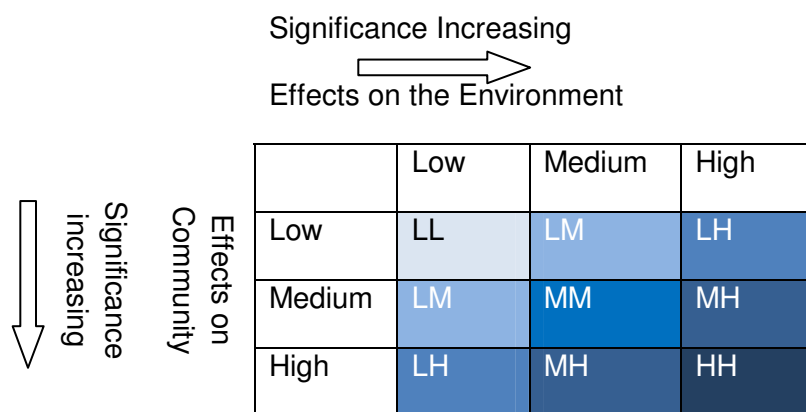


Figure 3 - Significance Matrix Assessment of Overall Issues

It should be noted that although there are 9 combined scores in the matrix figure 3 above, three of these are equivalents. That is LH = HL, LM = ML, ML = LM and MH = HM so that there are in fact only 6 different combined scores which are carried through into Table 2 below.

To assist the assessment of significance numerical values were given to low medium and high. These were simply: Low (L) = 1, Medium (M) = 2 and High (H) = 3. Consequently by adding the numerical values of the combined scores: LL = 2, LM = 3, LH = 4, MM = 4, MH = 5 and HH = 6.

In Table 2 below, each of the combined scores was then ascribed a performance description as well as indication of significance and implication for action.

Score	Description of the Significance of the combined Performance Scores	
	Significance of Issue	Requirement for Action
LL = 2	Negligible	no action required
LM = 3	Minor	no action required
MM = 4	Moderate	monitoring recommended
LH = 4	Moderate	requires monitoring
MH = 5	High	requires investigation
HH = 6	Major	requires prompt attention

Table 2 - Combined Matrix Score Classification – Overall Review

2.3 Detailed Review of Chapter 11 - Coastal Hazards and Chapter 13 - Coastal Structures

The choice of these two chapters was based on their both being key chapters in the Plan but being implemented differently.

In the case of Chapter 11 on Coastal Hazards, Environment Bay of Plenty relies primarily on the four district councils for giving effect to the objectives and policies of the Chapter through the preparation and administration of appropriate rules and methods in the respective district plans.

With regard to Chapter 13 on Coastal Structures, Environment Bay of Plenty is directly responsible for the management of all the plan provisions within the ‘wet’ portion of the coastal environment but also does rely on the district councils for management of structures that cross over the Mean High Water Springs (MHWS) boundary into the ‘dry’ portion of the coastal environment.

Measuring Effectiveness and Efficiency

For the purposes of this review effectiveness and efficiency were defined as followed:

<ul style="list-style-type: none"> • Effectiveness was defined as ‘a measure of the plan provisions ability to address the issues and objectives and achieve the anticipated environmental results’
<ul style="list-style-type: none"> • Efficiency was defined as ‘a comparison of the administrative costs and the effectiveness benefits of the plan provisions in achieving the anticipated environmental outcomes’.
Definition derived from Gerald Willis (2008)

This review relied largely on ‘expert opinion’ with implementing staff completing an exercise entailing the scoring of effectiveness and efficiency of plan provisions on spreadsheets (refer

to Appendices 4,5 and 6) using a low, medium, high ranking system and providing qualifying or supporting comments.

Figure 4 illustrates the matrix approach used to generate combined scores for effectiveness and efficiency. The colours are used to visually reflect the combined effectiveness and efficiency scores of all the provisions assessed.

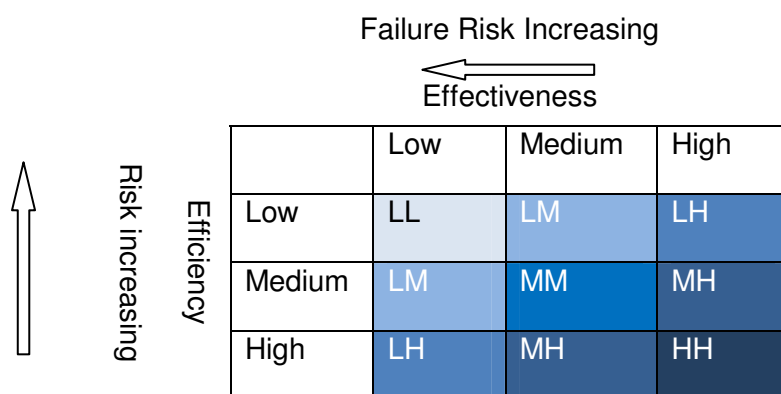


Figure 4 - Assessment of effectiveness and efficiency using the risk matrix

Combining the scores for effectiveness and efficiency using the matrix (refer to figure 4) enabled the presentation of a combined performance score for each of the plan provisions assessed. These scores were qualified by important supporting comments from assessors.

As explained with the overall review, although there are 9 combined scores in the matrix figure 4 above, three of these scores are equivalents. That is LH = HL, LM = ML, ML = LM and MH = HM so that there are in fact only 6 different combined scores which are carried through into Table 3 below.

Again similarly to the overall plan review process, numerical values were given to low medium and high to assist the assessment of significance of the combined scores. What is different to the overall review though, is that it is the low scores that have high significance and require attention in this assessment.

In Table 3 below, each of the combined scores was then ascribed a performance description, an indication of significance and implication for action.

Score	Description of the Significance of the combined Performance Scores		
	Performance Score	Assessment of Significance	Implication
LL = 2	Poor	high risk of failure	requires attention
LM = 3	Inadequate	significant risk of failure	requires investigation
MM = 4	Satisfactory	some risk of failure	requires monitoring
LH = 4	Satisfactory	some risk of failure	requires monitoring
MH = 5	Good	little risk of the provision failure	no action required
HH = 6	Excellent	no risk of failure	no action required

Table 3 - Combined Matrix Score Classification – Effectiveness and Efficiency Review

2.4 Conclusion

Within the limitations of the scope of the review, the use of the above matrix assessment technique is considered to have been appropriate. The assessment matrix was adapted for use in both the overall review and in the more detailed review. It provided a straightforward means for measuring significance of the issues in the overall review and also in the more detailed review of the provisions of Chapter 11 and Chapter 13.

3. Overall Review of the Plan

3.1 Introduction

This section describes the findings of the overall review of the Bay of Plenty Regional Coastal Environment Plan. The review focused on determining the significance of issues identified in consultation with Environment Bay of Plenty staff.

These issues were captured in a spreadsheet and assessed by the review panel using the scoring system described in Section 2. This section provides the findings of the assessment.

3.2 The Issues

3.2.1 Overall Issues

1. *No definition of coastal environment area.*

Review Assessment

The Plan should reflect the definition that is provided in the Proposed New Zealand Coastal Policy Statement⁵ The issue was assessed as having moderate significance as there was no jurisdictional conflict and there was no urgency to amend it at this stage.

Action

The issue should be monitored and carried forward to the 10 year plan review, or any plan change before the plan review in 2013.

3.2.2 Ecology

2. *Spread of Mangroves – widespread issue.*

Review Assessment

Mangrove spread is considered a natural process and probably largely a response to the sedimentation of coastal waters due to poor landuse in the river catchments. Although the issue is an emotive one in the coastal community, the plan was assessed to be satisfactory in addressing this issue.

Action

Current monitoring of the mangrove issue should continue

3. *Nuisance incursions of sea lettuce.*

Review Assessment

The review found the occurrences of sea lettuce are natural. Apart from a temporary adverse ecological and nuisance impact they do not require any action by the plan.

⁵ The Proposed New Zealand Coastal Policy Statement describes the coastal environment as comprising three main areas, the coastal marine area, the area of active coastal processes and the landscapes and features that contribute to the natural, visual and amenity character of the coast.

Action

The issue of sea lettuce should continue to be monitored and be reconsidered again in the 10 year review.

4. *Policy & objectives regarding landscape, natural character, sites of significance are not matched by supporting rules in the district plans.*

Review Assessment

The lack of appropriate controls was assessed to be largely an implementation issue that needed to be better addressed by the territorial authorities. The current ability of the BOPRCEP to address the issue was assessed to be a moderately significant issue. Since the issue is given attention in the Regional Policy Statement too, it should be discussed with the territorial authorities in order to strive for more consistency and effectiveness of controls across the region.

Action

EBOP should discuss addressing this issue with the district councils both towards gaining consistency in approach across the region and in giving better effect to the objectives and policies of the Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan regarding landscape, natural character and sites of significance.

5. *Insert rules on ecology (natural areas, protected areas, landscapes, sites of significance) in the BOPRCEP.*

Review Assessment

The review found the issue regarding a need for rules on ecology to be relevant. However, as it pertained to the dry portion of the coastal environment it was considered that the rules would be best incorporated into district plans rather than the BOPRCEP.

Action

Since the issue of appropriate rules on ecology was related to issue 4 it also merited discussion with the territorial authorities. At this stage there does not appear to be any requirement for amendment to the BOPRCEP or RPS.

6. *Habitat Preservation Zone & consents status - Importance of zone boundary.*

Review Assessment

The review found that this issue was again of more relevance to the provisions of district plans. The panelists' assessment indicated that the current provisions of the BOPRCEP were good and there was no need for amendment.

Action

None required.

7. *Coverage of ecological & landscape maps - Different limits specified for ecology (first 10 first meters above MWSH) and landscapes (top of the dunes).*

Review Assessment

The panel assessment found that the plan's performance in regard to the issue was moderate.

Action

The issue of inconsistent ecological boundaries for the beach shores should be investigated for resolving and achieving consistency.

8. *Schedules of significant features need to be consistent with any similar schedules in District Plans.*

Review Assessment

The inconsistency was considered as warranting urgent attention.

Action

There was a need for discussion with the four territorial authorities to resolve inconsistencies and ensure the schedules were consistent across the region. If necessary it would require amendments and variation to the BOPRCEP.

3.2.3 Public Access and Recreation

9. *Vehicles on beaches (impacts on dune vegetation, nuisance to people on beaches, etc) - No rule. Rely on bylaws from District Councils who need to provide better direction. The issue is the same for horses (especially Tauranga Harbour).*

Review Assessment

The issue was acknowledged to be significant and inadequately addressed by the BOPRCEP but due to jurisdiction limits, the territorial authorities need to address through by-laws and district plan rules.

Action

The issue of vehicles on beaches should be discussed between EBOP and the coastal territorial authorities for resolving through joint agreements (as has been done in Southland). There is also the possibility of by-laws being jointly applied by both Environment Bay of Plenty and the four coastal territorial authorities.

3.2.4 Water Quality and Monitoring

10. *Stormwater issues – Should provide treatment prior to discharge into the harbour. The BOPRCEP recommends adopting best practicable options, but provides no details and rules/policies about treatment prior to discharge.*

Review Assessment

Although the summary assessment found the plan to be satisfactory in regard to the issue, there is a divergence of opinion regarding the need to treat stormwater prior to discharge into the harbour.

Action

The issue should be investigated. The approach of other coastal regional councils should be reviewed for best practice precedents.

11. Stormwater monitoring - More clearly set out standard practices for monitoring in the BOPRCEP (duration, type and frequency of monitoring).

Review Assessment

Although the assessment found the plan to be satisfactory in regard to the issue, there was divergence regarding need to attend for better monitoring practices.

Action

It is concluded that EBOP should investigate the issue further. Once again consideration could be given to reviewing the current practices of other coastal regional councils in New Zealand for best practice examples.

12. Quality of stormwater - stormwater rules (9.2.4 (a)) do not have a duration requirement. 150grams seems a bit high and not reasonable; TCC is 80grams is a bit more appropriate.

Review Assessment

Despite the issue statement, the review panel assessment considered the plan to be sufficiently flexible with regard to this issue.

Action

The issue should be reviewed as part of the full 2013 plan review.

3.2.5 Coastal Discharges

13. Policy 9.2.4(e) sewage discharge from boats. Needs clarification. - Discharges of untreated sewage from vessels in the Tauranga & Ohiwa harbour - Some gaps possible between the Coastal Plan and Marine Regulation Act (2002) - 2 sites in the harbour have deeper water (so sewage can legally be discharged).

Review Assessment

The panel assessment found the plan to be inadequate with regard to this issue.

Action

EBOP should investigate the issue of sewage discharge from boats in Tauranga and Ohiwa harbours.

14. Discharge of stormwater - permitted activity. Rule 9.2.4 (a) may not be consistent with provisions for discharges in the Proposed Regional Water & Land Plan. Air Plan crosses this boundary and there are some problems too - e.g. Spartina - Air Plan provides for this as a permitted activity, whereas under Coastal Plan discharge of a contaminant is a discretionary activity.

Review Assessment

The panel assessment found there was a need for the BOPRCEP to be consistent with the region's other plans regarding standards for discharges.

Action

It was considered that the issue could await the full plan review 2013.

3.2.6 Coastal Hazards

15. Development of Hazard Indicators⁶ by EBOP - How should they be inserted in the BOPRCEP?

Review Assessment

The panel assessment found there was a need to amend the BOPRCEP to include the indicators in methods of implementation and also in Schedule 12 in section 12.2.1 (Natural Hazards Chapter). Panelists were divided as to the urgency with which the plan should be amended.

Action

Including risk hazard indicators in the BOPRCEP should be investigated by EBOP for a decision to amend or await the full plan review.

16. Cumulative effects of development on coastal hazards.

Review Assessment

There was agreement in the panel review that the BOPRCEP did not adequately provide for cumulative effects of development as effects tended to be considered on an individual case basis.

Action

EBOP should investigate the cumulative effects of development and determine whether the plan required amendment through variation before the full review in 2013.

3.2.7 Coastal Structures

17. Generally hard structures in the coastal environment create adverse effects (visual and coastal erosion).

Review Assessment

Although there is general agreement regarding the adverse effects of hard structures in the coastal marine environment, it was also acknowledged that some of these structures are required and they don't always have an adverse visual effect. There was mention that the RPS has criteria in Schedule F for assessing natural character values and impacts on them.

⁶ Unrelated to this review an earlier panel of representatives of the various councils and a technical consultant worked together to review a list of possible indicators and agreed on a simplified core set of 7 Coastal Hazard Risk Indicators (CHRI)

Action

EBOP should determine whether the issue of hard structures in the coastal marine area warrants further attention in the BOPRCEP or is satisfactorily dealt with via the consent process.

18. Hard protection structures on individual properties.

Review Assessment

The panel assessment of this issue was limited but indicated there was need for it to be given attention as impacts could be inadvertently deflected onto neighbouring properties.

Action

That EBOP investigate the issue hard protection structures on individual properties for further action.

19. Structures limiting public access, boat navigation, loss of habitat and negative aesthetic impact.

Review Assessment

The review panel provided a mixed assessment of the issue. There is mention that the RPS has criteria in Schedule F for assessing natural character values and impacts on them.

Action

Although not directly related to the BOPRCEP, EBOP should consider whether the criteria in Schedule F of the RPS are being adequately incorporated into consent processing procedure.

20. Compiling a register of all structures erected prior to 1 October 1991.

Review Assessment

The panel assessment questioned whether there was any value in having such a register. It had been identified in the workshop as an action that appeared to not have any significant benefit and would require considerable resources to fulfill. The suggestion was made that perhaps EBOP should issue a blanket authorisation.

Action

EBOP should investigate the need for and purpose of compiling of a register of all structures is still required, ie, whether these structures have effects that are an issue or whether a blanket authorisation for these structures can be granted.

21. What about policy on coastal carparks?

Review Assessment

The panel assessment provided a limited review and expressed some uncertainty about how BOPRCEP should address the issue. Comment was made that since the issue pertained to the dry component of the coastal environment it would be best

addressed by the territorial authorities in the district plans. Ideally there should be no hard structures intruding below the high water mark into the 'wet' zone.

Action

EBOP should investigate whether better policy guidance for district councils is required .

22. Extent of coastal structures outside MHWS - can rules still apply? Stop banks, causeway, reclamations: not covered by CMA even if in Coastal Environment?

Review Assessment

The issue regards coastal structures that straddle both the wet and dry portions of the coastal environment and which therefore attract different rules from the district plans above the MHWS to those that apply below in terms of the BOPRCEP. The panel assessment comment was that the issue was not significant. District councils were obliged to give effect to the BOPRCEP and ensure that there was consistency for structures that extended into the 'dry' coastal zone.

Action

No change to the BOPRCEP required at this stage.

3.2.8 Reclamations

23. Declamations; the removal of reclamation structures is a discretionary activity. Make it a permitted activity.

Review Assessment

The panel assessment response was limited but did indicate that there may be good reason for the activity to be discretionary. The reason being that any work in the coastal marine area was very sensitive and even the removing of an existing reclamation could have unforeseen negative effects on the environment.

Action

The issue should be investigated in full review in 2013.

24. Is there an issue with reclamations in the CMA?

Review Assessment

The panel assessment was again limited but the comment was made that there has been issues with reclamations using unsuitable contaminated fill material and therefore the provision should remain as is.

Action

No change to BOPRCEP required at this stage.

25. Reclamations; for purpose of carparks is prohibited: should be less stringent and similar to treatment of boat ramps which are excluded.

Review Assessment

The panel assessment was limited and unsure. It is considered that the scale of activity could be different and vehicle parking can introduce unwanted contaminants. As a matter of principle it is undesirable to have any hard structures established in the dynamic foreshore area.

Action

This issue should be held over for the full review in 2013.

3.2.9 Disturbances

26. Noise - rules confusing, especially regarding short term construction phase.

Review Assessment

The panel assessment acknowledged the issue but provided limited guidance on the issue.

Action

EBOP should investigate and revise the noise rules for construction.

27. Disturbance caused by Driftwood collecting.

Review Assessment

The panel assessment was limited and did not find the issue to be significant.

Action

No change to the BOPRCEP required.

3.2.10 Other Issues

28. No provision for use of geothermal resources in coastal plan.

Review Assessment

The panel assessment was limited but did acknowledge there was a gap in the BOPRCEP regarding geothermal resources. As there was no current issue with the gap, it is recommended that the matter of geothermal resources be held over for inclusion in the full plan review or until such time as the issue arises in the interim.

Action

The inclusion of geothermal resources in the BOPRCEP should be reviewed at the time of the full plan review in 2013.

29. There are no rules for permitted earthworks.

Review Assessment

The panel assessment was limited but did acknowledge there was a need for rules to cover permitted earthworks.

Action

A set of appropriate rules for permitted earthworks be investigated and compiled by EBOP.

30. The separate list of environmental results.

Review Assessment

The general list of anticipated environmental results in Chapter 23 was considered by panellists to be well written and effective in coverage. However from a plan monitoring viewpoint, it was found difficult to relate the individual policies and methods contained in the activities section of the Plan back to appropriate individual results in the list of anticipated environmental results as many are very general in nature. The environmental results are not well grouped either. Consideration should be given to having a list of relevant environmental results contained in each of the activity chapters that relate to the provisions of that chapter.

Action

EBOP should investigate revising the list of Anticipated Environmental Results so that they relate more specifically to the objectives, policies and rules for the 2013 review.

31. Review and revise some of the Schedules.

Review Assessment

The first workshop provided comment that some of the schedules in the plan were ineffective and needed revising. Examples mentioned were: The rationalisation of chapters 8 and 15 on the ports of Tauranga and Whakatane and their replacement with one new schedule. Secondly that Schedule 13 - Water Quality Standards should have references to the regional NERM monitoring which is working well. Thirdly that consideration be given to including both national environmental indicators and the new set of regional hazard indicators in Schedule 12 on Plan Monitoring and Review.

Action

EBOP should investigate whether the plan schedules be revised or retained as is until the 10 year review.

3.3 Overview Conclusion

Of the 33 issues identified and reviewed in the panel assessment, 3 issues are considered by this review to warrant prompt attention. A further 9 should be investigated for the 2013 full plan review and 3 should be monitored⁷ for the 2013 plan review. These issues are listed below:

⁷ In this context monitoring would simply entail highlighted as potential issues and possibly reviewed by policy staff every year as to significance

3.3.1 Major issues – Consider for prompt attention

These are issues mainly regarding the need for consistency throughout the region in addressing issues. Resolving them should not be very difficult or expensive but mostly focus on coordination between EBOP and the four territorial authorities to achieve satisfactory solutions.

- 1) EBOP to discuss with district councils the need to give consistent effect to the Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan regarding matters of landscape, natural character and sites of significance. Related to this issue EBOP should discuss with the four coastal territorial authorities the issue of having appropriate rules on ecology incorporated in their district plans to give effect to the Regional Policy Statement and BOPRCEP.
- 2) The schedule of significant features in the BOPRCEP needs to be consistent with the schedules in the plans of the four coastal district councils. EBOP needs to discuss the issue with the four coastal district councils to resolve the inconsistencies and ensure the schedules were consistent across the region. If necessary there should be amendment and a variation to the BOPRCEP.
- 3) The issue of vehicles on beaches should be discussed between EBOP and the coastal territorial authorities for resolving through joint agreements (as has been done in Southland). There is also the possibility of by-laws being jointly applied by both Environment Bay of Plenty and the four coastal territorial authorities.

3.3.2 Highly and Moderately significant issues - recommend attention or investigation before the 2013 full plan review

The issues collected in this category vary considerably and have been identified as warranting attention before the full plan review in 2013. The actions required vary from issue to issue and EBOP should workshop how best to address them. The objective would be to have at least recommendations in place before the full plan review or to have taken action where this is deemed appropriate.

- 1) EBOP should resolve the inconsistency between the mapped boundary of the beach foreshore on the ecological and landscape maps in the BOPRCEP.
- 2) The issue of treating stormwater prior to discharge to the harbour should be investigated. The approach and standards used by other coastal regional councils could be considered to provide possible best practice examples.
- 3) EBOP should investigate setting more clear standard practices for monitoring stormwater in the BOPRCEP. Again the approach and standards used by other coastal regional councils could be considered to provide possible best practice examples.
- 4) EBOP should investigate the issue of a gap in Policy 9.2.4 (e) of the BOPRCEP and sewage discharge from boats in Tauranga and Ohiwa harbours which makes it permissible for sewage disposal to occur in some areas.
- 5) EBOP should investigate the issue of consistency with regard to addressing discharges of stormwater and also of contaminants between the BOPRCEP and the Council's other plans; ie; Proposed Regional Water and Land Plan as well as the Air Plan.

- 6) EBOP should investigate how the hazard indicators that had been devised by EBOP in conjunction with the coastal district council's best be incorporated into the BOPRCEP as a method of implementation and in Schedule 12 in Chapter 12 - Natural Hazards. The actual amendment could await the full review in 2013 as the coastal district councils have already adopted the hazard indicators.
- 7) EBOP should review the issue of cumulative effects of development on coastal hazards and how the BOPRCEP could better address the issue before the full plan review in 2013. Presently the BOPRCEP does not make adequate provision for cumulative effects.
- 8) EBOP should investigate and determine if the compiling of a register of all structures existing prior to 1991 in the CMA was purposeful. It should consider making provision for these existing structures in a single overall authorization.
- 9) EBOP should determine whether the issue of hard structures in the coastal marine area warrants further attention in the BOPRCEP or is satisfactorily dealt with via the consent process.
- 10) It is recommended that the issue of compiling a set of appropriate rules for permitted earthworks be investigated by EBOP for a decision regarding further action.
- 11) It is recommended that EBOP investigate the issue of noise rules for construction for further action.
- 12) It is recommended that EBOP investigate the issue of hard protection structures on individual properties for further action.
- 13) Environment Bay of Plenty needs to investigate amending schedule 13 on water quality standards.
- 14) EBOP investigate the issue for consideration of providing guidance for treatment of stormwater prior to discharge.
- 15) EBOP investigate the issue of including the risk hazard indicators into the BOPRCEP for a decision to amend or await the full plan review.
- 16) It is recommended that EBOP investigate whether the current 16 plan schedules should be revised and updated or retained as is until the 10 year review

3.3.3 Moderately significant issues that should be monitored

The review has identified this small and disparate group of issues as requiring monitoring. There is already a monitoring programme in place for mangroves and sea lettuce. With the other two issues they have been raised as potential issues but the review found they did not warrant further attention at this stage other than monitoring. Monitoring in this case would simply entail keeping the issues on the agenda for annual review between EBOP's policy and consent planning teams. If there is evidence of the issues becoming problematic before the full plan review then they should be moved onto the schedule of issues that require active attention.

- 1) Current monitoring of mangrove extent and sea lettuce occurrences should continue and the issue reviewed in the full review.
- 2) The issue of discharging untreated sewage from vessels in Tauranga and Ohiwa harbours should be monitored by EBOP as to its significance and the need for a plan amendment in the 10 year plan review.

- 3) The lack of an adequate definition of the coastal environment should be monitored and attended to if required or addressed in the 10 year review.

3.3.4 Other issues from the Literature Review

- 1) EBOP should investigate whether provision is required in the BOPRCEP for the Te Whanau a Apanui deed of settlement with the Crown. (From the Review of the Regional Policy Statement).
- 2) EBOP should investigate setting limits for the adverse cumulative effect of development or activities on coastal processes, resources or values. (From the Review of the Regional Policy Statement).

4. Effectiveness and Efficiency Review of Chapter 11 - Coastal Hazards

4.1 Introduction

This section presents the findings of the effectiveness and efficiency review of Chapter 11 Coastal Hazards of the BOPRCEP. The provisions of this chapter were assessed by the members of the review panel. A summary table of their assessment is presented in Appendix 6. What follows here is a more comprehensive review taking account of both the review panellist's assessment and relevant information from the literature review.

It should be noted that coastal hazards mostly pertain to the 'dry' portion of the coastal environment. Therefore, there are no rules included in the provisions of this chapter as Environment Bay of Plenty relies on the four coastal territorial authorities for implementation of the provisions through their respective district plan rules.

4.2 The Issue

This chapter lists one key issue:

'Coastal hazards pose a threat to human life, property and the environment, but they are difficult to predict, avoid and mitigate, they cross administrative boundaries, and they have not always been adequately provided for.'

Review Assessment

Evidence from both the literature review and assessment panellist's indicates that the issue of coastal hazards remains highly significant. The significance of coastal hazards is given added emphasis by global predictions regarding climate change, rising sea levels as well as an increase in the occurrence and intensity of severe storm events.

Addressing the issue has progressed significantly in the Bay of the Plenty but remains an ongoing one. While there has been agreement on the use of a common core of 7 coastal hazard risk indicators, improved cooperation between EBOP and the 4 coastal territorial authorities is required to achieve effective management of coastal hazards.

The coordinated effort of all the authorities is also required to give effect to the new national coastal policy, new regional policy statement and existing Bay of Plenty Regional Coastal Environment Plan.

4.3 The Objective

There is a single objective:

'No increase in the total physical risk from coastal hazards'

Review Assessment

Both components of the review identified that currently this objective is not effectively worded and should be rewritten to be more achievable and measurable. It should be focused on

reducing exposure to the risk effects of coastal hazards. Although coastal communities are generally better aware of natural coastal hazards of storm erosion and flooding than in the past, the growth of population in coastal hazard prone areas places added pressure for prudent management and careful planning.

Effective management of coastal hazards relies on a mixture of regulatory methods such as the rules in district plans and the Building Act (2002) to control activities and development within hazard prone areas. These rules are supplemented by various non-regulatory methods (eg education, awareness campaigns).

4.4 Policies

There are 19 policies in the Coastal Hazards Chapter. These are individually listed below with review assessment comments ascribed to each.

11.2.3 (a) To take a precautionary approach to the installation of coastal hazard protection [abbreviated].

Review Assessment

The summary score of the review panellist's assessments of this policy in the effectiveness and efficiency assessment table was **'good.'** It was seen as a discouragement of the use of hard protection measures to secure property from coastal hazards.

This policy is efficient and covers lots of policies from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(xi) which is 'to avoid or mitigate the vulnerability of existing urban subdivision, land use and development, and significant infrastructure that are at risk from natural hazards'. The policy advocates a 'co-operative approach to coastal hazard risk management', which is also consistent with the RPS - policy 11.3.1 (b)(ii).

Action

The policy should be retained; no change is required to BOPRCEP.

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).

Review Assessment

The review panellist's scoring of this policy's effectiveness in the assessment tables varied considerably. The efficiency rating was less varied (refer to Appendix 6). The overall score was **'satisfactory'**. The comments of the panellist's reflect the different interpretation of the ASCH policy by the four district councils in their district plans. Two district councils adopted a simple two zone division and the other two adopted multi-zone approach.

Action

The policy should be retained; no change is required to the BOPRCEP.

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 [abbreviated].

Review Assessment

The review panellist's scoring of this policy's effectiveness in the assessment tables varied somewhat but was grouped with regards to the policy being effective. The overall score was **'good'**. The panellist's comments indicated some differences between the regional and district councils on this policy. EBOP staff felt that they should prepare some provisions for sensitive zones whereas district council staff felt that there was already a RMA statutory requirement for them to control development in areas sensitive to coastal hazards and so the BOPRCEP policy is a repetition.

Furthermore once the district councils had given effect to the requirements of this policy and incorporated the ASCH in their district plans they questioned whether this policy was still required or if it was now redundant? A different view considered that with climate change the ASCH was shifting inland so the maps would need to be amended possibly to include additional areas if a longer time frame was imposed.

This policy is often relied upon in submissions made by EBOP on district plan changes and district subdivision and land use resource consent applications. To date vulnerability to risk is mitigated generally through advocating development setbacks and minimum floor levels in submissions on subdivision and plan changes and the construction of relocatable houses in coastal erosion areas

Action

The policy should be retained; no change is required to the BOPRCEP.

11.2.3 (d) A list of four matters that 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.

Review Assessment

The review panelists were fairly together on this policy and the combined score was **'good.'**

The comments of panelist's indicated that the list of four 'matters' had served to guide the district councils when processing resource consent applications.

Action

The policy should be retained; no change is required to the BOPRCEP.

11.2.3 (e) 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.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was **'good.'** Although this policy could be regarded as redundant as all the district councils now had rules governing development in the ASCH. Some commented that the provision could be amended to include areas subject to coastal hazards outside the presently mapped ASCH.⁸

Action

The policy should be retained; no change is required to the BOPRCEP.

11.2.3 (f) The policy provides a list of eight standards & criteria to identify coastal hazard areas for the purpose of policies 11.2.3 (c) & 11.2.3 (e) [abbreviated].

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was **'good.'** Comment indicated that this policy was robust. It had also been a useful guide when preparing provisions for district plans. One question regarded the implications of updates in the IPCC estimates for sea level rise. A suggestion is that district plans should not attempt to peg a level but they could make reference to a variable level to be determined by EBOP.

Action

The policy should be retained but EBOP should consider the practicality of making provision for a variable sea level that they could revise and set standards annually or every 5 years.

11.2.3 (g) 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: Standards & factors to determine ground levels or building platforms in estuaries & harbours. [abbreviated]

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was **'good.'** The only comment was that the policy had been very important for the Whakatane District Council's work in its estuary and harbour areas.

Action

The policy should be retained. However consideration should be given to extending the policy to the open coast as it was felt that it would help provide better guidance for development on the open coast sections.

11.2.3 (h) This is an interim rule to be used until the work in 11.2.3(g) is completed for the landward margins of Ohiwa Harbour, the minimum ground level upon which buildings may

⁸ Each of the 4 district council had zoned the area within the ASCH line into hazard risk zones. However the classification of these hazard zones has varied considerably between the councils.

be constructed should be 2.70 meters above Moturiki Datum plus the latest official IPCC best estimate of sea level rise (which is currently 0.49 meters).

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was **'satisfactory.'** Comments indicated that floor levels were controlled by subdivision rules of the district councils and the Building Act (2002). However it was considered useful to have had research done by EBOP and costs shared⁹. It was noted the reports on coastal erosion (Jim Dahm) and inundation (EBOP) did not, however, take into account the IPCC scenarios for sea level rise.

Action

The policy should be retained; no change is required to the BOPRCEP.

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.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was 'good.' No comments were received on this policy indicating that the policy is acceptable as is it stands. Interestingly, EBOP's ten year plan 2006-2016 contains mention of a non-statutory guideline that EBOP has developed for earthworks.

Action

The policy should be retained. When undertaking the full review consideration could be given to including reference to the Council's earthworks guideline or including some key aspects as a non-statutory guide under the 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).

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was **'good.'** One comment was received stating that the policy was unnecessary and a duplication of other policies (it does not however identify these policies and while it is easy to see some overlap of effects in other policies the subject matter is different).

Action

The policy should be retained; no change is required to the BOPRCEP.

⁹ The Ohiwa Harbour Strategy was recently undertaken (June 2008) by EBOP in conjunction with Opotiki and Whakatane District Councils to help guide implementation of this policy.

11.2.3 (k) Lowering of foredunes is to be avoided

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**satisfactory.**' No comment was received to qualify this score.

Action

The policy should be retained; no change is required to the BOPRCEP.

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.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**satisfactory.**' Comments suggested that the updated figures needed to be objectively validated and agreed upon.

Action

The policy should be retained; no change is required to the BOPRCEP at this stage. However EBOP should consider how best to give effect to this policy before the full plan review in 2013.

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 meters above mean high water mark is recommended.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**good.**' No qualifying comments were received on this policy.

Action

The policy should be retained; no change is required to the BOPRCEP.

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.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**good.**' No comments were received on this policy.

Action

The policy should be retained; no change is required to the BOPRCEP.

11.2.3 (o) To discourage residential development adjacent to river mouths or other areas potentially at risk from river mouth meandering.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**moderate**.' Comments suggested this policy was somewhat redundant as district councils already needed to do this under a direct requirement of the RMA where they have to consider risk and appropriateness.

Action

EBOP should discuss this policy with the territorial authorities to consider whether this policy required any amendment or should be left as is until the full review.

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.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**poor**.' Comment was that there was mixed evidence that vegetation maintained the stability of coastal cliffs and therefore the policy was not helpful as presently worded. There is mixed evidence regarding the role of vegetation in stabilising coastal cliffs. While natural vegetation plays an important role in maintaining stability on 'soft' coasts such as dune systems, the stability of coastal cliffs lies more with the interplay between the geological composition of the cliffs and erosion processes that produced them.

The policy also fails to distinguish indigenous and exotic vegetation on cliffs.

A separate issue would be to protect natural vegetation on coastal cliffs because of it being an integral part of the coastal landscape.

Action

EBOP should review the meaning and wording of this policy 11.2.3 (p) to ensure the policy is based on sound evidence or principle.

11.2.3 (q) To encourage the incorporation of coastal hazard zones into wider building set backs 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.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly well grouped. The overall score was '**inadequate**.' The comments received were that it would be

good if the policy was implemented but there was to date no evidence of it happening. The recommendation made was that district councils needed to consider the measure when looking at reserves and esplanades.

Action

EBOP should investigate the ineffectiveness of this policy and consider rewording it by replacing 'encourage' with 'ensure' in order to strengthen the compliance by district councils.

11.2.3 (r) To encourage and support initiatives designed to involve the community in Coast Care.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly spread. Although the overall score was '**excellent**' there was comment questioning whether this needed to be a policy of the plan and not just an initiative of the regional council. There has been good progress in implementing this policy through Coast Care, Estuary Care and other environmental programmes. The policy is also linked to the method of implementation 11.2.4(a) from the BOPRCEP.

Action

The policy should be retained and supported; no change is required to the BOPRCEP.

11.2.3 (s) To promote consistency and integration with regard to future research on coastal hazards within the Bay of Plenty and neighboring regions.

Review Assessment

The review panelist's scoring of effectiveness and efficiency for this policy was fairly spread. The overall score was '**good.**' There was comment that there could be improvements in consultation and information sharing. It was important that EBOP promoted consistency across districts.

Action

The policy should be retained and supported; no change is required to the BOPRCEP.

4.5 Methods of Implementation

4.5.1 Facilitation and Coordination

11.2.4 (a) Promote and encourage community groups to become involved in the management (including Coast Care) of coastal hazards.

Review Assessment

This method is rated '**excellent.**' Evidence from the literature review is that this initiative with community groups in the bay of the Plenty has been very effective as a method of implementation. The 'Coast Care' programme of the Bay of Plenty is regarded as a national success story of community involvement in beach restoration and protection work and currently involves 28 groups.

However, this success does appear almost incidental since the wording of the method is very general and does not indicate what the desired environmental outcome of the community involvement in managing coastal hazards would be. In actual fact most of the work has been on successful and publically supported rehabilitation and protection work on soft coasts.

Action

Although the method is effective and should be retained, EBOP should consider rewording the method to be more specific regarding the desired outcome of the community involvement in the management of coastal hazards. The outcome should be more than just having community groups involved and extend to the desired effect on the environment.

11.2.4 (b) 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.

Review Assessment

This method is also related to policy 11.3.1 (ii) in the BOP Regional Policy Statement (RPS). From the literature review and consultation with staff, it appears that there has been mixed success with ensuring a consistency of approach and data sharing between the regional councils with regard to coastal hazards. The policy is rated as **'inadequate'**.

While implementation of the method has been quite effective by district councils within the region, it could be improved between neighbouring regions. Although there is some inter-regional coordination on natural hazards this does not specifically pertain to coastal hazards.

This method should be a more effective tool. However, making it more effective does not rely on making amendments to the plan, but rather on improving cooperation between the regional councils involved. There is probably a need to focus on some definite areas of common interest – ie cooperation on how some of the provisions for coastal hazards of the new New Zealand Coastal Policy will be given effect in the wider region.

Action

Although no changes are required to the BOPRCEP, consideration should be give to how the policy could be better implemented. One suggestion is to focus on areas of common interest such as implementation of the coastal hazard provisions of the New Zealand Coastal Policy.

11.2.4 (c) Encourage further research by other appropriate agencies into an integrated approach to the issues of coastal hazards.

Review Assessment

There is evidence of considerable success with regard to identifying the 7 indicators for measuring coastal hazard risk. Evidence from the literature is that a good measure of success has been achieved in 2008 in introducing an integrated approach across the region in this regard. This initiative should prove to be an effective method of introducing such an integrated approach.

In addition to this initiative, EBOP has commissioned a considerable variety of research and monitoring either on its own accord or in conjunction with one or more of the 4 coastal district councils. The method is rated as '**good**'. This is regarded as a valuable method to be retained.

Action

No change is required to the BOPRCEP. In order to make the best use of limited resources a coordinated and integrated approach to carrying out research into hazard issues is vital.

4.5.2 Services

Environment Bay of Plenty will:

11.2.5 (a) Contribute on an equitable basis towards the costs of implementing a regional community coast care programme.

Review Assessment

Evidence from both the panelists and the literature review of the 10 year plan and annual plans indicates that this method is being implemented effectively. The method is rated '**good**'.

Action

No change is required to the BOPRCEP. This method is regarded as currently effective and can be reviewed in the full plan review in 2013.

11.2.5 (b) Undertake research on the issue of harbour shore erosion and the effects of harbour shore protection works.

Review Assessment

From the assessment by the panelists and evidence from the literature review, it appears that this method has been implemented. There is an example of good joint research being conducted on Ohiwa harbour by EBOP, Opotiki and Whakatane District Councils. This method is rated '**good**'.

Action

No change is required to the BOPRCEP. This method regarding undertaking research on harbour shore erosion is regarded as effective and to be retained.

11.2.5(c) 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.

Review Assessment

Inferring from the assessment comments received from some of the panelist's, it appears that the Opotiki District Council is appreciative of the research and financial assistance from Environment Bay of Plenty. However it also appears that research is fragmented and not well coordinated and has at time failed to take account of the IPPC information on the anticipated rise in sea level (no reason was given for the exclusion). This method is rated '**satisfactory**'.

Action

No change is required to the BOPRCEP. However EBOP should review the coordination and overall effectiveness of the research for the full plan review in 2013.

4.6 The Anticipated Environmental Results

One of the issues with the Bay of Plenty Regional Coastal Environment Plan is that the anticipated environmental results are listed separately from the issue chapters. A degree of interpretation is required to identify those environmental results that are considered relevant to a particular objective and method of implementation.

With regard to this review of the Coastal Hazards Chapter of the plan the following two results were identified as being of relevance to measuring the performance of the plan's provisions to see to what extent the results have been met. The numbers provided here reflect the position of the result in the plan.

10. Avoidance and mitigation of the risk to property and other values from the effects of natural coastal hazards, in particular storm erosion and storm flooding.

Review Assessment

From the findings of the panel assessment and the literature review it appears that this result has only been partly achieved. The reason for this partial achievement is the amount of what is considered inappropriate development being permitted by the 4 coastal district councils in the coastal hazard zone. Furthermore a greater level of consistency across the district councils would be considered desirable in how they designated and regulated development within the coastal hazard zone.

However, despite this concern, it is also acknowledged that there has been considerable success in all 4 coastal territorial authorities in now having prepared and implemented district plan controls for the control of development in the coastal hazard zone.

Action

EBOP should review the consistency and effectiveness of district councils in managing development within the coastal hazard zone. This review should be completed by 2013.

35. *The ability of the active beach system to resist natural coastal erosion is maintained.*

Review Assessment

On the basis of panellists' assessments and the literature review, it is considered that this environmental result has been and continues to be achieved.

The reason for this achievement is the very effective community based 'Coast Care' programme that Environment Bay of Plenty has established. This programme has been responsible for some excellent work in restoration of natural beach environments. Research and monitoring suggests that maintenance of the natural beach environment offers the best sustainable protection against natural coastal erosion.

Action

No change is required to the BOPRCEP.

4.7 Summary of Findings – Review of the Coastal Hazard Chapter

This summary contains a list of those provisions that are recommended for attention.

4.7.1 Policies

- Although policy 11.2.3 (i) should be retained, consideration should be given to include reference to the Council's earthworks guideline or possibly include some key aspects more directly as a guide or as performance standards under the policy.
- EBOP should review whether the policy 11.2.3 (o) regarding development adjacent to river mouths should be removed/ amended or left until the full review
- EBOP should investigate policy 11.2.3 (p) on the stabilizing effect of pohutukawa trees and other vegetation on coastal cliffs. Due to divergence of views on the role of vegetation, some research is recommended in order to provide evidence or principle to underpin this policy.
- EBOP should review the effectiveness of policy 11.2.3 (q) of encouraging the incorporation of the coastal hazard zones into wider building set backs or reserves in conjunction with the four coastal district councils.

4.7.2 Methods

- Although method 11.2.4 (a) is regarded as very effective and should be retained, EBOP should consider rewording the method to be more specific regarding the desired outcome of the community involvement in the management of coastal hazards. The outcome should be more than just having community groups involved and extend to the desired effect on the environment.
- Method 11.2.4 (b) for promoting the inter-regional forum should be a more effective tool than it currently is. However, making it more effective does not rely on making amendments to the plan, but rather on improving cooperation between the regional councils involved. There is probably a need to focus on some definite areas of common interest – ie cooperation on how some of the new New Zealand Coastal Policy provisions for coastal hazards will be given effect in the wider region.

- EBOP should review method 11.2.5(c) for funding and working with the Opotiki District Council regarding detailed coastal hazard research. Attention should focus on improving coordination and effectiveness of the research that is undertaken.

4.7.3 Other Issues

Consideration should be given by EBOP to either a new or revised policy directed specifically at addressing the cumulative effects of development on coastal hazards. This issue is consistent with the Bay of Plenty Regional Policy Statement method of implementation 11.3.1(c) (viii) relating to the assessment of environmental effects for hazard mitigation or control of activities which require resource consents.

EBOP should review the consistency and effectiveness of district councils in managing development within the coastal hazard zone. This review should be completed by 2013.

5. Effectiveness and Efficiency Review of Chapter 13 – Coastal Structures

5.1 Introduction

This section presents the findings of the effectiveness and efficiency review of Chapter 13 Coastal Structures. The provisions of this chapter were assessed by the members of the review panel. A summary table of their assessment is presented in Appendix 7. What follows here is a more comprehensive review taking account of both the review panellist's assessment and relevant information from the literature review.

5.2 The Issues

There is one listed issue:

'The maintenance of existing structures and the provision of future structures within the coastal marine area can adversely affect the environment.'

Review Assessment

The issue is considered well-written and effectively covers both existing and new structures, and how they can adversely affect the coastal environment.

Action

No change to the BOPRCEP is required.

5.3 The Objectives

There is a single objective:

Objective 13.2.2 Any structures in the coastal marine area are to be appropriate.

Review Assessment

It is unlikely that this objective 13.2.2 would be achieved even if the policies and methods were fully implemented. The review found that the objective was not effectively worded and should be rewritten to be more achievable and measurable. Currently it was regarded as especially unhelpful with regards to addressing the existence of illegal structures.

Action

EBOP should review rewording this objective by 2013 to be more directly worded to being achievable in terms of the chapters policies and rules.

5.4 The Policies

13.2.3 (a) Avoid all adverse effects of structures on the values of the Coastal Habitat Preservation Zone.

Review assessment

The panel review found that the policy was clearly expressed but that there was an issue regarding some of the mapped boundaries of the Coastal Habitat Preservation Zone not accurately reflecting the situation in the field with the result that considerable effectiveness is lost. Considerable frustration is caused by this misalignment of the mapped boundary. The policy is rated '**inadequate**'.

Action

It is recommended that EBOP investigate and resolve the alignment of the mapped boundary of the Coastal Habitat Preservation Zone.

13.2.3 (b) Structures listed in schedule 8 are appropriate within the Port Zone.

Review assessment

The panel assessment found the policy to be effective and efficient and it is rated '**good**'. Structures in the Port Zone are addressed in rules from 13.2.4 (o) to (r).

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (c) Avoid conflict between the purpose of the Port Zone and activities.

Review Assessment

The panel assessment found the policy to be effective and efficient. The policy is rated '**good**'. The policy allows EBOP to recognise the importance of the Port when looking at activities in the Port Zone.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (d) Ensure that all structures in the Harbour Development Zone are consistent with its purpose and any adverse environmental effects are adequately dealt with.

Review Assessment

The panel assessment found the policy to be effective and efficient and is rated '**good**'.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (e) Allow activities that are appropriate in the Coastal Management Zone having considered environmental effects and site values.

Review Assessment

The panel assessment questioned whether this policy was sensible? The question was also asked as to what site values were to be considered? The policy is rated '**satisfactory**' and the value of retaining it should be assessed in the 10 year plan review.

Action

Policy 13.2.3 (e) should be retained and its value as a policy assessed in the full review

13.2.3 (f) Effects of any activity to adjoining activities (in the Harbour Development Zone).

Review Assessment

The panel review found this policy to be effective and efficient. The policy is rated '**good**'. The policy is considered useful in requiring a justification for proposed activities.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (g) Discourage the proliferation of structures in the coastal marine area and promote the efficient use of existing structures and installation of new structures in existing corridors.

Review Assessment

The panel review found this policy to be reasonably effective and efficient and it is rated '**good**'. Comment was made that the policy was a repetition of requirements of Part II of the RMA and should perhaps be worded to rather concentrate on the effects of structures.

Action

Policy 13.2.3(g) should be retained and reviewed by 2013 to consider whether its focus should just be on the effects of coastal structures.

13.2.3 (h) All adverse effects of activities associated with structures in the Coastal Management Zone must be properly dealt with (avoided, remedied or mitigated).

Review Assessment

The panel review found this policy to be effective and efficient. It has been particularly useful in getting applicants to provide more information on such effects. It is rated as '**excellent**'.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (i) Take account of the effects of structures on coastal hydrological and geomorphologic processes.

Review Assessment

The panel review found this policy to be reasonably effective and efficient. It was rated '**good**'.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (j) Activities in the coastal marine area will not result in any nuisance effects for adjoining or nearby land occupiers, that are not avoided, remedied or mitigated.

Review Assessment

The panel review found this policy was not effective or efficient. Comment was made that the wording was somewhat subjective and could be improved upon. It is rated '**satisfactory**'.

Action

Policy 13.2.3 (j) should be retained and reviewed by 2013 to improve its wording. 'Suggested possible wording: *'Any nuisance effects of activities in the coastal marine area for adjoining or nearby land occupiers are to be avoided, remedied or mitigated'*

13.2.3 (k) Design of storm water outfall to minimise coastal erosion.

Review assessment

The panel review found this policy to be effective and efficient. It is rated '**good**'.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (l) Recognise that structures within navigation channels and mooring areas that would adversely affect navigation and mooring are inappropriate.

Review Assessment

The panel review found this policy to be reasonably effective and efficient. It is rated '**good**'.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (m) Structures not to exceed airport height restrictions.

Review Assessment

The panel review found this policy to be effective and efficient. It is rated '**good**'.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (n) Encourage vessel storage methods in the coastal marine area that use space efficiently.

Review Assessment

The panel review found this policy to be reasonably effective and efficient. The policy is rated **'satisfactory'**. Comment was made that due to growing demand for marina type developments, the need to have efficient boat storage facilities would become increasingly important. It was suggested that EBOP should consider researching this aspect in order to provide guidance for future development.

Action

Policy 13.2.3 (n) should be retained; but EBOP should research and prepare guidelines for efficient boat storage facilities.

13.2.3 (o) Concentration of mooring areas to leave some areas in a natural state.

Review assessment

The panel review found this policy to be reasonably effective and efficient. The policy is rated **'good'**.

Action

The policy should be retained; no change is required to the BOPRCEP.

13.2.3 (p) Appropriate marinas in specified areas.

Review assessment

The panel review found this policy to be reasonably effective and efficient. The policy is rated **'satisfactory'**. The comment was made that it would be good for the BOPRCEP to provide guidance on where marinas would be appropriate.

Action

Policy 13.2.3 (p) policy should be retained but investigated by 2013 to determine providing guidance as to where marinas should be located.

13.2.3 (q) Requirements for new marinas.

Review Assessment

The panel review found this policy to be effective and efficient as it is written very directly as a rule would be so is very definite and measurable. The policy is rated **'excellent'**.

Action

The policy should be retained; no change is required to the BOPRCEP. The policy is rated **'good'**.

13.2.3 (r) Installation of vessel waste disposal at frequently used boat ramps .

Review Assessment

The panel review found this policy to be reasonably effective and efficient. The policy is clear in intention but the reference to 'frequently used' is very subjective and open to interpretation. The policy is rated '**satisfactory**'.

Action

Policy 13.2.3 (r) should be retained and reworded by 2013 to be more explicit about frequency of use.

5.5 Rules

5.5.1 All zones except the Coastal Habitat Preservation Zone

13.2.4 (a) Structures for Navigation Aids (permitted activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

13.2.4 (b) Structures in Permanently Navigable Harbour Waters (list of discretionary activities and other structures are considered a prohibited activity).

Review Assessment

The panel review found this rule to be not very effective and efficient. The policy is rated '**inadequate**'. Comment was made that consideration could be given to categorise structures not on the list as being 'non complying'

Action

Rule 13.2.4 (b) should be reviewed by EBOP by 2013 to ascertain if structures not on the list of discretionary activities could be considered non-complying rather than prohibited.

13.2.4 (c) Swing Mooring Structures within the mooring areas (permitted activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

13.2.4 (d) Swing Mooring Structures outside the mooring areas (discretionary activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated **'good'**.

Action

The rule should be retained; no change is required to the BOPRCEP.

13.2.4 (e) Removing of any mooring structure by its owner (permitted activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The activity the policy relates to is regarded as very straightforward and uncomplicated. The rule is rated **'good'**.

Action

The rule should be retained; no change is required to the BOPRCEP.

5.5.2 All zones except the Coastal Habitat Preservation Zone

13.2.4 (f) Maintenance of all structures (list of permitted and discretionary activities).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. Comment was made that perhaps the rule should perhaps refer to legal structures (authorised) rather than all structures. If the rule were amended it might encourage owners of non-authorised structures to apply for consent whereas at present they do not need to worry. The rule is rated **'satisfactory'**.

Action

Rule 13.2.4 (f) should be retained but reviewed by 2013 to consider rewording it to target just legal (authorised) structures.

5.5.3 Coastal Management Zone

13.2.4 (g) Temporary maimai within the Coastal Management Zone (permitted activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. This rule is rated **'satisfactory'**. Comment made that once the Coastal Habitat Preservation Zone was more accurately mapped, EBOP should consider prohibiting maimai's within this zone.

Action

Rule 13.2.4 (g) should be retained until the mapping of the Coastal Habitat Preservation Zone was done accurately and then EBOP should consider making maimai's prohibited within this zone.

13.2.4 (h) Structures not expressly provided for or prohibited by other rules in the plan (discretionary activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. Comment made that inclusion of criteria for discretionary activities would be helpful and improve the effectiveness of the rule. The rule is rated '**satisfactory**'.

Action

Rule 13.2.4 (h) should be retained and investigated by EBOP regarding the inclusion of criteria for discretionary activities.

13.2.4 (i) Abandoned structures (permitted activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. Comment was made that due to the costs involved this rule had not been used by EBOP to remove any of the many abandoned structures along the coast. Nevertheless, it was also suggested that consideration be given to allowing the removal of illegal structures where the adverse effects are less than leaving them in place. The rule is rated '**satisfactory**'.

Action

Rule 13.2.4 (i) should be retained and by 2013 EBOP should consider amending application of the rule to include illegal structures where the adverse effects are less than leaving them in place.

5.5.4 Coastal Habitat Preservation Zone

13.2.4 (j) Temporary maimai within the Coastal Habitat Preservation Zone is a Permitted Activity.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**satisfactory**'. Comment made reiterates that for 13.2.4 (g). Once the Coastal Habitat Preservation Zone was more accurately mapped, maimai's could be prohibited therein.

Action

Rule 13.2.4 (j) should be retained until the Coastal Habitat Preservation Zone is more accurately mapped. At that time consideration should be given to prohibiting maimai's in this zone.

13.2.4 (k) Other structures (discretionary activity).

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The inclusion of assessment criteria for discretionary activities is recommended as a measure to improve the effectiveness of this section. The rule is rated '**satisfactory**'.

Action

Rule 13.2.4 (k) should be retained and by 2013 EBOP consider preparing and including criteria for discretionary activities.

13.2.4 (l) Prohibited structures.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. Comment made that some structures may be appropriate. This rule is rated '**satisfactory**'.

Action

Rule 13.2.4 (l) should be retained and by 2013 EBOP determine if any structures could be regarded as not prohibited.

13.2.4 (m) The demolition, or removal of structures within the Coastal Habitat Preservation Zone is a discretionary activity.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

5.5.5 Harbour Development Zone

13.2.4 (n) Discretionary activity.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. Comment made that the provision of assessment criteria would improve the effectiveness of the rule. The rule is rated '**satisfactory**'.

Action

Rule 13.2.4 (n) should be retained and by 2013 investigated for the inclusion of criteria for discretionary activities.

5.5.6 Port Zone

13.2.4 (o) (i) List of discretionary activities

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

13.2.4 (o) (ii) Discretionary activity.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

5.5.7 Wharf Cranes - Port Zone

13.2.4 (p) (i) Discretionary activity.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

13.2.4 (p) (ii) Permitted activity

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

5.5.8 Other structures - Port Zone

13.2.4 (q) Discretionary activity.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. Again comment made was that the inclusion of assessment criteria would improve the effectiveness of the rule. The rule is rated '**satisfactory**'.

Action

Rule 13.2.4 (q) should be retained and investigated by 2013 regarding the inclusion of assessment criteria for discretionary activities.

5.5.9 Restricted Coastal Activities (RCA) - Port Zone

13.2.4 (r) Permitted RCA.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

5.5.10 Restricted Coastal Activities (RCA) - All Zones

13.2.4 (s) Discretionary RCA.

Review Assessment

The panel review found this rule to be reasonably effective and efficient. The rule is rated '**good**'.

Action

The rule should be retained; no change is required to the BOPRCEP.

5.6 The Methods of Implementation - Process

Environment Bay of Plenty will:

13.2.5(a) Encourage, as conditions on coastal permits for structures, the use of designs and materials that can be removed with minimal adverse effects.

13.2.5(b) 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.

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.

Review Assessment

The above methods are considered to be effective and efficient although the wording of 13.2.5 (a) could be improved to be clearer about what can be removed with minimal adverse effects.

Action

The methods for Process should be retained but consideration should be given to rewording 13.2.5 (a) by 2013, to be clearer about what can be removed with minimal adverse effects.

5.7 The Methods of Implementation – Services

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.

13.2.6(b) Environment Bay of Plenty will continue a programme to review all unauthorized structures on the margins of the Tauranga and Ohiwa harbours. The process started with high priority areas in July 1998.

Review Assessment

Method 13.2.6 (a) is considered to be partially effective and efficient. It is uncertain though, to what degree the method has been implemented since its inception in 1998. It is not known how many illegal structures have been removed and at what cost to date.

Method 13.2.6 (b) is considered ineffective and inefficient if the action began with 'high priority' 8 years ago and has not yet been completed. If it has been completed it would be advantageous to provide a review report and consider the removal of this one-off method from the plan.

Action

Methods 13.2.6 (a) & (b) should remain until EBOP is able to determine the status of both programmes. In the event of either or both being completed, then consideration should be given to removing those methods that are no longer applicable.

5.8 The Anticipated Environmental Results

None of the list of 36 Environmental Results refers specifically to coastal structures. However 3 Results are considered to be the most relevant to coastal structures. The numbers provided here reflect the position of the result in the list in the plan.

3. *Preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development.*

Review Assessment

With regard to the placing of coastal structures in the CMA, most are and will be in locations such as harbours and developed beachfronts where the natural character of the coastal environment is considerably altered currently. From the findings of the panel assessment and literature review this result is regarded as being achieved from the viewpoint of the placement of coastal structures.

Action

Anticipated environmental result (3) should be retained. No change to the BOPRCEP is required.

4. Protection of outstanding natural features and landscapes of the coastal environment.

Review Assessment

From the findings of the panel assessment and literature review this result is regarded as being achieved. There are sufficient policies and rules in the BOPRCEP to effectively control the establishment of coastal structures to protect outstanding natural features and landscapes of the coastal environment.

Action

Anticipated environmental result (4) should be retained and no change to the plan is required.

7. Maintenance of physical and ecological coastal processes.

Review Assessment

From the findings of the panel assessment and literature review this result is regarded as being partly achieved from the viewpoint of locating or placing coastal structures. While policy 13.2.3 (i) states that the '*effects of structures on coastal hydrological and geomorphologic processes be taken into account*', it does not include ecological processes. The anticipated environmental result maintenance of physical and ecological processes is therefore regarded as being partly achieved from a coastal structures viewpoint

Action

Anticipated result (7) is to be retained and by 2013 and consideration to amending the wording of policy 13.2.3 (i) to include reference to ecological processes.

Overall Action

It is recommended that by 2013 attention be given to compiling a list of anticipated environmental effects that is directly related to each of the chapters.

5.9 Conclusions

It is concluded that most of the provisions of the Coastal Structures chapter were found to work well and do not require changing. What follows is a list of those provisions which are considered to warrant attention.

5.9.1 Policies

It is recommended that EBOP

- Policy 13.2.3 (a) should be investigated to resolve the alignment of the mapped boundary of the Coastal Habitat Preservation Zone.

- Policy 13.2.3 (e) should be retained and reviewed by 2013 to assess its value as a policy.
- Policy 13.2.3(g) should be retained and reviewed by 2013 to consider focusing only on the effects of coastal structures.
- Policy 13.2.3 (j) is to be retained and reviewed by 2013 to improve its wording. ‘ Suggested possible wording: ‘Any nuisance effects of activities in the coastal marine area for adjoining or nearby land occupiers are to be avoided, remedied or mitigated’
- Policy 13.2.3 (p) is to be retained but researched by 2013 for including guidance as to where marinas should be located.
- Policy 13.2.3 (r) is to remain and reviewed by 2013 for rewording to be more explicit about frequency of use.

5.9.2 Other Issues

- Not mentioned in the above discussion but comment was received that including criteria for assessing discretionary activities would be helpful.

5.9.3 Rules

- Rule 13.2.4 (b) should be reviewed by 2013 to ascertain if structures not on the list of discretionary activities could be considered non-complying rather than prohibited.
- Rule 13.2.4 (f) should be retained but reviewed by 2013 to consider rewording it to target just legal (authorised) structures.
- The rule 13.2.4 (g) should remain as is until the mapping of the Coastal Habitat Preservation Zone was more accurate and then EBOP should consider making maimai’s prohibited within this zone.
- The rule 13.2.4 (h) should be retained and investigated by EBOP regarding including criteria for discretionary activities.
- The rule 13.2.4 (i) should be retained and by 2013 EBOP should consider amending application of the rule to include illegal structures where the adverse effects are less than leaving them in place.
- The rule 13.2.4 (j) should remain as is until the Coastal Habitat Preservation Zone is more accurately mapped. At that time consideration should be given to prohibiting maimai’s in this zone.
- The rule 13.2.4 (k) should be retained and investigated by 2013 regarding preparing and including criteria for discretionary activities.
- The rule 13.2.4 (l) should be retained and be investigated by 2013 to determine if any structures could be regarded as not prohibited.
- Rule 13.2.4 (n) should be retained and investigated by 2013 for the inclusion of criteria for discretionary activities.
- Rule 13.2.4 (q) should be retained and investigated by 2013 regarding the inclusion of assessment criteria for discretionary activities.

5.9.4 Methods

- The methods for Process should remain but by 2013 consideration should be given to rewording 13.2.5 (a) to be clearer about what can be removed with minimal adverse effects.

- The methods 13.2.6 (a) & (b) should remain until EBOP is able to determine the status of both programmes. In the event of either or both being completed, then consideration should be given to removing those methods that are no longer applicable.

5.9.5 Anticipated Environmental Effects

- The anticipated environmental result (7) maintenance of physical and ecological processes is regarded as being partly achieved from a coastal structures viewpoint. It is recommended that by 2013 consideration be given to rewording policy 13.2.3 (i) to include reference to ecological processes.
- It is recommended at an overall level that by 2013 attention should be given to compiling a list of anticipated environmental effects that is directly related to each of the chapters of BOPRCEP.

6. Conclusions and Recommendations

6.1 Conclusions

This five year review has provided a valuable opportunity to assess the provisions of the Bay of Plenty Coastal Environment Plan against the needs of the current and future sustainable management of the coast.

Against an evolving and maturing regional planning framework, this Section 35 review of the efficiency and effectiveness of the Bay of Plenty Regional Coastal Environment Plan has concluded that the Plan is largely effective in meeting the requirements of the Bay of Plenty regional coastal context.

However a number of overall issues and planning provisions were identified that should be further investigated by Environment Bay of Plenty for possible amendments to the plan. These are listed below.

Furthermore although not considered in this review, there are provisions in the Proposed New Zealand Coastal Policy Statement that also need to be taken into account in considering amendments to the Bay of Plenty Regional Coastal Environment Plan in the future. The Coastal Policy Statement changes should be used to strengthen EBOP's role with the four coastal district councils in ensuring effective and consistent attention to coastal issues in the portion of the coastal environment landward of the CMA. It is one of the weaknesses of the current coastal plan that the policies pertaining to the landward portion of the coastal environment could be worded more strongly to better ensure district councils implementation.

6.1.1 Key Findings

The Review identified the following issues as requiring attention by 2013.

Overall Issues

- EBOP to discuss with district councils the need to give consistent effect to the Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan regarding matters of landscape, natural character and sites of significance.
- EBOP should discuss with the four coastal territorial authorities the issue of having appropriate rules on ecology incorporated in their district plans to give effect to the Regional Policy Statement. At this stage there does not appear to be any requirement for amendment to the BOPRCEP.
- The current issue of inconsistent ecological boundaries for the beach and foreshore should be investigated by EBOP for resolving and achieving consistency.
- The issue of vehicles on beaches should be discussed between EBOP and the coastal territorial authorities for resolving through joint agreements (as has been done in Southland). There is also the possibility of by-laws being jointly applied by both Environment Bay of Plenty and the four coastal territorial authorities.
- EBOP should investigate whether provision is required in the BOPRCEP for the Te Whanau a Apanui deed of settlement with the Crown.

- EBOP should investigate setting limits for the adverse cumulative effect of development or activities on coastal processes, resources or values.
- The general list of anticipated environmental results in Chapter 23 is difficult to relate to individual policies and methods contained in the activities section of the Plan. EBOP should investigate revising this list to relate the outcomes more specifically back to planning provisions. Consideration should be given to having a list of relevant environmental results contained in each of the activity chapters that relate to the provisions of that chapter.
- The method of promoting the inter-regional forum should be a more effective tool than it currently is. However, making it more effective does not rely on making amendments to the plan, but rather on improving cooperation between the regional councils involved. There is probably a need to focus on some definite areas of common interest such as cooperation on how the new New Zealand Coastal Policy Statement provisions for coastal hazards be given effect in the wider region.

Issues from Chapter 11 - Coastal Hazards

- A possible new policy to consider inserting into the Bay of Plenty Regional Coastal Environment Plan, is that of cumulative effects of development on coastal hazards. This issue is consistent with the Bay of Plenty Regional Policy Statement method of implementation 11.3.1(c) (viii) relating to the assessment of environmental effects for hazard mitigation or control of activities which require resource consents.
- EBOP should review whether the policy 11.2.3 (o) regarding development adjacent to river mouths should be removed/ amended or left until the full review
- EBOP should review removing or rewording this policy 11.2.3 (p) on the possible stabilizing effect of pohutukawa trees on cliffs.
- EBOP should review the effectiveness of this policy 11.2.3 (q) of encouraging the incorporation of the coastal hazard zones into wider building set backs or reserves in conjunction with the four coastal district councils.
- EBOP should review its research work with the Opotiki District Council regarding detailed coastal hazard research for those areas zoned for coastal residential purposes. The review found that research was fragmented and not well coordinated.

Issues from Chapter 13 – Coastal Structures

- EBOP should review its research work with the Opotiki District Council regarding detailed coastal hazard research for those areas zoned for coastal residential purposes. The review found that research was fragmented and not well coordinated.
- Policy 13.2.3 (a) should be investigated to resolve the alignment of the mapped boundary of the Coastal Habitat Preservation Zone.
- Policy 13.2.3 (e) should be reviewed by 2013 to assess its value as a policy.
- Policy 13.2.3(g) should be reviewed by 2013 to consider focusing only on the effects of coastal structures.
- Policy 13.2.3 (j) be reviewed by 2013 to improve its wording. Suggested possible wording: 'Any nuisance effects of activities in the coastal marine area for adjoining or nearby land occupiers are to be avoided, remedied or mitigated'
- Policy 13.2.3 (p) be researched by 2013 regarding the inclusion of guidance as to where marinas should be located.

- Policy 13.2.3 (r) should be reviewed by 2013 for rewording to be more explicit about frequency of use.
- Rule 13.2.4 (b) should be reviewed by 2013 to ascertain if structures not on the list of discretionary activities could be considered non-complying rather than prohibited.
- It is recommended that criteria are compiled for assessing discretionary activities.
- Rule 13.2.4 (f) should be reviewed by 2013 to consider rewording it to target just legal (authorised) structures.
- The rule 13.2.4 (g) should remain as is until the mapping of the Coastal Habitat Preservation Zone is more accurate and then EBOP should consider making maimai's prohibited within this zone.
- The rule 13.2.4 (h) should be investigated by 2013 regarding including criteria for discretionary activities.
- The rule 13.2.4 (i) should be reviewed by 2013 regarding amending application of the rule to include illegal structures where the adverse effects are less than leaving them in place.
- The rule 13.2.4 (j) should remain as is until the Coastal Habitat Preservation Zone is more accurately mapped. At that time consideration should be given to prohibiting maimai's in this zone.
- The rule 13.2.4 (k) should be investigated by 2013 regarding preparing and including criteria for discretionary activities.
- The rule 13.2.4 (l) should be investigated by 2013 to determine if any structures could be regarded as not prohibited.
- Rule 13.2.4 (n) should be investigated by 2013 for the inclusion of criteria for discretionary activities.
- The methods for coastal structure process should be reviewed by 2013 regarding rewording 13.2.5 (a) to be clearer about what can be removed with minimal adverse effects.
- The methods 13.2.6 (a) & (b) should remain until EBOP is able to determine the status of both programmes. In the event of either or both being completed, then consideration should be given to removing those methods that are no longer applicable.
- The anticipated environmental result (7) maintenance of physical and ecological processes is regarded as being partly achieved from a coastal structures viewpoint. It is recommended that by 2013 consideration be given to rewording policy 13.2.3 (i) to include reference to ecological processes.

6.2 Recommendations

In addition to a recommendation that Environment Bay of Plenty attend to the list of issues identified in Section 6.1 Conclusions, the following are more general recommendations.

Monitoring

Monitoring information should be captured in a manner that enables a differentiation in reporting between the coastal environment and the rest of the region (this is currently difficult with the indeterminate definition of the coastal environment's landward edge). It could certainly be done fairly easily for the Coastal Marine Area (CMA) for which Environment Bay of Plenty has direct resource use control.

Plan Changes

A schedule should be prepared by EBOP of those issues identified in this review as requiring attention. This schedule should then serve as a basis for addressing the issues according to a time and resources framework. Many of the issues can be tackled as tasks that do not require considerable expense but rather some desktop research, informed discussion and plan writing.

The larger issues will require more time and resources and a strategic approach should be followed that focuses on those issues that are agreed as posing the largest risks and those that provide significant benefits.

Probably the most important single issue recommended for attention before 2013 is resolving the present separation of the Part V Chapter 24 Anticipated Environmental Outcomes from the rest of the plan provisions. The absence of an explicit link between environmental outcomes and the plans activity provisions is considered to seriously impair the ability to provide a credible review of these provisions. This disjunction should be resolved by the time of the full review to enable the review process itself to be valid, effective and efficient.

Cooperation and Coordination

More effective plan implementation will require greater effort from EBOP management and staff in getting cooperation with and support from the four coastal territorial authorities. Improved interregional sharing of information would also be worthwhile in building consistency and effectiveness in dealing with shared coastal issues. The changes in the new national Coastal Policy Statement should ensure better cooperation and coordination of effort especially with regard to the landward portion of the coastal environment..

7. Glossary of Terms

BOPRCEP	Bay of Plenty Regional Coastal Environment Plan
CE	Coastal Environment
CMA	Coastal Marine Area
DOC	Department of Conservation
EBOP	Environment Bay of Plenty (Regional Council)
Effectiveness	Effectiveness is a measure of whether the outcome sought has been achieved or the extent to which method achieves objectives and policies.
Efficiency	Efficiency is a measure of the <i>benefit of a policy relative to its cost</i> .
LTCCP	Long Term Council Community Plan Entitled EBOP Ten Year Plan 2006-2016
NZCPS	New Zealand Coastal Policy Statement
ODC	Opotiki District Council
RCA	Restricted Coastal Activity A restricted coastal activity is defined in section 2 of the RMA as meaning: “Any discretionary activity or non-complying activity which, in accordance with s68, is stated by a regional coastal plan to be a restricted coastal activity, and for which the Minister of Conservation is the consent authority”.
RCEP	Regional Coastal Environment Plan
RMA	Resource Management Act 1991
TCC	Tauranga City Council
WBOPDC	Western Bay of Plenty District Council
WDC	Whakatane District Council

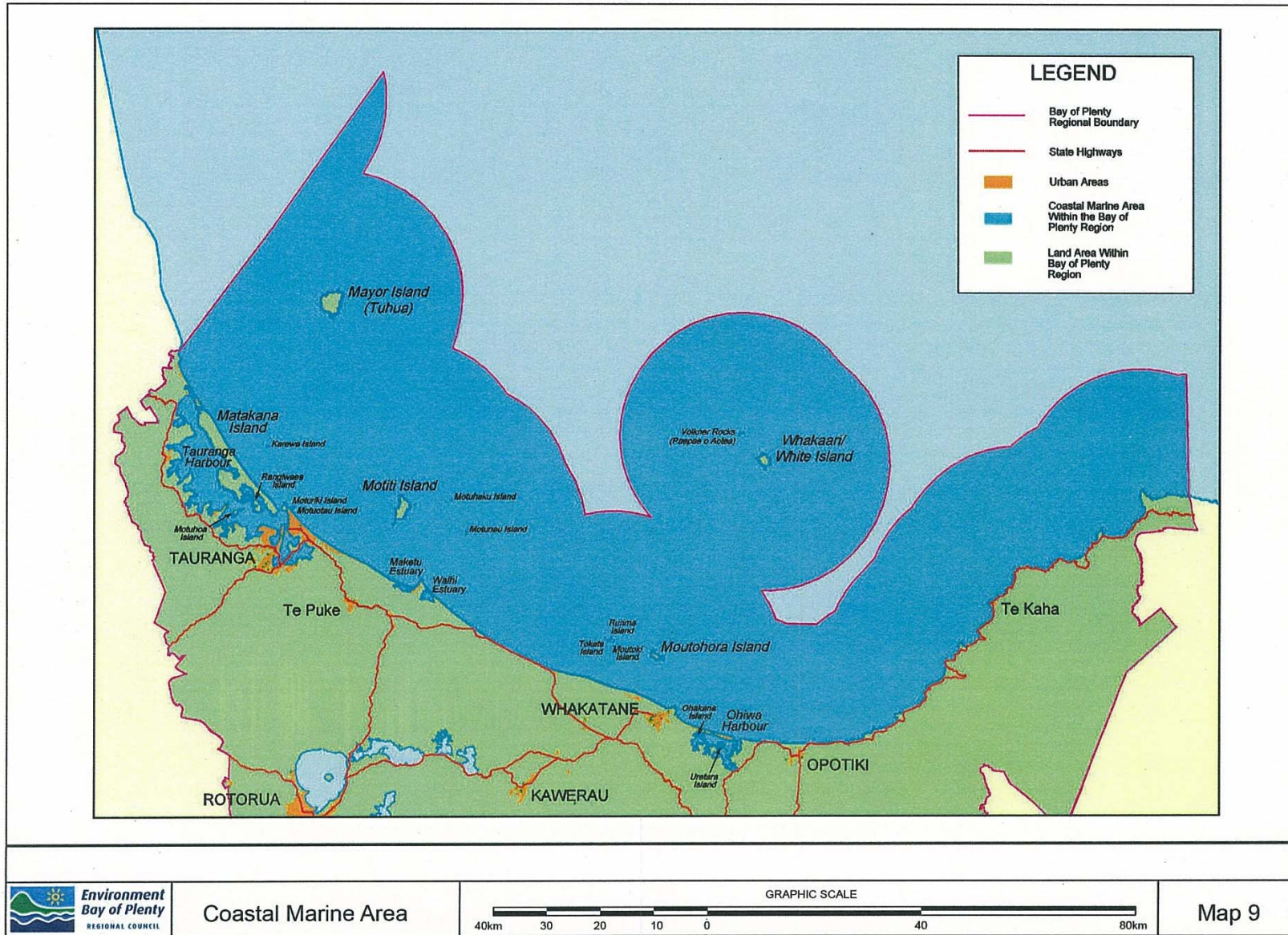
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APPENDIX 1

Context Map of the Bay of Plenty Region and Coast

Appendix 1 - Context Map of the Bay of Plenty Coastal Environment highlighting the Coastal Marine Area



APPENDIX 2

Register of EBOP Coastal Resource Consent Applications
during the last 5 years

Appendix 2 - Register of EBOP Coastal Resource Consent applications during the last 5 years

District	RCA	Property Address	VCT_No	code1	code5	Appdate	Decision date	Notified	Limited notified
TGADIS	Yes	Off Cross Road, Sulpher Point, Tauranga	251	C	ST05	22/08/2002	29/01/2003	5/10/2002	
WBOPDIS	Yes	Bledisloe Park, Little Waihi	261	C	ST18	11/03/2003	18/07/2003	22/03/2003	
WBOPDIS	No	Pahoia Beach Road, Pahoia	255	C	ST09	9/07/2003	20/01/2004		
TGADIS	No	Sylvania Drive, Elmes Reserve to Bay Street, Tauranga	247	C	ST01	22/07/2003	3/02/2004		
TGADIS	No	The Strand Reclamation, South of Coronation Pier, Tauranga	258	C	ST14	25/07/2003	18/09/2003		
TGADIS	No	The Strand Reclamation, South of Coronation Pier, Tauranga	251	C	ST05	25/07/2003	18/09/2003		
TGADIS	No	Sailsbury Avenue, Tauranga	249	C	ST03	28/10/2003	18/11/2003		
TGADIS	No	320 Maungatapu Road, Tauranga	257	C	ST11	15/08/2003	15/01/2009		
TGADIS	No	320 Maungatapu Road, Tauranga	251	C	ST05	15/08/2003	15/01/2009		
WBOPDIS	No	329b Plimmers Point Road, Rd 2, Tauranga	249	C	ST03	2/09/2003	19/04/2004		
TGADIS	No	194 and 202 Devonport Road, Tauranga	257	C	ST11	12/09/2003	24/10/2003		
WBOPDIS	No	Omokoroa Jetty and Boat, Ramp, Omokoroa	250	C	ST04	30/09/2003	3/02/2004		
TGADIS	No	Sulphur Point, Tauranga Harbour	250	C	ST04	2/10/2003	9/08/2004		
TGADIS	No	296 Maungatapu Road, Taunaga	251	C	ST05	9/10/2003	9/12/2008		
TGADIS	No	296 Maungatapu Road, Taunaga	257	C	ST11	9/10/2003	9/12/2008		
TGADIS	No	Esplanade Reserve, 11 and 13 Miriana Street, Maungatapu Peninsula, Tauranga	257	C	ST11	31/10/2003	18/05/2004		
TGADIS	No	Opureora Marae, Matakana Island	257	C	ST11	3/11/2003	20/03/2006		
TGADIS	No	Papamoa/omanu Beach, Tauranga	581	C	ST26	17/11/2003	17/12/2003		
WHKDIS	No	Goodwins Landing, Ohiwa Harbour	581	C	ST26	24/11/2003	25/09/2008		
OFFSHORE	No	Pattersons Inlet, Motiti Island	581	C	ST26	27/11/2003	9/02/2004		
TGADIS	No	446 Maungatapu Road, Tauranga	257	C	ST11	2/12/2003	11/04/2007		
WHKDIS	No	Port Ohope Recreation, Reserve, Harbour Road, Ohope	251	C	ST05	10/12/2003	25/06/2004	27/02/2004	
TGADIS	No	186 Devonport Road, Tauranga	250	C	ST04	18/12/2003			
TGADIS	No	186 Devonport Road, Tauranga	252	C	ST06	18/12/2003			
WBOPDIS	No	Hamurana Reserve, Omokoroa	257	C	ST11	22/12/2003	24/03/2004		
OPODIS	No	322 Ohiwa Loop Road, Opotiki	257	C	ST11	22/12/2003	23/10/2008		
OPODIS	No	320 Ohiwa Loop Road, Opotiki	255	C	ST09	17/02/2004	6/10/2008		
WBOPDIS	No	Panepane Point, Matakana Island	250	C	ST04	5/01/2004	10/06/2004		
TGADIS	No	111 Matua Road, Tauranga	250	C	ST04	6/01/2004	31/08/2004		
TGADIS	No	111 Matua Road, Tauranga	257	C	ST11	6/01/2004	31/08/2004		
TGADIS	No	10 Strange Grove, Matua, Tauranga	257	C	ST11	17/02/2004			
TGADIS	No	101 Kulim Avenue, Tauranga	250	C	ST04	9/01/2004	23/03/2004		
TGADIS	No	101 Kulim Avenue, Tauranga	252	C	ST06	9/01/2004	23/03/2004		
TGADIS	No	121 Matua Road, and 23 Manuwai Drive, Matua, Tauranga	250	C	ST04	13/01/2004			
TGADIS	No	121 Matua Road, and 23 Manuwai Drive, Matua, Tauranga	257	C	ST11	13/01/2004			
TWO/MORE	No	Whakatane District, Opotiki District, Western Bay of Plenty District, Tauranga District	581	C	ST26	10/05/2004	8/09/2004		
WBOPDIS	No	Lochhead Road, Te Puna	248	C	ST02	23/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	249	C	ST03	23/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	255	C	ST09	23/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	533	C	ST19	23/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	247	C	ST01	26/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	248	C	ST02	26/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	249	C	ST03	26/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	263	C	ST20	26/03/2004			
WBOPDIS	No	Lochhead Road, Te Puna	533	C	ST19	26/03/2004			
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	257	C	ST11	4/05/2004	18/11/2004	8/05/2004	
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	263	C	ST20	4/05/2004	18/11/2004	8/05/2004	
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	258	C	ST14	4/05/2004	18/11/2004	8/05/2004	
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	247	C	ST01	4/05/2004	18/11/2004	8/05/2004	
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	249	C	ST03	4/05/2004	18/11/2004	8/05/2004	
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	250	C	ST04	4/05/2004	18/11/2004	8/05/2004	
TGADIS	No	Waikareao Estuary,sulphur Point, Takitimu Drive, Hewletts Road, Tauranga Harbour	263	C	ST20	2/04/2004	18/11/2004	8/05/2004	
WHKDIS	No	Coastal Waters, Bay of Plenty	581	C	ST26	14/04/2004	4/06/2004		
TGADIS	No	177 Hewletts Road, Mount Maunganui	253	C	ST07	8/06/2004	21/09/2004		
TGADIS	No	Keith Allen Place, Sulphur Point, Tauranga	251	C	ST05	11/06/2004	27/04/2005		

Appendix 2 - Register of EBOP Coastal Resource Consent applications during the last 5 years

TGADIS	No	Grace Road, Tauranga	257	C	ST11	21/06/2004	30/11/2006		
WHKDIS	No	Goodwins Reef, Whakatane River, Whakatane	254	C	ST08	18/08/2004	22/04/2005		30/11/2004
TGADIS	No	17 Kiriwai Place, Tauranga	257	C	ST11	1/09/2004			
WBOPDIS	No	End of Tanners Point Road, Tanners Point	249	C	ST03	20/09/2004	25/01/2005		
WBOPDIS	No	Marshall Road, Wills Roadtetley Road, Rereatukahia Roadriverview Road, Sharp Road	261	C	ST18	24/08/2004	4/11/2004		
WHKDIS	No	Thornton Beach Boat Ramp, Thornton	250	C	ST04	5/10/2004	23/12/2004		
WBOPDIS	No	Tanners Point, Tauranga Harbour	251	C	ST05	26/10/2004	4/03/2005		
OFFSHORE	No	Wairere Bay, Motiti Island	250	C	ST04	28/10/2004	9/06/2005		10/12/2004
TGADIS	No	Chapel Street, Tauranga	249	C	ST03	1/11/2004	17/09/2005	29/01/2005	
WBOPDIS	No	Athenree Reserve, Athenree Road	257	C	ST11	17/11/2004	22/04/2005		
WBOPDIS	Yes	Waihi Beach Shoreline, Coronation Park Reserve To, Glen Isla Place, Waihi	257	C	ST11	17/11/2004	6/05/2008	18/12/2004	
WBOPDIS	No	Waihi Beach Shoreline, Three Mile Creek, Waihi	257	C	ST11	17/11/2004	19/04/2006	18/12/2004	
WBOPDIS	No	149 Park Road, Katikati	249	C	ST03	12/01/2005	7/04/2005		
WHKDIS	No	Fifteen Sites Within, Ohiwa Harbour, Whakatane River, Rangitaiki River, Whakatane	581	C	ST26	15/02/2005	7/08/2006	20/08/2005	
WHKDIS	No	Ten Sites Located At, Ohiwa Harbour, Ohope Beach, Whakatane River, Whakatane	257	C	ST11	15/02/2005	7/08/2006	20/08/2005	
WHKDIS	No	Ohiwa Harbour	581	C	ST26	16/02/2005	1/02/1968		
OPODIS	No	Omaio Bay, Opotiki	581	C	ST26	16/02/2005	1/04/1993		
OPODIS	No	Factory Bay, Te Kaha	581	C	ST26	16/02/2005	1/02/1992		
WHKDIS	No	Ohiwa Peninsula	581	C	ST26	16/02/2005	1/02/1968		
WHKDIS	No	Whitiwhiti Point and, Paparoa Point, Ohiwa Harbour	581	C	ST26	16/02/2005	1/08/1996		
WBOPDIS	No	121 and 147a Park Road, Katikati	249	C	ST03	25/02/2005	7/04/2005		
OPODIS	No	1671 State Highway Number 2, Waiotahi Beach	581	C	ST26	12/04/2005	5/05/2005		
WBOPDIS	No	End of Pahoia Road, Tauranga Harbour	249	C	ST03	11/05/2005	2/09/2005		
WHKDIS	No	Eleven Sites Within, Rangitaiki River, Ohiwa Harbour, Whakatane River, Whakatane	533	C	ST19	24/05/2005	7/08/2006	20/08/2005	
WBOPDIS	No	1 Waione Avenue, Athenree	257	C	ST11	24/05/2005	24/01/2007		
TGADIS	No	276 Maungatapu Road, Tauranga	257	C	ST11	8/06/2005	9/12/2005		19/09/2005
WHKDIS	No	Pacific Ocean, Kohi Point and West End, Ohope	581	C	ST26	29/07/2005	9/08/2005		
WHKDIS	No	Muriwai Drive, Whakatane Game Wharf, Whakatane	581	C	ST26	3/08/2005	17/11/2008		24/09/2008
WBOPDIS	No	Across Waihi Estuary, Waihi, Dotterel Point, Pukehina	261	C	ST18	9/08/2005	6/09/2005		
WBOPDIS	No	Beach Road, Katikati	256	C	ST10	7/09/2005	17/10/2005		
TGADIS	No	Harbour Drive, Tauranga	254	C	ST08	19/09/2005	24/09/2007		4/10/2006
OPODIS	No	9747 State Highway 35, Raukokore, Te Kaha	249	C	ST03	27/09/2005	12/01/2006		
WBOPDIS	No	Foreshore Adjacent To, Esplanade Road, Ongare	257	C	ST11	16/11/2005	19/04/2006		
TGADIS	Yes	Tauranga Harbour, Between Omokoroa and, Matakana Island	260	C	ST16	22/11/2005	25/07/2006	1/04/2006	
TGADIS	Yes	Tauranga Harbour, Between Matakana Island, and Rangiwaea Island	260	C	ST16	22/11/2005	25/07/2006	1/04/2006	
TGADIS	Yes	Tauranga Harbour, 11th Ave To Matapihi, and Matapihi To Tauranga, Airport	260	C	ST16	22/11/2005	25/07/2006	1/04/2006	
TGADIS	No	State Highway 2/29, Tauranga	249	C	ST03	27/02/2006			
TGADIS	No	Pillans Road, Waikareao Estuary	249	C	ST03	15/03/2006	22/06/2006		
TGADIS	No	Various Sites, Te Puna Estuary and, Mangawhai Bay, Tauranga	247	C	ST01	27/04/2006	11/10/2006		
TGADIS	No	398 Snodgrass Road, Rd 2, Tauranga	249	C	ST03	16/05/2006	16/08/2006		
WBOPDIS	No	Mcmillan Reserve, Beach Road, Katikati	581	C	ST26	29/05/2006			
WBOPDIS	No	Corner of Potu Street, & Esplanade Road, Ongari Point	249	C	ST03	29/05/2006	26/05/2008		
WHKDIS	No	Waiotane Culvert, Wainui Road, Ohiwa Harbour	248	C	ST02	15/02/2005	7/08/2006	20/08/2005	
WHKDIS	No	Ohiwa Slipway, Port Ohope	250	C	ST04	15/02/2005	7/08/2006	20/08/2005	
WHKDIS	No	Northern Knuckle, Whakatane Harbour Entrance	251	C	ST05	15/02/2005	7/08/2006	20/08/2005	
TGADIS	No	Pilot Quay, Pilot Bay Side of Mauao, Mount Maunganui	257	C	ST11	28/06/2006	8/03/2007		6/10/2006
TGADIS	No	Bureta Road, Otumoetai	249	C	ST03	13/07/2006	14/05/2008		
TGADIS	No	Salisbury Wharf, Pilot Bay, Mt Maunganui	251	C	ST05	24/07/2006	14/09/2006		
TGADIS	No	Whareroa Boat Ramp, Waipu Bay, Tauranga	251	C	ST05	24/07/2006	1/09/2006		
WBOPDIS	No	26b/83 Beach Road, Katikati	257	C	ST11	17/08/2006	29/09/2006		
TGADIS	No	Port of Tauranga	249	C	ST03	22/09/2006	20/12/2006		
OPODIS	No	Raukokore, Eastern Bay of Plenty	257	C	ST11	20/09/2006	30/10/2006		
OPODIS	No	Pacific Ocean, off Opotiki	581	C	ST26	2/10/2006	23/01/2007		
TGADIS	No	Taruanga Harbour, Between Omokoroa &, Matakana Island	260	C	ST16	22/11/2005	13/01/2009	1/04/2006	
TGADIS	No	Tauranga Harbour, Between Matakana &, Rangiwaea Islands	260	C	ST16	22/11/2005	13/01/2009	1/04/2006	
TGADIS	No	Tauranga Harbour, Between 11th Avenue &, Tauranga Airport, Via Matapihi Peninsula	260	C	ST16	22/11/2005	13/01/2009	1/04/2006	

Appendix 2 - Register of EBOP Coastal Resource Consent applications during the last 5 years

TGADIS	No	Foreshore Adjacent To, 1 First Avenue, Tauranga	250	C	ST04	6/11/2006	6/12/2006		
WBOPDIS	No	Jess Road Wildlife Refuge, Te Puna	533	C	ST19	6/11/2007	9/01/2008		
TGADIS	No	Waikareao Estuary, Chapel Street, Tauranga	251	C	ST05	18/12/2006	8/01/2007		
TGADIS	No	CMA Adjacent To The Strand, Tauranga, Coronation Pier	253	C	ST07	18/12/2006	30/07/2007	3/02/2007	
TGADIS	No	Tauranga Airport, Seawind Lane, Mount Maunganui	249	C	ST03	19/12/2006	2/04/2007		
TGADIS	No	Various Sites Around, Tauranga Harbour	251	C	ST05	11/01/2007	26/04/2007		
TGADIS	No	Various Sites Around, Tauranga Harbour	533	C	ST19	11/01/2007	26/04/2007		
TGADIS	No	Various Sites Around, Tauranga Harbour	581	C	ST26	11/01/2007	26/04/2007		
TGADIS	No	From End of Sylvania Drive to Elmes Reserve, Matua Boardwalk, Tauranga	581	C	ST26	4/04/2007	29/05/2007		
TGADIS	No	Adjacent To The Cargo Shed, Dive Crescent, Tauranga	253	C	ST07	24/04/2007	22/05/2007		
WBOPDIS	No	Huharua Harbour Park, Plummers Point Road, Tauranga	247	C	ST01	3/07/2007	14/09/2007		
TGADIS	No	Matua, Tauranga	248	C	ST02	16/07/2007	3/04/2008		
WHKDIS	No	Bed of Whakatane River Estuary, Adjacent to Otuawhaki Wharf	249	C	ST03	24/08/2007	27/11/2007		
WBOPDIS	No	Foreshore, Moana Drive, Tanners Point	249	C	ST03	12/09/2007	2/11/2007		
TGADIS	No	Fishermans Wharf, Dive Crescent, Tauranga	253	C	ST07	14/09/2007	19/06/2008		
WHKDIS	No	Whakatane Main Wharf, Whakatane	251	C	ST05	21/09/2007	26/09/2008	16/11/2007	
WBOPDIS	No	Waitui Reserve, Te Puna	249	C	ST03	21/09/2007	18/02/2008		
WBOPDIS	No	Adjacent 45 Francis Drive & WBOPDC Reserve, WBOPDC Reserve off Levley Lane, Katikati	249	C	ST03	21/09/2007	18/02/2008		
TGADIS	No	CMA Adjacent The Strand, Tauranga	253	C	ST07	28/09/2007	3/03/2008	20/10/2007	
TGADIS	No	Mount Maunganui Hot	249	C	ST03	4/10/2007	29/07/2008		
FORE/SEA	No	South of Whale Island, Whakatane (approx. Half Mile offshore)	581	C	ST26	16/10/2007	13/06/2008	19/03/2008	
WBOPDIS	No	20 Tinopai Drive, Omokoroa	249	C	ST03	23/10/2007	18/02/2008		
WHKDIS	No	Muriwai Drive, Whakatane	581	C	ST26	29/10/2007	18/12/2007		
TGADIS	No	Ngatai Road, Otumoetai	249	C	ST03	30/10/2007	13/06/2008		
TGADIS	No	Tug Berth, Port of Tauranga, Salisbury Avenue, Mount Maunganui	581	C	ST26	31/10/2007	22/01/2008		
TGADIS	No	Tauranga Harbour	247	C	ST01	13/11/2007		2/02/2008	
TGADIS	No	Tauranga Harbour	247	C	ST01	13/11/2007		2/02/2008	
TGADIS	No	Tauranga Harbour	257	C	ST11	13/11/2007		2/02/2008	
TGADIS	No	Tauranga Harbour	261	C	ST18	13/11/2007		2/02/2008	
WHKDIS	No	Multiple Locations along the Whakatane & Waimana Rivers	256	C	ST10	20/12/2007	26/09/2008	31/01/2008	
WBOPDIS	No	Pohutukawa Park, camping Ground & Waihi Beach Domain	249	C	ST03	21/01/2008	9/05/2008		
FORE/SEA	No	Approx 6 Km Southeast of Motunau (Plate) Island, Pacific Ocean	581	C	ST26	1/02/2008	13/05/2008		
TGADIS	No	Fergusson Park & Kiriwai Place, Matua, Tauranga	249	C	ST03	11/02/2008	10/06/2008		
TGADIS	No	100 Mirrielees Road, Tauranga, (Sulphur Point Wharf)	581	C	ST26	15/02/2008	29/02/2008		
WBOPDIS	No	Cooney Reserve, off Margaret Place & Tinopai Reserve, off Tinopai Drive, Omokoroa	533	C	ST19	20/03/2008	28/05/2008		
WBOPDIS	No	419 Matahui Road, Katikati	249	C	ST03	10/04/2008	10/11/2008		
WBOPDIS	No	Tu Koro Island, at Mouth of Waikaraka Estuary, Tauranga Harbour	257	C	ST11	20/05/2008	30/06/2008		
WBOPDIS	No	181 Park Road, Katikati	249	C	ST03	19/03/2008	10/10/2008		
WBOPDIS	No	South Western Corner of Matakana Island, Tauranga	257	C	ST11	14/07/2008		2/08/2008	
WBOPDIS	Yes	South Western Corner of Matakana Island, Tauranga	257	C	ST11	14/07/2008		2/08/2008	
TGADIS	No	45 Keith Allen Drive, Sulphur Point, Tauranga	264	C	ST21	22/10/2008	27/11/2008		
TGADIS	No	Fishermans Wharf, 1 Dive Crescent, Tauranga	258	C	ST14	3/12/2008			
TGADIS	No	Fishermans Wharf, 1 Dive Crescent, Tauranga	533	C	ST19	3/12/2008			
TGADIS	No	143 Welcome Bay Road, Welcome Bay Foreshore & Seabed, Kaitemako Stream Mouth, Reserve on Maungatapu Peninsula	261	C	ST18	19/12/2008			

APPENDIX 3

Overall Effectiveness and Appropriateness of the BOPRCEP

Appendix 3 – Overall Effectiveness and Appropriateness of the BOPRCEP

Reference	Section of Plan	Comments	Possible Action
Part I	Plan Framework		
Chapter 1	Preamble		
Chapter 2	Plan Coverage		
		Insert better definition of the coastal environment.	Take account of BOP RPS definition of the coastal environment when preparing the second generation plan.
Chapter 3	Plan Structure		
		Plan structure is fine. Why is there so much zoning? Is there a way to simplify the zoning?	
Part II	Matters of National Importance		
		Good to have an idea to what extent this chapter is considered.	Have criteria for section 6(f) purposes in BOP RPS incorporated through Change No.1 (criteria) which became operative in June 2008.
		Importance to match policies of BOPRCEP and rules in District Plans.	How is it possible to have rules in District plans regarding ecology and coastal environment (i.e. landward component above MWHS). Is there a way for EBOP to force district councils to have suitable rules?
		Chapters 4, 5 & 6 refer to biodiversity and natural resources. Is it necessary to break that in three chapters?	
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.		
Objective	4.2.2 The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.	Objective is consistent with the BOP Regional Policy Statement (RPS) 9.3.1 (a)(i): <i>"Recognition of and provision for: (i) The preservation of the natural character of the coastal environment"</i> . The objective 4.2.2 from the BOPRCEP is more specific with reference to "inappropriate subdivision, use and development". Another BOP RPS objective is also referred to preservation and protection of natural characters: Objective 16.3.1 (a) <i>"The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems."</i>	
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.		
Objective	5.2.2 The maintenance of the quality of the outstanding and regionally significant landscape features.	Objective is consistent with the BOP Regional Policy Statement (RPS) 9.3.1 (a)(ii): <i>"Recognition of and provision for: (ii) The protection of outstanding natural features and landscapes in the coastal environment"</i> . The objective 5.2.2 from the BOPRCEP is referring to "maintenance of the quality of ..." whereas the BOP RPS is referring to "the protection of ..."	
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.		
Objective	6.2.2 The protection of areas of significant indigenous vegetation and significant	The overall chapter objective is consistent with the BOP RPS - objective 9.3.1(a)(iii):	

Reference	Section of Plan	Comments	Possible Action
	habitats of indigenous fauna within the coastal environment.	<i>"Recognition of and provision for: (iii) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment"</i> .	
Chapter 7	Public Access		
		Choice of public access – which weighing is used (environmental effects, location, etc.)?	This issue of public access needs greater guidance in consents processes. Be interesting to take have a look to BOP RPS (Appendix F) through the second generation RPS development process.
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.	In the EBOP Ten Year Plan 2006-2016, one of the issue to achieve is "the maintenance of public access to and along the shore where possible" in order to reduce effects on the open coast sand resource. This issue is consistent with the key issue written in Chapter 7 of the BOPRCEP.	
Objective	7.2.2 The maintenance and enhancement of appropriate public access to and along the coastal marine area.	The chapter objective is consistent with the BOP RPS - objective 9.3.3(b)(i): <i>"To enhance public usage and enjoyment of the coastal marine area"</i> . The BOP RPS has also two others objectives which complete the objective 9.3.3(b)(i) because the RPS is not a policy document only focused on coastal areas.	
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.		
Objective	8.2.2(a) The involvement of tangata whenua in management of the coastal environment. 8.2.2(b) The protection of the characteristics of the coastal environment of special spiritual, cultural and historical significance to tangata whenua. 8.2.2(c) Sustaining the mauri of coastal resources.	The chapter objective is consistent with the BOP RPS objective 5.3.2 (a) which is focused on Maori Culture and Traditions. The objective 5.3.2 (a) is detailed below: <i>"Recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"</i> .	
Part III	ACTIVITIES AND EFFECTS		
Chapter 9	Coastal Discharges		
		Lots of coastal discharges are linked to sewage. Stormwater issues are high regarding lack of treatment prior to discharge in harbours. The BOPRCEP is only referring to "consider best practicable options", but there is no details to rules/policies about such treatments.	Be interesting to refer to a guideline, such as the Technical Publication (TP) 10 published by Auckland Regional Council (ARC).
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.		
Objective	9.2.2 Maintenance and enhancement of the water quality and mauri of the Bay of Plenty coastal marine area.	The chapter objective is consistent with the BOP Regional Policy Statement (RPS) water quality objective 9.3.1(a): <i>"The water quality of the coastal marine area is maintained and, in some cases, enhanced."</i> The chapter objective is also referring to the BOP Regional Policy Statement (RPS) water quality policy 9.3.2(b)(i): <i>"To ensure that, after reasonable mixing has occurred, discharges do not have significant adverse effects on habitats, feeding grounds or ecosystems"</i> . Water quality policy 9.3.2(b)(i) is being implemented to a high level through EBOP's resource consents for point source discharges. Discharge consents assessments and processing are very good at adhering to this policy and also with monitoring.	
Chapter 10	Taking Using Damming or Diversion of Coastal Water		
		Is it suitable for coastal water? The Proposed National Policy Statement on Freshwater Management was publicly notified in July 2008. While it may be subject to change through the statutory process, it signals the scope and issues that are intended to be addressed as being nationally significant. The next BOPRCEP must give effect to the NPS on Freshwater Management and therefore should be developed keeping close attention to reports and decisions of the Select Committee. It would seem practicable to consider the draft fresh water policy framework for next BOPRCEP broadly on the NPS on Freshwater	Suggestions for consideration in the development of freshwater provisions for the second generation BOPRCEP include: 1. Ensuring the anticipated environmental results meet the requirements of key performance indicators and are clearly provided for by NERM or other monitoring and reporting programmes.

Reference	Section of Plan	Comments	Possible Action
		<p>Management objectives and Policy 1 relating to regional policy statements.</p> <p>On that basis, the NPS Fresh Water objectives provide for:</p> <ol style="list-style-type: none"> 1. Integrated management of effects 2. Improving freshwater quality 3. Protecting life supporting capacity and ecological values 4. Addressing fresh water degradation 5. Managing demand 6. Efficient use 7. Iwi and hapu roles, values and interests 8. Monitoring and reporting. <p>Objectives 5 and 6 concerning managing demand and efficient use of water, relates closely to objective 10.2.2 (a) in the BOPRCEP.</p> <p>Furthermore, objective 3 is interrelated and consistent with objective 10.2.2 (b) of the BOPRCEP.</p> <p>Regardless, the NPS on Freshwater Management is likely to more relevant to policies in regional plans and regional coastal (environment) plans as opposed to district plans.</p>	<p>2. Providing guidance through policy and/or criteria to "Taking Using Damming or Diversion of Coastal Water".</p>
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.		
Objective	<p>10.2.2(a) No significant changes in marine ecosystems from the taking, diversion or damming of water.</p> <p>10.2.2(b) The diversion of natural watercourses only where necessary to protect human safety.</p>	<p>The chapter objective is consistent with the BOP Regional Policy Statement (RPS) water allocation objective 8.3.2(a): <i>"The efficient management of water-body levels and flows which enables people and communities to provide for their well-being, preserves the natural character of wetlands, lakes and rivers and their margins, and protects outstanding natural features, aquatic life and significant values."</i></p> <p>The objective 8.3.2(a) is broader because it is focused on fresh water allocation and not only "taking, using, damming or diverting of coastal water".</p>	
Chapter 11	Coastal Hazards		
		<ul style="list-style-type: none"> • This chapter is an important chapter of the BOPRCEP and concerned both planners and engineers. • Improve the chapter to be more useful for District Councils which are dealing with subdivision and land-use consents. 	
Key Issue	11.2.1 Coastal hazards pose a threat to human life, property and the environment, but they are difficult to predict, avoid and mitigate, they cross administrative boundaries, and they have not always been adequately provided for.	The issue shows how difficult it is to deal with coastal hazards via a policy document.	
Objective	11.2.2 No increase in the total physical risk from coastal hazards.	It is unlikely that objective 11.2.2 would be achieved even if the policies and methods were fully implemented. The objective is considered to be unachievable (too much pressure from people and coastal development, etc.) and the policy framework is not sufficient to avoid any increase in risk due to coastal hazards.	
Policy	<p>11.2.3 (a) To take a precautionary approach to the installation of coastal hazard protection works.</p> <p>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.</p> <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>This policy is efficient and covers lots of policies from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(xi).</p> <p>The policy is promoting 'co-operative approach to coastal hazard risk management', which is also consistent with the RPS - policy 11.3.1 (b)(ii).</p>	

Reference	Section of Plan	Comments	Possible Action
	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.		
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).	A general policy for the whole region (like this one) is necessary to keep an overview of ASCH in the EBOP region. Difficulties to have consistency in the EBOP region with the development of coastal hazards assessment by each district councils.	
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. 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.	The policy gives guidelines for district councils to undertake research to identify coastal hazard areas where existing subdivision exists. An interesting example is the Opotiki district council which has funded a report for the Opotiki coastline and the district plan has been applied to the Ohiwa Spit and a plan change for the remainder of the district is now being considered.	
Policy	11.2.3 (d) 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: <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." • 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." • 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. 	This policy is efficient and covers policies from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(x). Generally District Plans are consistent with the listed policies (NZCPS, BOP Regional Policy Statement, etc), but this policy is given guidelines for district councils which need to prepare a variation of their district plan, it is the case for the Whakatane district plan. Therefore, the policy 2.2 of the Opotiki district plan is consistent with this policy and the NZSCP policy 3.4.	
Policy	11.2.3 (e) 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." 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."	This policy is efficient and covers policies from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(x), 11.3.1 (xi) This policy is often relied upon in submissions on district plan changes and district subdivision and land use resource consent applications. Ongoing pressures on local authorities to provide for growth and development in their districts means such policy directives will be difficult to implement effectively. Many areas zoned for new development in district plans are subject to significant natural hazards (such as Papamoa East). Therefore, the BOP State of the environment report emphasises on the fact that population growth has created pressure to increasing the risk from coastal hazards.	
Policy	11.2.3 (f) 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): <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 	This policy is an efficient way to guide district councils and is necessary to be maintained in the BOPRCEP. This methodology has been tested in courts and it ensures a degree of consistency between district plans.	Few minor changes about planning horizon: " <i>a minimum of</i> " 100-year planning horizon.

Reference	Section of Plan	Comments	Possible Action
	foredune where these land forms occur, or elsewhere should be the seaward limit of vegetation or some other datum as appropriate. <ul style="list-style-type: none"> • 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. • 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) 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: <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). 	This policy is efficient, but would be useful to extend it to open coast areas.	Insert open coast areas, as well as estuaries and harbours.
Policy	11.2.3 (h) Until the work in 11.2.3(g) is completed for the landward margins of Ohiwa 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: <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. 	This policy is efficient and still valuable. District councils are controlling floor levels through subdivision and building Act, but this policy helps having researches lead by EBOP with shared costs. The Ohiwa Harbour Strategy was recently done (June 2008) in conjunction with EBOP, Opotiki and Whakatane district councils. The Strategy sets out a vision for the harbour, identifies issues, key community values and aspirations, and recommends actions to achieve those.	
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.	The policy is efficient and linked to other effects on other policies – 11.2.3 (g) and 11.2.3 (h). The EBOP Ten year plan 2006-2016 refers to interesting guideline (non-statutory requirements) which has been developed for earthworks.	
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).	This policy is efficient and covers policies from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(xv). This policy is not necessarily an effective coastal hazard policy, as it is confusing, and does not add any value. It appears that this policy is not being well implemented. The policy is also linked to the BOP State of the Environment report which has identified a coastal issue related to “impacts of development and activities on dunelands and beaches”.	
Policy	11.2.3 (k) Lowering of foredunes is to be avoided.	How this policy is implemented? Difficulties to evaluate its efficiency.	
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.	Efficient policy, but EBOP needs to be able to inform people using the BOPRCEP where they can <u>easily</u> find the latest version of the “mid range IPCC IS92a sea level rise scenario”.	It may be possible to produce a website page with all available updated documents necessary to comply with policies and rules from the BOPRCEP.
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. No particular issue.	
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.	The policy is effective. No particular issue.	
Policy	11.2.3 (o) To discourage residential development adjacent to river mouths or other areas potentially at risk from river mouth meandering.	Policy is well efficient and also addressed in other legislative documents through: <ul style="list-style-type: none"> • The RMA 1991; • BOP Regional Policy Statement (RPS) in policy 11.3.1(b) (xi) by reference to natural 	

Reference	Section of Plan	Comments	Possible Action
		hazards (not specifically river mouth meandering). Therefore, the district councils have to consider risk and appropriateness regardless of the policy.	
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.	The policy is efficient but no need to focus on pohutukawa.	Do not focus this policy on pohutukawa. A broader reference to coastal cliff vegetation may be better.
Policy	11.2.3 (q) To encourage the incorporation of coastal hazard zones into wider building set backs 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.	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.	
Policy	11.2.3 (r) To encourage and support initiatives designed to involve the community in Coast Care.	This policy is efficient and may be linked with broader policy from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(v), which deals with the recognition and protection of the <i>"integrity of natural ecosystems that are natural defences against flooding, inundation or erosion, particularly where new subdivision, use and development is proposed"</i> . Councils are making good progress towards implementing this policy through Coast Care, Estuary Care and Environmental Programmes. The policy is linked with method of implementation 11.2.4(a).	
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.	This policy is efficient and may be linked with policy from the BOP Regional Policy Statement (RPS), such as 11.3.1 (b)(ii), which aim is <i>"to ensure a co-operative and integrated approach to natural hazard risk management"</i> . Nevertheless, the policy can be improved with increasing information sharing as per coastal hazard forums – method of implementation 11.2.4(b).	
Method of Implementation – Facilitation and Coordination	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.	The method is well-implemented through Coastal Care by communities.	
Method of Implementation – Facilitation and Coordination	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.	Method implementation is high in the region with district councils but may be improved with other regions, even if some coordination already exists with neighbouring regions but not specifically on coastal hazards, more on other natural hazards. The method is related to policy 11.3.1 (ii) from the BOP Regional Policy Statement (RPS).	Improve coordination with neighbouring regions through increase of relationships.
Method of Implementation – Facilitation and Coordination	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.	Not sure if the method is well-implemented but further research are probably undertaken through the NIWA, and other agencies of research. Therefore, as detailed in the BOPRCEP (chapter 11- explanation/principal reasons), <i>"EBOP has commissioned much scientific research and undertaken lengthy consultation with experts, practitioners and district councils on the methods to use for scientific identification of coastal hazard areas"</i> .	
Method of Implementation - Services	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.	Not sure if a regional community coast care programme is in place, but coast care is well-implemented through communities.	
Method of Implementation - Services	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.	Method implementation is high, especially through the Ohiwa Harbour Strategy co-funded between EBOP and district councils.	
Method of Implementation - Services	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.	Implementation is good through technical reports such as the report on coastal erosion (undertaken by Jim Dahm) which is co-funded by Opotiki district council and EBOP.	
Anticipated Environmental Results	<ul style="list-style-type: none"> Sustainable management of the natural and physical resources of the coastal marine area. Preservation of the natural character of the coastal environment and protection 	This chapter is all about what the results caused by coastal hazards. The Anticipated Environmental Results should then lead onto the more specific objectives, policies and rules.	

Reference	Section of Plan	Comments	Possible Action
	<p>from inappropriate subdivision, use and development.</p> <ul style="list-style-type: none"> • Maintenance of physical and ecological coastal processes. • Avoidance and mitigation of the risk to property and other values from the effects of natural coastal hazards, in particular storm erosion and storm flooding. • The ability of the active beach system to resist natural coastal erosion is maintained. • Coordination between the various agencies which exercise management responsibilities within the coastal environment. • A better informed and more environmentally aware regional community. 		
New issue		<p><u>New issue:</u> cumulative effects of development on coastal hazards.</p> <p>This issue is consistent with the BOP RPS method of implementation 11.3.1(c) (viii) which is dealing with "preparing assessment of environmental effects for Hazard mitigation or control of activities which require resource consents".</p>	More policy emphasis needs to address consideration of cumulative effects of resource consents processes.
New issue		<p><u>New issue:</u> development of hazard indicators by EBOP</p> <p>This issue is consistent with the BOP RPS objective 11.3.1(a). Currently there are no national environmental indicators for coastal hazard indicators.</p>	Would be useful to include national environmental indicators for coastal hazard indicators in method of implementation section and in schedule 12 (12.2.1).
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.		
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.	The chapter objective "Occupation of Space" is consistent with the BOP Regional Policy Statement (RPS) built environment objective 13.3.1(a): <i>"A built environment that enables efficient use, development and protection of natural and physical resources while avoiding, remedying and mitigating adverse effects on the environment"</i> .	
Chapter 13	Coastal Structures		
	<p>13.1 Explanation/ Principal Reasons: This section provides a description of the issues covered in the chapter. The chapter addresses all structures in the coastal marine area. It excludes:</p> <ul style="list-style-type: none"> - road causeways as these are covered in chapter 15 -Reclamations; - disturbances of the seabed and foreshore as these are covered in chapter 14 - Disturbance, Deposition and Extraction); and, - occupation of space which is covered in chapter 12 - Occupation of Space. <p>The explanation also gives special attention to Aquaculture as well as Moorings and Marinas.</p>	<p>This chapter is an important chapter of the BOPRCEP because it is linked to direct impacts between the coastal area and the protection works installed by human beings.</p> <p>The explanation is lengthy and could be shortened. It also needs updating as it was written at the outset of the implementation of the plan in 2003. There have been changes both in policy and plan as well as in implantation on the ground that should be taken into account.</p>	Changes can probably wait for the full review
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.	The issue is well-written and covers both existing and new structures. Therefore, the issue is focused on how they can adversely affect the coastal environment.	
Objective	13.2.2 Any structures in the coastal marine area are to be appropriate.	It is unlikely that objective 13.2.2 would be achieved even if the policies and methods were fully implemented. The objective is considered to be unachievable, especially in regards to the existence of illegal structures.	
Policy	13.2.3 (a) To avoid all adverse effects of structures on the values of the Coastal Habitat Preservation Zone.	<p>Wording. The policy should be more specific regarding the types of effects to be avoided: Could also perhaps be worded as 'significant adverse affects' rather than 'all'</p> <p>No single Environmental result was identified as a best fit but perhaps the most appropriate are:</p> <ul style="list-style-type: none"> 5 - Protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna within the coastal environment. 6 - Maintenance of biological diversity within the coastal environment. 8 - Maintenance and enhancement of the intrinsic values of coastal ecosystems. 	[nsure how the rule 13.2.3(a) adequately addresses the policy and objective
Policy	13.2.3 (b) To recognise that those structures listed in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, are appropriate within the Port Zone provided that adverse effects are avoided, remedied or mitigated.	<p>The schedule provides reasonable direction.</p> <p>Give consideration to preparing a complete list of structures (prohibited & discretionary activities), and not just a list of discretionary activities.</p> <p>The most appropriate environmental result identified was 1- Sustainable management of the natural and physical resources of the coastal marine area. (This is a very general and unspecific result)</p>	
Policy	13.2.3 (c) To take into account the purpose of the Port Zone set out in chapter 3 – Plan	Policy well-implemented. No particular issue.	

Reference	Section of Plan	Comments	Possible Action
	Structure, and activities that would significantly conflict with the achievement of that purpose should be avoided.		
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.	Policy well-implemented. No particular issue.	
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.	Policy well-implemented, but lack of preciseness in writing.	Consider rewriting policy to be more precise. Changes can await full review.
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.	No comment	
Policy	13.2.3 (g) To discourage the proliferation of structures in the coastal marine area and promote the efficient use of existing structures, facilities and network utility corridors. Where practicable, new services and structures are to be located in or adjacent to existing infrastructure, provided that: <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. 	No comment	
Policy	13.2.3 (h) To avoid, remedy or mitigate any adverse effects of activities associated with structures in the Coastal Management Zone.		
Policy	13.2.3 (i) The effects of structures on coastal hydrological and geomorphic processes will be specifically taken into account.		
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.		
Policy	13.2.3 (k) Stormwater outfall structures should be designed so that coastal erosion is minimised.	No particular issue for coastal structures, but policy also related to stormwater discharges. Need clarification if well-implemented through coastal discharges (chapter 9).	
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.	
Policy	13.2.3 (m) Structures must not exceed the airport height restrictions identified in planning map 11d.		
Policy	13.2.3 (n) To encourage methods of vessel storage that use space in the coastal marine area efficiently.		
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.	Policy well-implemented. No particular issue.	
Policy	13.2.3 (p) Marinas are inappropriate in the following locations: <ul style="list-style-type: none"> • Waiotahi Estuary; • Ohiwa Harbour; and • the Coastal Habitat Preservation Zone. In other locations the appropriateness of marinas should be determined on a case by case basis.		
Policy	13.2.3 (q) All of the following should be installed at new marinas: <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. 	Policy well-implemented. No particular issue.	
Policy	13.2.3 (r) Consideration should be given to the installation of vessel waste disposal facilities at frequently used boat ramps (see chapter 9 – Coastal Discharges).	Policy well-implemented. No particular issue.	
Rules			
	All zones except the Coastal Habitat Preservation Zone		

Reference	Section of Plan	Comments	Possible Action
	<u>Navigation Aids</u>		
Rule	13.2.3 (a) The erection or placement, alteration, extension or removal of navigation aids by: <ul style="list-style-type: none"> • Environment Bay of Plenty or its agents; or • the Maritime Safety Authority or its agents; is a permitted activity. Structures in Permanently Navigable Harbour Waters	<p>unsure how the rule adequately addresses the policy 13.2.(a) and objective 13.2.2</p> <p>No single Environmental result was identified as a best fit but perhaps the most appropriate are:</p> <p>5 - Protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.</p> <p>6 - Maintenance of biological diversity within the coastal environment.</p> <p>8 - Maintenance and enhancement of the intrinsic values of coastal ecosystems.</p>	
Rule	13.2.3 (b) Erection or placement of the following structures: <ul style="list-style-type: none"> • wharfs; • boat ramps; • structures for the specific purpose of providing public access to and along the coastal marine area; • submarine cables and pipelines; • structures for the specific purpose of providing vessel moorings or berths; and • bridges; within permanently navigable harbour water, is a discretionary activity. The erection or placement of any other structure within permanently navigable harbour waters is a prohibited activity. For the purpose of this rule “permanently navigable harbour waters” means harbour or estuary that is covered by water at the lowest astronomical tide, but excluding: the open coast; the Port Zone, the Harbour Development Zone and the Coastal Habitat Preservation Zone.		
Rule	13.2.3 (c) Erection, construction or placement of swing mooring structures (excluding wharfs), within the mooring areas shown in the maps to this plan, is a permitted activity. Note: This rule does not remove the obligation in section 23 of the Act, to comply with all other applicable Acts, regulations, bylaws and rules of law.	<p>1- Sustainable management of the natural and physical resources of the coastal marine area. (This is a very general and unspecific result).</p> <p>24 - 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>	
Rule	13.2.3 (d) Erection, construction or placement of swing mooring structures (excluding wharfs), outside the mooring areas shown in the maps to this plan, is a discretionary activity. This rule does not apply in the Port Zone.		
Rule	13.2.3 (e) The removal of any mooring structure by its owner is a permitted activity.		
	<u>All Structures</u>		
Rule	13.2.3 (f) The maintenance or alteration of any structure in the coastal marine area is a permitted activity, notwithstanding rule 13.2.4(o), provided that all of the following standards are complied with: <ul style="list-style-type: none"> • There is no increase in the external length, width, or height of any structure, except for increases for the purposes of: <ul style="list-style-type: none"> - replacement, removal or alteration of existing aerial telecommunications or electricity cables, where these activities will not result in an increase in the design voltage and the new or altered cables will not be lower in height above the foreshore or seabed; - replacement, removal, alteration or addition of telecommunications or electrical insulators, circuits, earth wires, earth peaks and lightning rods; - replacement, removal, alteration or addition of bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges, where these activities will not cause an increase in the flood levels for a 1% annual exceedance probability flood event; and provided that any increase in height does not exceed the specified airport slopes and surfaces of Tauranga airport as shown on Planning Map 11d. • Any alterations are structurally sound. • There is no adverse effect on public access to, along and through the coastal marine area, other than temporary restrictions not lasting more than one week. • Alterations will not be for the purposes of new or additional capacity for transport through the coastal marine area of sewage, petroleum products or hazardous substances. Any maintenance or minor alteration that does not comply with these standards is a		

Reference	Section of Plan	Comments	Possible Action
	discretionary activity. This rule does not permit the erection or reconstruction of structures, which are controlled by rule 13.2.4(h).		
	Coastal Management Zone		
Rule	13.2.3 (g) Notwithstanding rules 13.2.4(i) and (k), the erection, reconstruction, placement, alteration, extension, removal or demolition of temporary maimai within the Coastal Management Zone is a permitted activity, provided that: <ul style="list-style-type: none"> • the structures are erected no earlier than one month before the beginning of each annual shooting season; and • the structures are dismantled and completely removed within one month following the end of each relevant annual hunting season; and • indigenous vegetation is not used in the construction of maimai; and • no clearance of vegetation occurs, other than that immediately underneath the maimai, and the minimum clearance necessary to maintain single file foot access to the maimai; and • the structures are maintained in good order and repair for the season. 		
Rule	13.2.3 (h) The erection, reconstruction, placement, alteration, extension, demolition, removal or abandonment of structures in the Coastal Management Zone not expressly provided for or prohibited by other rules of this plan, is a discretionary activity.		
	Abandoned Structures		
Rule	13.2.3 (i) Notwithstanding rule 13.2.4(h), the removal of any structure by Environment Bay of Plenty or its agents, which is derelict or abandoned and for which no person or agency can be found who is willing to take responsibility for the ownership and maintenance of the structure, is a permitted activity, provided that the structure is not registered as being of historic value, and that there shall be no adverse effect on the Sites of District or Local Significance (CMA) demarcated on the maps, or any of the values for areas of significant conservation value identified in the Third Schedule to this plan – Areas of Significant Conservation Value.		
	Coastal Habitat Preservation Zone		
	Maimai		
Rule	13.2.3 (j) The erection, reconstruction, placement, alteration, extension, demolition or removal of temporary maimai within the Coastal Habitat Preservation Zone is a permitted activity, provided that: <ul style="list-style-type: none"> • the structures are erected no earlier than one month before the beginning of each annual shooting season; and • the structures are dismantled and completely removed within one month following the end of each relevant annual hunting season; and • indigenous vegetation is not used in the construction of maimai; and • no clearance of vegetation occurs, other than that immediately underneath the maimai, and the minimum clearance necessary to maintain single file foot access to the maimai; and • the structures are maintained in good order and repair for the season. 		
	Other structures		
Rule	13.2.3 (k) Notwithstanding rule 13.2.4(l), the erection, reconstruction, placement, alteration or extension, of any of the following structures within the Coastal Habitat Preservation Zone is a discretionary activity: <ul style="list-style-type: none"> • structures for the specific purpose of providing protection for the values associated with such areas; or • structures for the specific purpose of providing educational, scientific or passive recreational opportunities; or • structures for network utilities, and navigational aids; or • structures erected, reconstructed, placed, altered, or extended prior to the date on which this plan was publicly notified. 		
Rule	13.2.3 (l) Erection, reconstruction, placement, alteration, or extension of any structure within the Coastal Habitat Preservation Zone, on or after the date on which this plan became publicly notified, is a prohibited activity.		

Reference	Section of Plan	Comments	Possible Action
Rule	13.2.3 (m) The demolition, or removal of structures within the Coastal Habitat Preservation Zone is a discretionary activity. Harbour Development Zones	No particular issue.	
Rule	13.2.3 (n) Erection, reconstruction, placement, alteration, extension, removal or demolition of any structure, in the Harbour Development Zone, not expressly provided for by another rule, is a discretionary activity. Port Zone	No particular issue.	
Rule	13.2.3 (o)(i) With the exclusion of the Sulphur Point North Facing Berth area and the area south of the petrochemical wharf at Mount Maunganui as shown on Map 1 of the Eighth Schedule to this plan, the erection, reconstruction, placement, alteration, extension, removal or demolition of any structure (excluding cranes) within the area that the Port of Tauranga Limited has been granted a section 384A occupation permit as shown on Planning Map 11d, is a non-notified limited discretionary activity. Environment Bay of Plenty restricts the exercise of its discretion to the following matters: <ul style="list-style-type: none"> • the compatibility of the structure and its intended use with the purpose of the Port Zone, • the finished visual appearance when viewed from a public place, • the effects of glare and lighting, • structural integrity, • effects on the hydrodynamic and geomorphic regime of the harbour, • effects during construction on other harbour users, aviation, navigation and public safety, • the review of conditions and the timing and purpose of that review, • the amount and type of any financial contribution, • compliance monitoring. Applications will be considered without the need to obtain the written approval of affected persons.	No particular issue.	
Rule	13.2.3 (o)(ii) If the erection, reconstruction, placement, alteration or extension of any building or structure exceeds the specified airport slopes and surfaces of Tauranga airport as shown on Planning Map 11d then it is a limited discretionary activity, subject to normal notification procedures and discretion is limited to the matters listed above (in 13.2.4(o)(i)) with the following addition: <ul style="list-style-type: none"> • the effects of the activity on the flight safety and operations of aircraft into and out of Tauranga airport. Note: Any requirements of the Civil Aviation Authority, the Civil Aviation Act 1990 and the Civil Aviation rules including in relation to lighting and marking of any structure will need to be met. Wharf Crane	No particular issue.	
Rule	13.2.3 (p)(i) Subject to 13.2.4(p)(ii), the erection, reconstruction, placement, alteration or extension of any wharf crane that exceeds the specified airport slopes and surfaces of Tauranga airport as shown on Planning Map 11d is a limited discretionary activity, subject to normal notification procedures and discretion is limited to: <ul style="list-style-type: none"> • the effects of the activity on the flight safety and operations of aircraft into and out of Tauranga airport. 	No particular issue.	
Rule	13.2.3 (p)(ii) Notwithstanding rule 13.2.4(p)(i), the erection, reconstruction, placement, alteration or extension of a wharf crane located in the area of the existing wharf at Sulphur Point and the Sulphur Point Extension North is a permitted activity provided that: <ul style="list-style-type: none"> • the crane or any alteration or extension to it does not exceed 90 metres (Moturiki datum) in height when extended; and • the number of wharf cranes permitted within the area of the existing wharf at Sulphur Point and the Sulphur Point Extension North is limited to a total of five. Any additional wharf cranes are subject to rule 13.2.4(p)(i). In this rule, 'extension' and 'extended' refer to the maximum vertical extension that can be achieved by any part of the crane.	No particular issue.	

Reference	Section of Plan	Comments	Possible Action
	Other Structures – Port Zone		
Rule	13.2.3 (q) The erection, reconstruction, placement, alteration, extension, removal or demolition of any structure in the Port Zone, not expressly provided for by another rule, is a discretionary activity.	No particular issue.	
	Restricted Coastal Activities – Port Zone		
Rule	13.2.3 (r) Any activity involving the erection of a structure or structures that are expressly described in the Eighth Schedule to this plan - Outline Development Plan Port of Tauranga 1994-2004 and are subject to rules 13.2.4(o) or 13.2.4(q): <ul style="list-style-type: none"> • which will impound or effectively contain less than 8 hectares of the coastal marine area, or • which are floating or open pile and would not impede water flows, or which are solid and would be equal to or less than 1000 metres in length more or less parallel to the line of mean high water springs (including separate structures which incrementally total up to 1,000 metres, contiguously), or • which are solid and would be sited obliquely or perpendicular to the line of mean high water springs in horizontal projection of not more than 1,000 metres in length; is not a restricted coastal activity.		
	Restricted Coastal Activities – All Zones		
Rule	13.2.3 (s) The erection of any structure which is not provided for by rule 13.2.4(r) and exceeds any of the thresholds specified in clause 1.2(a), clause 1.3(a), clause 1.4(a) and, clause 1.5(a) of the First Schedule to this plan – Restricted Coastal Activities is a discretionary restricted coastal activity in accordance with part (c) of those sections (for which the Minister of Conservation is the consent authority), notwithstanding that it may be described as being a permitted activity in this plan.		
Method of Implementation – Process	13.2.5 (a) 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.		
Method of Implementation – Process	13.2.5 (b) Environment Bay of Plenty will: 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.		
Method of Implementation – Process	13.2.5 (c) Environment Bay of Plenty will: Forward copies of consent applications to the Director of Maritime Safety in accordance with section 395 of the Resource Management Act 1991.		
Method of Implementation - Services	13.2.6 (a) Environment Bay of Plenty may, at its discretion, undertake the removal of structures which: <ul style="list-style-type: none"> • 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. 		
Method of Implementation - Services	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.		
Anticipated Environmental Results	<ul style="list-style-type: none"> • Sustainable management of the natural and physical resources of the coastal marine area. • Safeguarding the life-supporting capacity of coastal water and coastal ecosystems. • Protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna within the coastal environment. • Maintenance of biological diversity within the coastal environment. • Maintenance and enhancement of the intrinsic values of coastal ecosystems. • 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. • Consideration of the finite characteristics of the natural and physical resources of 		

Reference	Section of Plan	Comments	Possible Action
	<p>the coastal environment.</p> <ul style="list-style-type: none"> Prevention of non-essential or unnecessary activities locating within the coastal marine area, unless otherwise appropriate. Compensatory works or services provided by the operators of consented activities which have adverse environmental effects. Coordination between the various agencies which exercise management responsibilities within the coastal environment. Integration of the management of the coastal environment with the management of the terrestrial environment. Water quality in harbours and estuaries is maintained and enhanced. Maintenance and enhancement of the quality of coastal water and open coastal water. 		
Chapter 14	Disturbance, Deposition and Extraction		
Key Issue	<p>14.2.1 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>		
Objective	<p>14.2.2(a) Provisions for disturbance and deposition within the coastal marine area only as appropriate and while avoiding, remedying or mitigating any associated adverse environmental effects.</p> <p>14.2.2(b) 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.</p>		
Chapter 15	Reclamation		
		There are ongoing issues with leachate from reclamation which used contaminated soils (e.g. Wairaka).	Find a possible action?????????
Key Issue	15.2.1 Reclamation can have adverse environmental effects.		
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.		
Chapter 16	Exotic Plants and Animals		
		<p>Two main issues are the spread of mangrove and sea lettuce. No specific reference in the BOP RPS.</p> <p>Mangrove spread is probably due to land uses in catchment. Impacts are difficult to evaluate.</p>	<p>No action possible.</p> <p>Continue monitoring of spread to control it.</p>
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.		
Objective	16.2.2 To avoid, remedy or mitigate the adverse effects of exotic plants or animals introduced into the coastal environment.		
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.		
Objective	17.2.2 The minimisation of the risk of adverse environmental effects associated with the storage, use and transportation of hazardous substances within the coastal marine area.	<p>The chapter objective is consistent with the BOP RPS Hazardous substances Objective 12.3.1(a): "Storage, use and transportation of hazardous substances with no significant adverse effects on the environment".</p> <p>The only difference is that the BOPRCEP objective is focused on coastal marine area.</p>	
Chapter 18	Historic and Cultural Heritage		

Reference	Section of Plan	Comments	Possible Action
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.		
Objective	18.2.2 The protection of the heritage values and heritage resources within the coastal marine area.	The chapter objective is consistent with the BOP RPS 15.3.1(a): <i>"The protection of heritage places from inappropriate subdivision, use and development."</i> The objective 15.3.1(a) is not specifically focused on coastal marine area and it refers to inappropriate subdivision, use and development.	
Chapter 19	Recreation		
		This chapter is dealing with horses/vehicles uses on beaches and dunelands. The BOPRCEP is limited by jurisdiction applying below MWHS.	Keep appropriate direction (policies) warranted in the BOPRCEP even if district bylaws has been identified as the best way to fix and most suitable method for addressing this issue.
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.		
Objective	19.2.2 Appropriate recreation within the Bay of Plenty coastal environment.		
Chapter 20	Noise		
Key Issue	20.2.1 Noise within the coastal marine area can cause adverse environmental effects.		
Objective	20.2.2 Adverse effects of noise generated in the coastal marine area are avoided, remedied or mitigated.	The chapter objective is consistent with a broader objective about "effects on well-being" from the BOP RPS 5.3.6(a): <i>"Adverse effects of activities on social, economic and cultural well-being are avoided, remedied or mitigated"</i>	
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.		
Objective	21.2.2 The sustainable management of the Bay of Plenty coastal fisheries.		
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.		
Objective	22.2.2 A network of unique and representative marine protected areas.		
Part V	ENVIRONMENTAL RESULTS		
	List of Anticipated Environmental Results from the BOPRCEP: <ul style="list-style-type: none"> • Sustainable management of the natural and physical resources of the coastal marine area. • Safeguarding the life-supporting capacity of coastal water and coastal ecosystems. • Preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development. • Protection of outstanding natural features and landscapes of the coastal environment. • Protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna within the coastal environment. • Maintenance of biological diversity within the coastal environment. • Maintenance of physical and ecological coastal processes. • Maintenance and enhancement of the intrinsic values of coastal ecosystems. • Maintenance and enhancement of the quality of coastal water and open coastal water. • Avoidance and mitigation of the risk to property and other values from the effects of natural coastal hazards, in particular storm erosion and storm flooding. • Recognition of kaitiakitanga. • Provision for the relationship of Maori and their culture and traditions with coastal taonga. • Protection of the mauri of the natural and physical resources of the coastal marine 	According to the BOPRCEP, "Every objective, policy and method of implementation contained within this plan is designed to achieve a positive environmental result. This part of the plan describes these results. They are required to be stated in regional coastal plans". <i>Anticipated Environmental Results are well-written and covering most of the environmental results.</i>	Insert Anticipated Environmental Results linked to the following provisions for : <ul style="list-style-type: none"> - Cross boundary issues, and - Geothermal resources.

Reference	Section of Plan	Comments	Possible Action
	<p>area.</p> <p>The special Treaty relationship between the Crown and tangata whenua is recognised and facilitated.</p> <ul style="list-style-type: none"> • 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. • 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. • Appropriate and meaningful consultation is undertaken with tangata whenua on all matters of resource management significance to them. • Involvement of tangata whenua in managing their ancestral taonga, including decision making, in accordance with tikanga Maori. • Maintenance and enhancement of the amenity values of the coastal environment, including recreational, educational, cultural social and inspirational experiences. • Protection of the heritage values of sites, structures, places or areas within the coastal marine area. • Maintenance and enhancement of public access to and along the coastal marine area, unless otherwise appropriate. • Consideration of the finite characteristics of the natural and physical resources of the coastal environment. • Prevention of non-essential or unnecessary activities locating within the coastal marine area, unless otherwise appropriate. • 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. • Avoidance, remedy or mitigation of the adverse effects of maintenance works within the coastal marine areas that are associated with the operation of certain operations essential to the regional economy. • Increased certainty of outcome for potential and actual users of coastal resources. • Compensatory works or services provided by the operators of consented activities which have adverse environmental effects. • Coordination between the various agencies which exercise management responsibilities within the coastal environment. • Integration of the management of the coastal environment with the management of the terrestrial environment. • A better informed and more environmentally aware regional community. • Water quality in harbours and estuaries is maintained and enhanced. • Reduction in human induced sedimentation within harbours and estuaries. • The extent and quality of estuarine vegetation in sites of significance is retained. <p>Shellfish beds of importance to tangata whenua and the community generally are not degraded by development and use.</p> <ul style="list-style-type: none"> • The ability of the active beach system to resist natural coastal erosion is maintained. • Values contained within the areas of significant conservation value are protected. 		
Part VI	SUMMARY OF RULES		
	To complete		
Part VII	SCHEDULES		
Schedule 1	Restricted Coastal Activities		
Schedule 2	River Mouths		
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	Is it necessary to have two schedules related to harbours? Schedules 8 & 15.	
Schedule 9	Information Requirements for Coastal Permit Applicants		
Schedule 10	Financial Contribution		

Reference	Section of Plan	Comments	Possible Action
Schedule 11	Cross-boundary issues		
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 BOPRCEP.	Insert references to Natural Environmental Regional Monitoring Network (NERMN) which is working well.
Schedule 14	Areas of Significant Cultural Values		
Schedule 15	Whakatane Harbour Development Zone Outline Plan	<i>Is it necessary to have two schedules related to harbours? Schedules 8 & 15.</i>	
Schedule 16	Bay of Plenty Iwi Authorities and Tribal Runanga		
Others	OTHER ISSUES NOT INCLUDED IN THE PLAN		
	Provisions for use of geothermal resources in BOPRCEP.	The gap needs to be covered even if the issue is not significant, especially for coastal areas.	Would be interesting to direct how geothermal has to be managed. Potentially link back to the Regional Water Land Plan (RWLP) classification system.
	Provisions for cross-boundary issues through the BOPRCEP	<i>The BOP RPS has also a cross-boundary objective 5.3.8(a): "The integrated management of natural and physical resources across council boundaries." Is it an issue for the BOPRCEP?</i> <i>The BOP RPS has also a cross-boundary objective 5.3.11(a): "Sufficient information on the state of the environment and the effects of resource use, development and protection to enable assessment of the effectiveness of this policy statement and regional and district plans and measurement of progress towards the sustainable management of the natural and physical resources of the region." Is monitoring well-implemented in the BOPRCEP?</i>	The BOPRCEP has only the schedule 11 th in reference to cross-boundary issues. <i>Would be interesting to develop policies linked to these issues.</i>
	Extend of coastal structures outside MWHS	Normally it is outside the scope of the BOP RCEP and should be addressed by district plans if above MWHS. No need of any change to the current BOPRCEP.	

APPENDIX 4

Overview Review of the BOPRCEP

Appendix 4 – Summary Assessment Tables

x EBOP
o District Councils

Issue No.	Issue identified	Assessment of Issue						Urgency to Amend Plan			Comments	Combined Scores = Significance of Issue
		Effect on the Environment			Effect on Community			Low	Medium	High		
		Low	Medium	High	Low	Medium	High					
Overall issues												
1	No definition of coastal environment areas.	x	o		x	o		o			<ul style="list-style-type: none"> Coastal Environment defined in RPS. Regional Plan needs to give effect to RPS, including definition. Need for change not urgent. Coastal Environment well defined by case law now. 	Minor
2	RMA Part 2 - matters of importance. Good to know to what extent this chapter is considered.								x		<ul style="list-style-type: none"> Have criteria for section 6(f) purposes in RPS incorporated through Change No. 1 (Criteria). Change No. 1 became Operative in June 2008. 	No comment
Ecology												
3	Spread of Mangroves - large issue		x	o		x	o	o	x		Mangrove spread is symptom of landuses in catchment	Moderate
4	Nuisance incursions of sea lettuce	x			x			x			<ul style="list-style-type: none"> From my understanding, not much can be done about sea lettuce as it is natural occurrence. More research needed & see if it is an issue. 	Negligible
5	Policy & objectives regarding landscape, natural character, sites of significance are not matched by supporting rules in the district plans.	x		o	x		o	xo		x	<ul style="list-style-type: none"> Picked up by Change No. 1 (Criteria) to the RPS. This is an implementation issue i.e. District council is not dealing with this issue. Issue crosses over the entire region with the district plan matters 	Moderate
6	Insert rules on ecology (natural areas, protected areas, landscapes, sites of significance) in the BOPRCEP.	x	o		x	o		xo			<ul style="list-style-type: none"> Rules for ecology are important, I don't dispute that, particularly in terms of areas to which the RCEP apply. However, there would be greater impact by having such rules in DPs particularly in so far as they apply to the coastal environment (i.e. landward component above MHWS). Need to be dealt with for entire region/district. Not just coast. Coastal plan inappropriate. Issue crosses over the entire region with the district plan matters 	Minor
7	Habitat preservation Zone & consents status - Importance of zone boundary.	x	o		x	o		xo			Issue crosses over the entire region with the district plan matters	Minor
8	Coverage of ecological & landscape maps - CMA or also Coastal Environment? Different limits for ecology (10 first metres) & landscapes (top of the dunes)		o			o		o			Issue crosses over the entire region with the district plan matters	Moderate
9	Schedules of significant features need to be consistent with any similar schedules in District Plans		o	x		o	x	o		x	<ul style="list-style-type: none"> Yes, important for integrated management purposes that schedules identifying areas of national importance are consistent in DPs and Regional Coastal Environment Plan. Issue crosses over the entire region with the district plan matters 	High
Public Access & Recreation												
10	Choice of Public Access - which weighting used? (environmental effects, location)		xo			xo		o	x		<ul style="list-style-type: none"> Yes, this issues of public access (s6(d)) needs greater guidance in consents processes. Intend to address this gap in Appendix F of the RPS through the second generation RPS development process. Issue crosses over the entire region with the district plan matters 	Moderate
11	Vehicles on beaches (impacts on dune vegetation, nuisance to people on beaches, etc) No rule. Bylaws from District Councils provide better direction, same for horses (especially Tauranga Harbour).		o	x		o	x	o	x		<ul style="list-style-type: none"> Yes this issue arises every summer. Has been investigated and district bylaws identified as the quick fix and most suitable method for addressing. District plans likely to be most suitable for rules concerning damage to sand dunes (including vegetation). RCE Plan limited by jurisdiction applying below MHWS. • N/A - bylaw matter 	High
Water Quality & Monitoring												
12	Water quality standards are working quite well, apart schedule 13. Policies and rules are flexible enough.		o	x		o	x	o	x			High
13	Stormwater issues - provide treatment prior to discharge in harbour. The BOPRCEP says you have to consider best practicable options, but no details and rules/policies about treatment.	o		x	o		x	o		x		Moderate
14	SWormwater monitoring - More clearly set out standard practices for monitoring in the BOPRCEP (duration, type and frequency of monitoring)	o		x	o		x	o		x		Moderate
15	Quality of stormwater - stormwater rules (9.2.4 (a)) do not have a duration requirement. 150gr seems a bit high not reasonable, TCC is 80g is a bit more appropriate.	o			o			o			Not sure about this, can't comment sorry.	Excellent
Coastal Discharges												
16	9.2.4(e) sewage from boats. Needs clarification.		o	x		o	x	o		x	The gap, as I understand it, applies to Opotiki and Whakatane harbours where the only restriction is 100m of a marine farm, which means anyone may discharge treated sewage from the Opotiki and Whakatane harbours without restriction.	High

Issue No.	Issue identified	Assessment of Issue						Urgency to Amend Plan			Comments	Combined Scores = Significance of Issue
		Effect on the Environment			Effect on Community			Low	Medium	High		
		Low	Medium	High	Low	Medium	High					
17	Discharge of stormwater - permitted activity. Rule 9.2.4 (a) may not be consistent with provisions for discharges in the Proposed Regional Water & Land Plan. Air Plan crosses this boundary and there are some problems too - e.g. Spartina - Air Plan provides for this as a permitted activity, whereas under Coastal Plan discharge of a contaminant is a discretionary activity.	o	x		o	x		o	x		Agree, consistency is necessary and a key part of achieving integrated management.	Minor
18	9.2.3 (b&c) - Discharges and impacts on ecological areas. Should these be policies or standards?										Maybe both policy and standards are necessary!	No comment
19	9.2.4 (e) - Discharges of untreated sewage from vessels in the Tauranga & Ohaiwa harbour - Some gaps possible between the Coastal Plan and Marine Regulation Act (2002)	x	o		x	o		x	o		Yes, consistency is necessary.	Minor
20	9.2.4 (e) - Discharges of untreated sewage from vessels in the Tauranga & Ohaiwa harbour - 2 sites which are deeper (so you can discharge sewage).	x	o		x	o		x	o		Not sure about this!	Minor
Coastal Hazards												
21	Development of Hazard Indicators by EBOP - How insert that in the BOPRCEP?	xo		x	xo		x	xo		x	Could include indicators in methods as well as schedule 12 in 12.2.1 particularly as they relate to natural hazards.	Minor
22	Cumulative effects of development on coastal hazards		xo	x		x	xo		xo	xx	Yes, more policy emphasis need to address consideration of cumulative effects of development in resource consents processes.	Moderate
Coastal Structures												
23	Generally hard structures in the coastal environment create adverse effects (visual + coastal erosion)	x		o	x		o	x		o	Have criteria in RPS (see Appendix F) to assess natural character values and effects on them.	Moderate
24	Hard protection structures in individual properties			o			o			o	Not sure about this issue!	Major
25	Structures limiting public access, boat navigation loss of habitat and negative aesthetic impact	x		o	x		o	x		o	Have criteria in RPS (see Appendix F) to assess natural character values and effects on them.	Moderate
26	Compiling a register of all structures erected prior to 1 October 1991	o			o			o			Not sure why this is an issue?	Negligible
27	What about policy on coastal carparks?		o			o		o			• Not sure about this issue! • District Plan issue	Moderate
28	Extent of coastal structures outside MHWS - can rules still apply? Stop banks, causeway, reclamations: not covered by CMA even if in Coastal Environment?	o			o			o			• Seems straight forward, in that it is outside the scope of the Coastal Environmental Plan and should be addressed by district plans if above MHWS. • District Plan issue	Negligible
29	Recommend science monitoring for temporary structures	o			o			o			Not sure about this issue!	Negligible
30	Too many prohibited activities in the BOPRCEP. Ex: structures in navigation in Tauranga harbour & mitigation in channels and navigation.										Not sure about this issue!	No comment
Reclamations												
31	Declamations - removal of reclamation structures is a discretionary activity - Make it a permitted activity.	o			o			o			Not sure why this is an issue? There may be good reasons why a consent reclamation needs to consent to be removed (e.g. public safety conflicts with access rights during works process, conditions to stop contaminants entering CMA etc).	Negligible
32	Is there an issue with reclamations in the CMA?	o			o			o			Yes, there are ongoing issues with leachate from reclamations which used contaminated soil (e.g. Wairaka).	Negligible
33	Reclamations - for purpose of carparks prohibited: should be less stringent. Ex: like boat ramps.		o		o			o			Not sure why this is an issue?	Moderate
Disturbances												
34	Noise - rules confusing, especially regarding short term construction phase.		o			o			o		Not sure why this is an issue?	Moderate
35	Disturbance caused by Driftwood collecting	o			o			o			Not sure why this is an issue?	Negligible
36	Recreational dredging										Not sure why this is an issue?	No comment
37	Hull scraping										Not sure why this is an issue?	No comment
38	Damage to solid reefs (as distinct from sand & shingle)										Not sure why this is an issue?	No comment
Other issues												
39	Complaints regarding use of vehicles/horse on beaches, and also complaints about spills in the harbour, pollution (stormwater, ships, port Tauranga), sedimentation (land based from streams into the harbour)										This doubles up with issue 11. Yes, largely a bylaw issue, but direction still warranted in RCEP.	No comment
40	No provision for use of geothermal resources in coastal plan	x			x				x		Yes this gap needs to be covered. Issue not significant but it is a gap. Need to direct how geothermal to be managed. Potentially link back to the RWLP classification system.	Negligible
41	There are no rules of authorised earthworks.		x			x				x	Yes, needs greater guidance in RCEP.	Moderate
42	Deployment of scientific instruments in CMA										Not sure about this issue!	No comment

APPENDIX 5

Effectiveness and Efficiency of the Coastal Hazards Chapter of
the BOPRCEP

Appendix 5– Effectiveness and Efficiency of the Chapter 11 - Coastal Hazards

x EBOP
o District Councils

Issue No.	Description of Policy statement	Effectiveness of Methods			Efficiency of Methods or policy						Comments	Performance or Achievement Score	
		Low	Medium	High	Benefit			Cost					
					Low	Medium	High	Low	Medium	High			
11.2.3 (a)	To take a precautionary approach to the installation of coastal hazard protection.		xo	o		oo	x	o	o			Precautionary principle is discouragement of hard protection. Methods are really useful to support Whakatane's DC's district plan (variation 6).	Good
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).	oo	x	xx		oo	x	oo				<ul style="list-style-type: none"> • Efficiencies may have been achieved if we identified coastal hazards and relevant rules across all districts rather than each District Councils doing/going thru Environment Court, etc. • Seem to have achieved outcome as set, but maybe outcome needed to be more directive to begin with to sort inconsistencies • Has not really been much used since we (Whakatane District Council) did our own coastal hazard assessment. • There are areas landward of the ASCH which have been identified as at risk of coastal hazards. Should the ASCH be amended to include these areas? • HODC' approach is to incorporate the ASCH provision by reference in rules. This does not undermine the Regional Coastal Plan. I wonder if there is an issue with each Council implementing the ASCH layer differently. • Provide limited assistance in early days for consents. 	Satisfactory
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.		xxo	xo		x	xoo	x	o	o		<ul style="list-style-type: none"> • Efficiencies may have been achieved if we identified coastal hazards and relevant rules across all districts rather than each District Councils doing/going thru Environment Court, etc. • About regulatory methods: Assumption that District Plans will put in place their own provisions e.g. ODC & WDC. What happens if they don't. Need our own provisions to kick in. • We have statutory duties anyway without this policy but it does add a bit of impetus for District Council's. • Opotiki District Council has funded an erosion report for the coastline and an inundation report for the Opotiki coastline was undertaken internally by EBoP. A plan change to the Opotiki District Plan has been applied to the Ohiwa Spit area (the decision is expected soon) and a plan change for the remainder of the district is now being considered. • Useful requirement even if district councils should do it anyway. 	Good
11.2.3 (d)	A list of four matters that 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		xxoo			x	oo	o	o			<p>This was very useful to be able to refer to when processing consents and preparing Variation 6 (coastal Hazards) to the Proposed Whakatane District Plan.</p> <p>Policy 2.2 of the Opotiki District Plan natural hazards chapter reads To locate and design subdivision, land use, and development within coastal areas so that the need for hazard protection works is avoided which is consistent with the NZCPS policy 3.4.</p>	Good
11.2.3 (e)	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.		xx	oo		xo	o	o	o			<ul style="list-style-type: none"> • If ODC coastal report submitted then activity becomes controlled. If there is a risk, should EBOP give directions as how it should be managed? • Means that people with more money can often build closer to beach as can pay more for a coastal expert. • Redundant now District Councils have rules. <p>The ODP references the ASCH in its rule framework but there are areas outside of the ASCH which may be subject to coastal hazards which are not referenced in the rule framework. Amending the ASCH would give these hazards appropriate consideration in consent applications.</p>	Good
11.2.3 (f)	The rule provides a list of eight standards & criteria to identify coastal hazard areas for the purpose of policies 11.2.3 (c) & 11.2.3 (e).		xx	xoo			xxoo	o	o			<ul style="list-style-type: none"> • This methodology has been tested in courts. Ensure a degree of consistency between District Plans. • Even with these guides there is not always consistency between districts and how they apply hazard zones • This was very useful to be able to refer to when preparing Variation 6 (coastal Hazards) to the Proposed Whakatane District Plan. What is the most efficient way of dealing with IPCC updates? WDC is due to release its decisions on Variation 6 Coastal Hazards soon. Will each IPCC update require a Plan Change to all 4 district plans? Would one set of rules in the Regional Plan be more efficient? • Extremely important to have those statements and criteria for Whakatane DC's work in this area 	Good
11.2.3 (g)	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: Standards & factors to determine ground levels or building platforms in estuaries & harbours.		x	oo		x	oo	o	o			Extremely important to have those statements and criteria for Whakatane DC's work in this area	Good

Issue No.	Description of Policy statement	Effectiveness of Methods			Efficiency of Methods or policy						Comments	Performance or Achievement Score	
		Low	Medium	High	Benefit			Cost					
					Low	Medium	High	Low	Medium	High			
11.2.3 (h)	This is an interim rule to be used until the work in 11.2.3(g) is completed for the landward margins of Ohiwa 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).	o	xo			xoo	o(?)	o				We control floor levels through subdivision and building act anyway but helps to have research done by Environment Bay of Plenty or to share costs. Reports have been prepared by Jim Dahm (coastal erosion) and EBOP (inundation). These reports do not take into account changes re the IPCC sea level changes	Satisfactory
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.		oo	x		xo	o(?)o		o				Good
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).		oo	x	o	x	o	o	o			I think this is unnecessary and really duplication of other policies	Good
11.2.3 (k)	Lowering of foredunes is to be avoided	x	xoo			xoo		o	o				Satisfactory
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.		xoo			xoo		o	o			I agree that there is an issue re updates of IPCC. Investigate whether updates could be addressed through reference. However, people may want more certainty. It is an issues that could change ASCH boundaries over each successive review of a Coastal Plan. Somehow, a precautionary line on a map beyond a line based on the recent 0.8m predicted sea level rise might be an appropriate tool. Within the lines it might be possible to allow development on a sporadic basis as a discretionary activity.	Satisfactory
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.		o	x		x	o		o			N/A to Whakatane DC	Good
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.			x		x						N/A to Whakatane DC	Satisfactory
11.2.3 (o)	To discourage residential development adjacent to river mouths or other areas potentially at risk from river mouth meandering.	o	xo		o	xo		oo				<ul style="list-style-type: none"> This is also addressed through the Resource Management Act 1991. District Council's have consider risk and appropriateness regardless of the policy. District Councils need to do this anyway. 	Satisfactory
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.	oo	x		oo	x		oo				Personally don't agree that pohutukawa necessarily help stability in all cases. Have to be checked and maintained so this is a complicated issue. Agree with comments about other species. Not convinced it is effective in relation to reducing coastal hazards.	Poor
11.2.3 (q)	To encourage the incorporation of coastal hazard zones into wider building set backs 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.	xxo	o		o	xo		o	o			<ul style="list-style-type: none"> I haven't seen any evidence of this happening, would eb good if it did. Is really the district councils who would carry out the work. District Council's consider this when looking at reserves and esplandes. 	Inadequate
11.2.3 (r)	To encourage and support initiatives designed to involve the community in Coast Care.	o		xo	o		xo	o	o			Does this really need to be a policy in a plan or just an initive of the Council?	Excellent
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.	x	xxo	o		xo	o	o	o			<ul style="list-style-type: none"> Could be improved within Bay of Plenty with increased info sharing as per coastal hazards forum 11.2.4(b). This has died out a bit. Very important that Councils take consistant approach It is a rational consistency, need central guidance. 	Good

APPENDIX 6

Effectiveness and Efficiency of the Coastal Structures Chapter
of the BOPRCEP

Appendix 6 – Effectiveness and Efficiency of Chapter 13 - Coastal Structures

x EBOP
 x Consultant

Issue No.	Description of Policy/Rule	Effectiveness of Methods			Efficiency of Methods or policy						Comments	Performance or Achievement Score		
		Low	Medium	High	Benefit			Cost						
					Low	Medium	High	Low	Medium	High				
Policies														
13.2.3 (a)	Avoid all adverse effects of structures on the values of the Coastal Habitat Preservation Zone.	x				x	x			x	x		This policy fits very well with the prohibited status of most structures in the CHPZ - not allowing structures is a pretty effective way of avoiding effects! The biggest issue that I have come across is that the CHPZs do not always reflect the actual situation in the field, where some CHPZs don't have any obvious ecological value. This is frustrating for people wanting to carry out activities in those areas. I think the definition of the zones is the most crucial aspect. Agree with EBOP staff comments. These matters reduce effectiveness	Excellent
13.2.3 (b)	Structures listed in schedule 8 are appropriate within the Port Zone.		x	x		x	x	xx					Structures in the Port Zone are addressed in rules from 13.2.4(o) to (r).	Excellent
13.2.3 (c)	Avoid conflict between the purpose of the Port Zone and activities .		x	x		x	x	xx					This specifically allows Environment Bay of Plenty to recognise the importance of the port when looking at the appropriateness of activities in the zone	Excellent
13.2.3 (d)	Ensure that all structures in the Harbour Development Zone are consistent with its purpose and any adverse environmental effects are adequately dealt with.		xx			xx			x	x			My understanding was the HDZ should relax the requirements for structures because of the already modified nature and likelihood of further development - but in the case of Coronation Pier, this policy was used by submitters to argue against a new wharf.	Satisfactory
13.2.3 (e)	Allow activities that are appropriate in the Coastal Management Zone having considered environmental effects and site values.		xx			xx			x	x			This doesn't really seem to add anything. Agree with EBOP staff comments. What values?	Satisfactory
13.2.3 (f)	Effects of any activity to adjoining activities (in the Harbour Development Zones).	x		x	x				x	x	x		It's good to have a policy requiring justification of activities. Purpose/ desired outcome not very clear.	Good
13.2.3 (g)	Discourage the proliferation of structures in the coastal marine area and promote the efficient use of existing structures and installation of new structures in existing corridors.		xx			xx			x	x			Does this add anything to the requirements of Part II of the Act? Maybe just the focus on the effects of the activity, rather than the effects of the structure itself?	Satisfactory
13.2.3 (h)	All adverse effects of activities associated with structures in the Coastal Management Zone must be properly dealt with (avoided, remedied or mitigated).		x	x		x	x		x	x			This policy has been useful in getting applicants to provide more information on such effects	Excellent
13.2.3 (i)	Take account of the effects of structures on coastal hydrological and geomorphologic processes		x								x			no comment
13.2.3 (j)	Activities in the coastal marine area will not result in any nuisance effects for adjoining or nearby land occupiers, that are not avoided, remedied or mitigated.	x				x					x		Agree with EBOP staff comments. Also - Policy a bit subjective. Wording of first sentence could be improved. But what comment????	no comment
13.2.3 (k)	Design of stormwater outfall to minimise coastal erosion		x	x		xx	x		x				nice and simple	Excellent
13.2.3 (l)	Recognise that structures within navigation channels and mooring areas that would adversely affect navigation and mooring are inappropriate.		xx		x	x			x	x			Does this relate directly to Rule 13.2.4(b)?	Moderate
13.2.3 (m)	Structures not to exceed airport height restrictions.		x	x		x	x		x	x			I haven't used this one. Agree with EBOP staff comments	Good
13.2.3 (n)	Encourage vessel storage methods in the coastal marine area that use space efficiently.		xx			xx			x		x		I haven't used this one either, but marinas are going to be a big issue over the next 10 years in Tauranga, so some more specific guidance would be good.	Satisfactory
13.2.3 (o)	Concentration of mooring areas to leave some areas in a natural state.		x			x			x					no comment
13.2.3 (p)	Appropriate marinas in specified areas.		x	x		x	x		x		x		Again, I think it would be really useful to have some guidance on where marinas may be appropriate, if not actual appropriate locations along the lines of the AMA mapping	Satisfactory
13.2.3 (q)	Requirements for new marinas.		x	x		x	x	xx					good. Agree with EBOP staff - this is more like a rule. Effective. Cos is directive.	Excellent
13.2.3 (r)	Installation of vessel waste disposal at key location.		x			x			x					no comment
Rules														
All zones except the Coastal Habitat Preservation Zone														
13.2.4 (a)	Structures for Navigation Aids (permitted activity)		x	x		x	x	xx						Excellent

Issue No.	Description of Policy/Rule	Effectiveness of Methods			Efficiency of Methods or policy						Comments	Performance or Achievement Score
					Benefit			Cost				
		Low	Medium	High	Low	Medium	High	Low	Medium	High		
13.2.4 (b)	Structures in Permanently Navigable Harbour Waters (list of discretionary activities and other structures are considered a prohibited activity)	x	x		x	x		xx			I've had a few issues with this one with people wanting to erect structures that are prohibited but that may be appropriate - maybe structures not on the list could be made non-complying	Poor
13.2.4 (c)	Swing Mooring Structures within the mooring areas (permitted activity)		x	x		x	x	xx				Excellent
13.2.4 (d)	Swing Mooring Structures outside the mooring areas (discretionary activity)		x			x	x	x	x			Good
13.2.4 (e)	Removing of any mooring structure by its owner (permitted activity)		x	x		x	x	x		x		Excellent
All zones except the Coastal Habitat Preservation Zone												
13.2.4 (f)	Maintenance of all structures (list of permitted and discretionary activities)	x	x			xx		x	x		Maybe this should be maintenance of legal structures? This would provide motivation for owners of non-consented structures to get consent. Effectiveness low(????) for same reasons noted in EBCP staff comments	Satisfactory
Coastal Management Zone												
13.2.4 (g)	Temporary maimai within the Coastal Management Zone (permitted activity)		xx		x			x			These structures can definitely have adverse effects - if the CHPZs were better defined, I think they should be prohibited in those zones	Satisfactory
13.2.4 (h)	Structures not expressly provided for or prohibited by other rules in the plan (discretionary activity)	x	x			xx		x	x		Just a catch all rule, but would be discretionary under s77C RMA anyway. Inclusion of assessment criteria for discretionary activity would be useful & more effective.	Satisfactory
13.2.4 (i)	Abandoned structures (permitted activity)		x	x		xx		x		x	This rule has been used in the past, but I don't think there is a budget for structure removal at the moment. I'm not sure about the 'no person or agency...' part of the rule. What happens if someone can be found but the structure is still illegal? I think it would be simpler to allow for the removal of illegal structures.	Satisfactory
Coastal Habitat Preservation Zone												
13.2.4 (j)	Temporary maimai within the Coastal Habitat Preservation Zone is a Permitted Activity.		xx			x		x			see comments for 13.2.4(g)	Satisfactory
13.2.4 (k)	Other structures (discretionary activity)	x	x			xx			xx		I don't have this rule in my version of the plan. Inclusion of assessment criteria for discretionary activity would be useful & more effective.	Satisfactory
13.2.4 (l)	Prohibited structures		xx			xx		x	x		Same issue with prohibited status - there may be some that are appropriate. The comments for this seem to relate to disturbance rather than structures.	Satisfactory
13.2.4 (m)	The demolition, or removal of structures within the Coastal Habitat Preservation Zone is a discretionary activity		x	x		x	x	x	x			no comment
Harbour Development Zone												
13.2.4 (n)	Discretionary activity	x		x		x	x		xx		same as above. Assessment criteria or guidelines would be helpful/ more effective eg what scale of structure is acceptable?	Good
Port Zone												
13.2.4 (o) (i)	Limited discretionary activity		x	x		x	x	x	x			Good
13.2.4 (o) (ii)	Limited Discretionary activity		x	x		x	x	x	x			Good
Wharfe Cranes - Port Zone												
13.2.4 (p) (i)	Limited Discretionary activity		x	x		x	x	x	x			Good
13.2.4 (p) (ii)	Permitted activity		x	x		x	x	xx				Excellent
Other structures - Port Zone												
13.2.4 (q)	Discretionary activity	x		x		x	x	x	x		Assessment criteria would be helpful/ more effective	Good
Restricted Coastal Activities (RCA) - Port Zone												
13.2.4 (r)	Permitted RCA	x?????		x			x	x				Excellent
Restricted Coastal Activities (RCA) - All Zones												
13.2.4 (s)	Discretionary RCA	x	x			xx		x	x		do we have much scope here, or are we bound by the requirements of the NZCPSP? Some of the requirements are crazy. I have processed an application for an RCA where DOC was the only submitter (in support) and didn't want to be heard, but we still had to hold a hearing	Inadequate

APPENDIX 7

Literature Review

Appendix 7: Literature Review – Key Issues Identified

For the Review of the Bay of Plenty Regional Coastal Environment Plan

1. Key issues identified in the LTCCP 10 year plan

Key issues identified are:

- Managing the cumulative effects of development - such as increased discharges to coastal waters from urban, industrial, and agricultural activities, incremental losses of natural character and landscape values and intensifying development within coastal hazard areas
- Increases such as:
 - increase in competing uses - e.g. between recreational users and commercial sectors such as the fast-growing aquaculture industry
 - increased demand for water-based recreation
 - increased numbers of holidaymakers in summer putting additional strain on sewage and other waste disposal facilities that discharge to coastal waters
- Ballast water discharges from overseas ships can introduce unwanted organisms in large ports such as Tauranga
- The foreshore and seabed legislation may require changes to the way local government manages marine waters
- Effectively and efficiently dealing with integration issues along the coastal marine area boundary
- Lack of knowledge about the coastal environment, including the adverse impact of loss of Maori heritage sites on Maori well-being
- The ability to effectively manage recreational vehicles on beaches and in estuaries
- Ensuring appropriate management of nuisance incursions of sea lettuce, and control and management of mangroves.

Levels of Service & Actions

Target levels of service are detailed as actions in the LTCCP 10 year plan. These actions are related to performance targets for two periods (2006-2009 & 2009-2016).

For the period 2006-2009, one of the actions to reach the target levels of service is to “report on the efficiency and effectiveness of provisions in the Coastal Environment Plan in 2008”.

2. Bay Trends 2004

Report on the state of the Bay of Plenty environment

Key Issues

Coastal hazard zone

Coastal dunelands and beaches

Need to concentrate new development around existing development

Avoid having new development in areas that are known or expected to be subject to coastal hazards.

Set aside land for public access to the beach when subdivision or major development is being planned.

There has been a spread of mangroves in the Tauranga and Ohiwa harbours. Although a natural part of the harbour tidal environment their spread has led to a loss of open water and harbour access.

Increased development in the coastal zone has led to increased discharges from urban, industrial and agricultural activities of waste water and pollutants to the coastal environment.

Coastal Structures – can have negative impacts in terms of restricting public access, boat navigation, loss of estuarine habitat and aesthetics.

The dispute between hapu/iwi claimants and the government regarding ownership of the foreshore and seabed has still to be resolved. Ruling could impact on the way coastal waters are administered. (this issue is uncertain and pertains more to the future).

Aquaculture

EBoP have had two applications for large mussel farms in the Bay of Plenty. One is subject to hearing – the other on hold (this was in 2004).

Policy

Have prepared the on-site effluent treatment plan to reduce the impact of domestic sewage discharged from on-site treatment and disposal systems.

Guidelines have been developed for earthworks, coastal erosion protection structures, dairy effluent disposal and septic tanks.

Regulation

Controlling urban earthworks to prevent flooding and sedimentation downstream.

Reducing the discharge of effluent to waterways from dairy farms.

Compiling a register that identifies the status of all coastal structures erected before 1 October 1991.

Monitoring

Monitor ecological state and water quality

New monitoring such as sediment contaminant monitoring

Compliance of activities regulated by resource consent s is monitored and reported regularly

Assessing the effectiveness of policies that have been implemented

Monitoring of dinoflagellate cysts in the sediments around the Tauranga wharves is carried out if contamination by ballast water is occurring

3. Hearing Committee Section 32 report prepared on submissions received on draft Coastal Environment Plan dd 6 May 1999.

Biggest issue appears to be the difficulty of assessing costs and benefits of the plan. This was easy for some aspects that have attached dollar values but other aspects are more difficult, ie value of free use of the natural environment and many life supporting aspects and others that are more aesthetic. Other issues were dealing with existing development in areas of open coast.

Defines the coastal environment to include all the coastal environment and has applicable objectives, policies and other non-regulatory methods.

NB – However rules of the plan only apply to the coastal marine area -
(does this raise management and legal issues??)

The report states that:

... 'the term 'coastal environment' is defined in case law. The law requires the extent of the coastal environment to be defined on the ground on a case by case basis'.

Otherwise it appears that the extent is not spatially described. Although the RMA only requires coverage of Coastal Marine Area, the report argues that from a management viewpoint it was important to include the whole coastal environment as environmental processes inextricably linked the two components separated by the MHWS line. [Why doesn't the RMA say this and require it of coastal plans].

Coastal Marine Area is defined in the Act as foreshore, seabed and coastal water as well as the air space above the water. Coastal Environment includes the landward area of coast above the MHWS that may be dry coastal dunelands, transformed environments (port activities, residential and tourism or recreation related. or coastal wetland areas

The integrated management of the coastal environment is supported by Maori perspectives on the relatedness of all aspects of the environment.

The Coastal Environment Plan has prepared consistent policies to cover both the coastal environment and the coastal marine area (CMA).

The plan built on prior research done by some of the district councils – notably Western Bay of Plenty

Plan uses zonation as a useful planning tool for describing and distinguishing the characters of different area. Zonation is seen as enabling the requirements of RMA Sec 6 and the NZCPS to be complied with.

Areas of National and International Importance

Marshland Bird Habitats in Tauranga harbour and Ohiwan

Sites of cultural importance – where?

Animals and plants are recognised as part of the country's heritage and of equal importance as culture and language.

National importance is given to Maori's traditional values attached to coastal taonga and its mauri – life force which needs to be sustained. Wider community also benefits from protection afforded under this provision Section 6 e of the RMA.

Plan considers that few areas of indigenous vegetation and habitat are left in the coast (percentage??) and need protection that could be afforded by the coastal environment plan. Also recognises that the RMA sees the protection of such natural areas as a national priority.

Natural character should be restored in areas where it has become degraded. Should try to limit development to existing development areas and not allow incremental spread. EBOP would have to work with councils, DOC and private landowners to realise the protection of much of the coastal environment that retains a natural character even though perhaps currently degraded.

Esplanade reserves are required by both the RMA and NZCPSto enable public access to the coastal marine area in any subdivision or major development on the coast where they don't already exist. Public access is only limited by environmental sensitivity of the coastal zone. There may be opportunities for the purchase of reserves but funding is an issue. Need to work with DOC and district councils

Restriction of vehicle access to beaches and dune areas. Controlling and designating formal vehicle access areas

The tangata whenua's customary rights to use the coastal environment also have to be provided for in terms of Section 7 of the RMA.

Plan recognises need for iwi to identify and define preferences and priorities. Iwi will need to be consulted in this regard. Iwi management plans can be a useful source of information on coastal resource management matters of significance to tangata whenua. These plans must be considered during consenting process.

EBOP implemented water quality standards for contact recreation and shellfish gathering.

4. Coastal Management – Vern Pickett (taken from the RMA Handbook) 2007

Coastal Marine Area

CMA – Coastal Marine Area – incorporates foreshore, seabed, coastal water, and the air above, between the outer limits of the territorial sea (12 nautical miles) and mean high water spring (MHWS). Activities in this area are fundamentally in the public domain. The CMA is managed subject to the provisions of the RMA and related coastal policy, coastal permits and licenses to occupy coastal space.

S12 of the RMA specifies restrictions for activities and uses in the CMA.

Coastal Policy Framework

Role of the Crown through the MfE & Minister of Conservation

Ministry for Environment (MfE) is responsible for monitoring and implementing the RMA

Minister of Conservation is responsible for the preparation and maintenance of a New Zealand Coastal Policy Statement (NZCPS) (s. 57 RMA).

Minister of Conservation is also responsible for approval of all regional coastal plans – s28 RMA – coast viewed as of national importance.

Minister of Conservation is in charge of monitoring the implementation of the NZCPS (s. 28 RMA).

Minister of Conservation in partnership with relevant regional councils is responsible for the administration of all restricted coastal activities (in terms of s 12 of the RMA??) in the coastal marine area.

DOC advises the Minister of Conservation on all conservation matters in terms of s 6 of the Conservation Act 1987.

Regional Councils play a primary role for administration of the RMA in the CMA as specified in s 30(d) RMA.

Control:

Land and resource use;

Occupation of space;

Water takes and diversions;

Discharges;

Waste dumping in the CMA;

Noise emissions; and,

Activities on the water surface.

Regional Coastal Plans (RCP)

According to section 60 of the RMA, Regional Councils have an obligation to produce a regional coastal plan.

The primary role of the RCP is to assist a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of the RMA.

Regional Councils tasked with preparing regional coastal plans to specify objectives policies rules and methods for governing resource use in the CMA - under Section s 64 of the RMA and including - preserving the '*natural character of the coastal environment*' (s 6(a) RMA and other relevant matters under Part 2 of the RMA. **These may be incorporated in regional plans to provide better integration of policy and resource management in areas marginal to the CMA** – to what degree is this the case in the EBoP Regional Plan.

District Councils are required to be compliant with the policies of the NZCPS and regional coastal plan. District Plans have powers (what s of RMA??) to control land use activities that affect the CMA environment and also where natural processes within the CMA affect activities landward of the CMA boundary. The requirement for 'integrated management' (s??RMA) is the enabling statutory mechanism.

There have been some case law outcomes in this regard:
Vern mentions the *Bay of Plenty RC v Western BoP DC EnvC A141/02*.

Coastal Policy Statements

Two coastal policy statements have been issued (still correct?)

The New Zealand Coastal Policy Statement () which introduced the 'precautionary principle.

The Hauraki Gulf Coastal Policy Statement related specifically to the Hauraki Gulf and was incorporated in the Hauraki Gulf Marine Park Act 2001 (s 10).

Coastal Permits

Required under s12 RMA to control;

Reclamations;

Drainage of the foreshore;

Any structural changes on foreshore or seabed;

Disturbance of the foreshore or seabed;

Deposit of any substance in, on or under foreshore or seabed that may have an adverse effect on the environment.

Required under s15 RMA for:

Discharge of contaminants;

And under s14 for – diversion of coastal waters.

Taking or diverting coastal water potentially harmful.

Responsibilities and Restricted Coastal Activities

Regional Councils are responsible for managing all activities in the CMA other than 'restricted coastal activities' (Minister of Conservation). These latter activities can only be included in RCP's if required by the Minister. These are activities that are determined to have an irreversible adverse effect or if the location has significant conservation value. The Minister is advised by a hearing committee comprising representatives of the regional council and the Minister's office. The Minister also has to seek advice from DOC in terms of s6 Conservation Act 1987.

Marine Farming

Defined in Section 2 of the RMA as the growing of fish, aquatic life or seaweed for harvesting. The RMA only applies to activities controlled by a permit issued under s 301 of the Fisheries Act 1996 and where activities are distinguished or separated from naturally occurring marine life.

Section 12 of the RMA requires a coastal permit for activities requiring structures or occupation of space within the CMA.

Fisheries Act 1983 also requires marine farming to be licensed or permitted. However a coastal permit is a prior requirement. The fisheries permit has to be in accordance with the coastal permit (extent etc) Also a survey plan has to be prepared and lodged with Land Information New Zealand.

There is overlap in the statutory requirements of the two separate Acts. Case law has indicated an evolving role for Regional Councils in this regard.

Due to a rush on marine farming applications in the late 1990's and early 2000's there was a two year **moratorium** amendment to the RMA enacted in 2002 to prevent granting any new permits in the CMA.

Government sought to introduce a prescriptive framework of regional aquaculture zones called 'Aquaculture Management Areas' (AMA's). It also wanted to set up a tendering procedure for the right to establish marine farms in these AMA areas.

Question: What is the current status on this proposed policy??

Question: What has been the stance of EBOP to the development of AMA's? – Some Regional Councils are believed to have much of the information required to establish these areas. Auckland and Canterbury are apparently the most advanced in the preparation of Variations/ Plans to allow for AMA's. However they will not proceed to hearings on the Variations until the Aquaculture legislation has been introduced.

Some councils are not going to provide for AMA's (to save paying for the process) but will rather let industry propose a Plan Change if they wish. The approach adopted however varies from council to council.

Structures and Reclamations

Pipelines, wharves, jetties, reclamations and other structures located in the CMA occupy space within the meaning of the RMA, and require coastal permits if required by the Regional Coastal Plan.

Question: Does the EBOP Coastal Env Plan authorise reclamations?? They are not allowed by the RMA unless provided for by Regional Coastal Plan. The Coastal Policy Statement also determines circumstances for reclamations to be restricted activities requiring the Minister of Conservation's approval. (all reclamations exceeding 1ha and extending more than 100m in any one direction.

Assessment of Environmental Effects

All coastal permit applications require the preparation of an Assessment of Environmental Effect's (AEE).

Coastal Tendering

Process provided for in the RMA (where?) where Crown can sell by tender or private treaty following public tender, exclusive rights to apply for coastal permit to occupy space (for longer than 6 months) to mine sand, shingle and other extraction rights. The right to a coastal permit is not conferred or automatic. It's merely a right to apply.

Coastal Permit Monies

Where a coastal permit is granted s112 of the RMA provides means for consent holder to pay rental or royalty to the regional council for use of the resource. Similar regime applies to marine farming. These monies may provide a means for regional councils to recover costs for the establishment and monitoring of AMA's.

5. Information from File documents sent through by Bridget Robson **23/11/08**

1. Spread of mangroves – uncertainty at present as to required – effective responses.
2. Vehicles on beaches – also uncertainty as to what's required
3. Horse training on beaches – varies according to locality as an issue
4. Temporary structures on the beach – grandstands at Mt Maunganui Beach for short term events.
5. Removal of flood or sea debris from the beach (natural) – what about human rubbish – from boats/ ships
6. The plan presently categorises driving on the beach differently according to whether an activity is permitted or discretionary. Suggestion made that driving related to a permitted activity (has resource consent) on the beach should be permitted.
7. There is recommendation that the Installation, servicing and removal of buoys in the sea should be a permitted activity.
8. Providing for the heritage provisions (protection of historic heritage) of the RMA Amendment Act of 2003 in the Coastal Plan.
9. Are regional plan controls required for building in the natural hazard zone – Ohiwa Spit example mentioned
10. Public access and recreation rights need to be balanced with ecological and heritage protection on shores.
11. Cleaning of ship and boat hulls in harbours and coastal waters.
12. Coastal plan zones were captured on 1:25 000 scale b&w aerial photography – now out of date and not accurate if taken down to an individual property level – could result in legal challenges.
13. Coastal plan doesn't really deal with geothermal activities but a submission was made to include provisions under the Proposed Water and Land Plan (2004) (what is current status of this issue?)
14. Land acquired by TCC zoned Port Zone should be zoned Harbour Development Zone.
15. Bridge Noise levels in CMA likely to exceed provisions set in Coastal Plan.
16. Stormwater discharge in the CMA policies and rules need to be consistent with those in the Land and Water Plan.
17. Prohibition of structures in the CMZ - Coastal Management Zone (Rule 24 – CMZ and Rule 23 - permanently navigable harbour waters).
18. Prohibition of structures in the CHPZ (Rule 34)
19. Disposal of human remains (sea burials and ashes) at sea in CMA – no policy or regulations by MSA or MoH.
20. Registration of mai mai's / whitebait stands.
21. Historic heritage resources in the CMA – Coastal Marine Area.
22. Piripai Spit – significant site?
23. Fish & Game submission – Pest Management Plan?
24. Deployment of scientific instruments.
25. Request to amend Policy 6.2.3 (h) to include all pets not just cats and dogs.
26. Damage to reef (Dickie's bulldozing -2001) not covered in Coastal Plan.
27. Declamation – the removal of reclamations should be made a permitted activity (2004).

Other questions

Policy Developments

Oceans Policy - where at?

Marine Reserves Act - where at?

New New Zealand Coastal Policy Statement – implications?

Legal Developments

Foreshore and seabed claim by iwi – where at?

Moratorium on new aquaculture development – where at?

Amendments to the RMA under National Government – any implications