

VARIATION 1 (COASTAL POLICY)

Proposed Bay of Plenty Regional Policy Statement

SECTION 32 REPORT

This report should be read in association with the original Coastal Environment Section 32 report dated November 2010 and the March 2012 Section 32 report



Bay of Plenty Regional Council

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1 Introduction

1.1 Executive Summary

This report summarises the evaluation undertaken by the Bay of Plenty Regional Council for Variation 1 to the Proposed Regional Policy Statement (PRPS). The PRPS was publicly notified prior to the New Zealand Coastal Policy Statement (NZCPS) 2010 being enacted and, as a result, has provisions that give effect to the now outdated NZCPS 1994. An initial screening of the PRPS against the provisions of the NZCPS 2010 showed that some parts of the PRPS gave full effect to the NZCPS 2010, some provisions gave only part effect to the NZCPS 2010 and some parts of the PRPS gave no effect to the NZCPS 2010 at all.

The purpose of Variation 1 is therefore to update the PRPS so that it gives full effect to the NZCPS 2010.

The process followed in the preparation of Variation 1 to the PRPS is outlined below.

- The PRPS provisions (pre-decisions in March 2012) were reviewed against the NZCPS 2010. The main differences between the PRPS provisions and the NZCPS 2010 policy direction is that the coastal environment and areas of outstanding natural character are not spatially identified and the PRPS provisions do not afford the level of protection to both natural character and indigenous biodiversity that the NZCPS 2010 requires. In addition, the pre-decisions version of the PRPS had no provisions for vehicle access on the foreshore and seabed, no provision or recognition of ports of international or regional significance, and no requirement to identify and enhance coastal waters that have degraded to the point where the waters are having an effect on recreation, ecology, etc. Policies 1, 9, 11, 13, 14, 20 and 21 of the NZCPS 2010 in particular were identified as not being given full effect in the PRPS (pre-decisions version).
- Consultation was undertaken with key stakeholders (including Government Ministries, previous submitters to the coastal environment provisions of the PRPS, local community boards, the Port of Tauranga and NZTA), tangata whenua and those potentially affected by the Variation (including large land owners). Key issues raised in consultation related to the desire to protect and restore natural character, managing the effects of vehicle access on the foreshore, water quality issues and loss of habitat (such as kaimoana). There was support for the spatial identification of the coastal environment and outstanding natural character areas as this would provide certainty to the public and plan makers.
- Variation 1 to the PRPS was developed with the aim of giving full effect to the NZCPS 2010. In that respect, some comments raised through consultation relating to the previous PRPS or to wider issues other than those outlined in the NZCPS 2010 were addressed in other ways. As far as practicable, the Variation was developed to utilise existing provisions of the PRPS and amending slightly so that previous comments, S32 reports and submissions from the public could be retained and not revisited through the variation. In that respect, this S32 evaluation is based on the Decisions version of the PRPS and the S32 and S32(2)(a) reports prepared previously are relevant, with this evaluation building on the previous evaluations.
- The evaluation of existing Issues and Objectives of the PRPS concluded that no change was required to give effect to the NZCPS 2010. The evaluation of the new and amended policy and methods has been evaluated as being the

most appropriate way to give effect to the NZCPS and achieve the existing objectives of the PRPS.

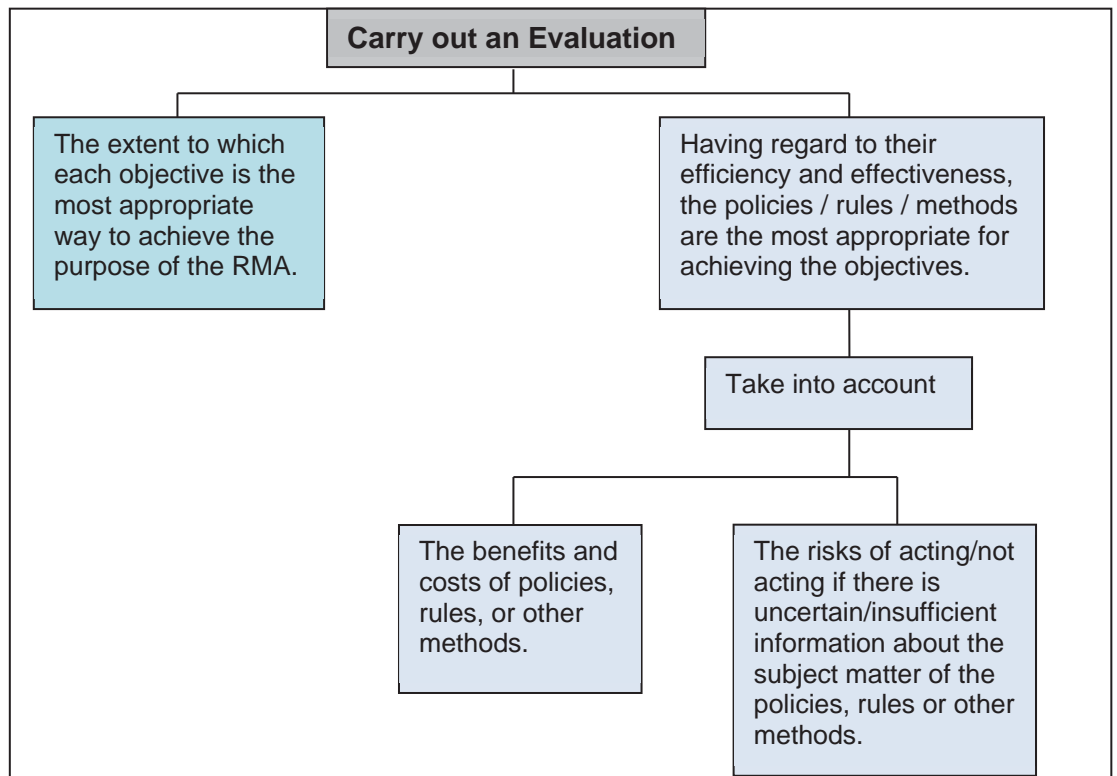
- Variation 1 was notified for submissions on Thursday 31 May 2012. A total of 54 submissions and 25 further submissions were received. Hearings for Variation 1 were held on 5 November 2012 (Tauranga) and 6 November 2012 (Whakatāne). Key matters raised by submitters included:
 - Coastal Environment: Submitters raised concerns about the location of the Coastal Environment – in particular in relation to individual properties.
 - Natural character: A number of submitters raised questions as to the precise location of lines delineating high, very high and outstanding natural character.
 - Natural Character attributes: Attributes used to “focus” natural character policy attention were challenged and supported by different submitter.
 - Policy CE 7B: There was considerable discussion of policy CE7B which managed activities with different levels of natural character.

1.2 Purpose of this report

A regional policy statement achieves the purpose of the Resource Management Act (RMA or the Act) by providing an overview of the resource management issues of the region, and policies and methods to achieve integrated management of the natural and physical resources of the whole region (section 59 RMA). To make a change to a regional policy statement, the RMA requires council to carry out an evaluation under section 32 before it is publicly notified. Before making its decision under clause 10, the decision-making authority is required to undertake a further evaluation under section 32(2) of the RMA. This report includes section 32 (1) and Section 32 (2) analysis.

This report documents the evaluation of Variation 1 to the Bay of Plenty Regional Policy Statement undertaken in accordance with Section 32 (1) and (2) of the RMA. Under Section 32 of the RMA, local authorities are required to carry out and report on an evaluation to examine whether the objectives in the variation (or plan change) are the most appropriate to achieve the purpose of the Act. The evaluation must also examine the efficiency and effectiveness of proposed policies, rules and other methods in achieving the objectives.

Two distinct steps are identified in carrying out a s32 evaluation as shown below:



This analysis needs to be done prior to notifying a change and again prior to issuing decisions, in light of information presented at hearings.

This report is the documentation of the above assessment processes. It should be noted that the existing objectives of the PRPS have been reviewed as part of this process and determined to require no change to give effect to the NZCPS (see Section 2). The assessment of objectives in terms of whether they are the most appropriate way to achieve the purpose of the RMA is already covered in S32 and S32A reports associated with the PRPS and the question of need for further objectives was not raised in submissions. The assessment using the above process is therefore limited to whether the proposed policies and methods

associated with the Variation are appropriate given their benefits and costs and any risks associated with the subject matter.

1.3 Public participation

This report is made available to the community and other agencies to provide explanation on the proposed Variation to the PRPS provisions and to ensure that council meets its obligations under the RMA (section 32(5) and (6)).

Section 3 of this report sets out the steps in the Variation to the PRPS process, including opportunities for public participation and feedback.

1.4 Structure of this report

The remainder of this report is set out in the following sections:

Section 2: The Background to the Variation. The purpose of this section is to explain the background and reasons why the Variation is required.

Section 3: Process of the Variation preparation. The purpose of this section is to document the process followed in developing the Variation, including consultation.

Section 4: Resource management issues and objectives. The purpose of this section is to provide assessment and analysis of the objectives proposed.

Section 5: Evaluation of Policies and Methods: The purpose of this section is to satisfy statutory requirements under Part 2, sections 31, 32, 72 and 76 of the Resource Management Act to provide assessment and analysis of the proposed policies and methods in the Variation to the PRPS. The structure of this section provides the proposed Variation provisions on the left hand column and the adjoining section 32 assessment on the right hand column.

Section 6: Conclusion and Notification of the District Plan change. This section provides a conclusion to the Section 32 evaluation and sets out the notification process for public participation on the Variation. It is important to note that the section 32 evaluation process does not finish with this report but will continue throughout the statutory process with Council evaluating submissions and further submissions and deliberating on the Variation.

2 The Background

2.1 New Zealand Coastal Policy Statement

The RMA requires a New Zealand Coastal Policy Statement (NZCPS) to guide local authorities in their day to day management of the coastal environment. Local authorities must give effect to relevant provisions of the NZCPS in planning documents (s62(3), 67(3)(b), 75(3)(b) RMA) and resource consent authorities must have regard to relevant provisions when considering consent applications (s104(1)(b)(iv) RMA). Therefore, even if the BOPRC were to do nothing with regards local policies and response to the NZCPS 2010, it provisions would be reflected in some way in most resource consent applications.

The purpose of the NZCPS is to promote the sustainable management of the natural and physical resources of the coastal environment, including coastal land, foreshore and seabed, and coastal waters from the high tide mark to the 12 nautical mile limit. This purpose is the same as its predecessor, the NZCPS1994.

The NZCPS1994 was issued in 1994. The new statement took effect on 3 December 2010 when the NZCPS 1994 was revoked. The PRPS was publically notified in November 2010, just prior to the release of the NZCPS 2010 and was therefore based on the now outdated 1994 version of the NZCPS. Because of the similarities between the 2010 and 1994 NZCPS's and the fact that consents must have regard to the NZCPS, considerable thought was given to whether a variation is required at all.

The main changes between the 1994 NZCPS and the new NZCPS 2010 are:

The NZCPS 2010 provides:

- More explicit and specific direction to councils on strategic and spatial planning. This will support the development of plans that give developers and communities more certainty about where new subdivision and development will be appropriate, where it is likely to require very careful consideration, and where it should not happen.
- More explicit recognition of the need to consider the importance of nationally or regionally significant infrastructure when developing plans and making consent decisions.
- More specific direction about planning for the needs of ports, including their integration with the rest of the transport system.
- Greater support for environmental outcomes with updated and more specific policy on key matters such as the preservation of natural character, protection of outstanding natural landscapes and features, protection of indigenous biodiversity and habitats, control of sedimentation and other discharges, improvement of water quality, adoption of a precautionary approach where appropriate, and monitoring.
- A policy update on how planning and decision making should recognise Māori values in relation to the coast, and the relationships Māori have with certain coastal places and resources. This includes Māori interests in protecting special sites (such as wāhi tapu) and in using resources and developing places (e.g. gathering kaimoana, developing papakāinga and marae).

- Supporting effective planning for aquaculture development which complements aquaculture reform. As with coastal property development, this is to give both marine farmers and communities more certainty about where aquaculture will and will not be appropriate.
- Stronger direction to councils on management of coastal water quality, which is critically important for aquaculture.
- Substantial policy direction updates on the management of coastal hazards with an increased focus on avoiding or reducing risk and considering a broader range of options where existing development is under threat. The policy requires assessment of risk over the long term (at least 100 years), taking account of the expected effects of climate change. Alternatives to hard protection works (e.g. seawalls) are encouraged where practicable, to minimise long-term costs and adverse environmental effects.
- Introduces and lists nationally significant surf breaks (Policy 16)
- Stronger direction (Policy 20) on the need to consider where vehicle use on beaches raises issues (and where vehicle access is needed) and provides the ability to include relevant controls in plans.
- Removes Restricted Coastal Activities (RCAs) - Policy 29. Policy 29 directs local authorities to amend planning documents to give effect to this policy as soon as practicable, without using the Schedule 1 processes of the Resource Management Act. Sections 55 and 57 of the Act enable councils to make the changes without using the Schedule 1 process.

Common to most amendments to the NZCPS is a focus on “efficient” policy and removing some of the previous ambiguity.

2.2 Proposed Bay of Plenty Regional Policy Statement (Pre-Decisions Version)

The PRPS provisions (pre-decision version, notified in November 2010) gives effect to the policy direction of the NZCPS 1994. The provisions of the PRPS (pre-decisions version) relevant to the management of the coastal environment and considered to require amendment to give effect to the NZCPS 2010 are summarised in Appendix 1. In summary the provisions of the PRPS requiring amendment are:

- Within the Proposed Regional Policy Statement the ‘coastal environment’ is not defined spatially. Instead, a number of criteria are provided that should be considered in the identification of the inland boundary of the coastal environment. This is not consistent with the “provide greater spatial certainty” theme of the NZCPS 2010.
- The Coastal Environment Chapter has policies around the preserving the Natural Character of the Coastal Environment and generic guidance on how this may be done by avoiding inappropriate subdivision, use and development. Natural Character is not defined and the decisions version of the PRPS removes the reference to Appendix F that provides criteria to help identify natural character. The policy framework provides only limited certainty to landowners or the community as to the locations of outstanding or high natural character areas. This is not consistent with the NZCPS requirement for greater spatial certainty.

- There are no policies to protect identified outstanding natural character (identified in Boffa Miskell Limited, 2012¹). Rather, natural character is to be assessed through Method 6 before it is protected. This is inefficient and contrary to tenor of NZCPS 2010.
- Vehicle access is not expressly detailed in the pRPS. To be consistent with the NZCPS 2010 additional detail is required.
- There is no specific provision for Ports of international and national significance – though the Port of Tauranga is addressed elsewhere in the pRPS.

2.3

Decisions on the PRPS

The Regional Council notified its decisions on all submissions to the Coastal Environment, Water Quality and Land Use provisions of the PRPS on 27th March 2012. Decisions on the remainder of the PRPS were released shortly thereafter. Although there is a small overlap between the coastal decisions appeals and variation 1, a number of appellants have agreed to await the release of variation 1 decisions before confirming (or withdrawing) their appeals.

The version of the PRPS that this S32 is based on is the decisions version of the PRPS.

¹ Boffa Miskell Limited, 2012. Natural Character Assessment of the Bay of Plenty Coastal Environment, March 2012. Prepared for Bay of Plenty Regional Council.

3 Variation Process

3.1 Scope of Variation Contents

As an initial step in preparing variation 1 a review was undertaken on the NZCPS 2010 against the 1994 version to determine the key areas of change (and therefore the likely areas of the RPS requiring addressing through the Variation). The key differences between the 2010 NZCPS and the 1994 NZCPS on which the PRPS was based are discussed in Section 2.2. In addition, it was noted that since the RPS was initially notified and the NZCPS first made operative it is a requirement that plans “give effect” to an RPS. Consequently, there is much greater opportunity to achieve downstream efficiencies than was previously the case, and the option to “do nothing” is considerably different in impact than when subordinate plans were not required to “give effect”.

A review was then undertaken of the PRPS (pre-decisions version) to ascertain whether the provisions in the PRPS give effect to the NZCPS 2010 (either in part, fully or not at all). The results of this initial screening were attached to a report to the Bay of Plenty Regional Council Strategy, Policy and Planning Committee on the 20th October 2012 (see Appendix 1). The potential Variation contents (based on the screening review) were summarised for use in consultation.

3.2 Consultation Process

Clauses 3 and 3B of Schedule 1 of the RMA set out the consultation requirements for the preparation of the Variation. Regional Council undertook the following:

- An initial letter to the Minister of Conservation, Minister of Local Government, Minister of the Environment, Minister of Primary Industries and Minister of Transport as well as the Ministry for the Environment, Ministry of Agriculture and Forestry and the Aquaculture Unit was sent on 7th February 2012 outlining the Variation being prepared, the timeframes and the reason for the Variation.
- Establishment of a Focus Group consisting of representatives of each of the coastal territorial authorities (Opotiki, Whakatane, Western Bay, Tauranga, Offshore Islands) and a representative of the Department of Conservation. The purpose of the Focus Group was a representative group to meet at the commencement of the Variation and once it was drafted to provide comment and to act as a conduit of information on the Variation between respective organisations and the Regional Council.
- Tangata whenua consultation. Meetings were held with tangata whenua of the region at the start of the project to discuss the Variation and seek initial comments on the matters potentially requiring change to give effect to the NZCPS. Further consultation was carried out once the Variation contents were drafted and comments sought either by e-mail/letter or through attendance at a number of scheduled meetings. Not all offers to consult were taken up with at least one Iwi declining on the basis insufficient resource and other priorities.
- Targeted stakeholder meetings were held with the Port of Tauranga, NZTA, and large land owners potentially affected by the Variation.
- Information letters regarding the Variation were sent to submitters to the Coastal Environment Policies of the PRPS and interest groups such as Coast Care, acknowledging that they would have an interest potentially greater than the public in general.

- Results of the Consultation process (particularly on the preliminary draft document) and how they were considered in the Variation is included in Appendix 2.
- Further amendments to the variation were made following consideration of formal submissions and further submissions.

3.3 Issues identified through consultation

Initial consultation identified a number of general coastal issues for the region considered relevant to giving effect to the NZCPS 2010. The issues and points raised during consultation are summarised in a table along with how the issues were addressed (see Appendix 2). The following summarises the points raised:

(a) General

Appropriate provision needs to be made for development rights in coastal areas. Some areas have already been through a regulatory process and although not yet developed – are planned to be (e.g. future urban area at Papamoa). Variation provisions need to acknowledge these areas and not restrict already anticipated and authorised development from occurring.

(b) Natural Character.

There is sometimes debate over what defines natural character and where it is located. Consultation resulted in a request to define and map the natural character along with different levels of significance.

The values that contribute to an areas' natural character have the potential to be adversely affected or in some cases permanently lost or degraded by inappropriate development. Development can be considered inappropriate due to the scale and form of buildings; the location of building platforms and driveways; or the location and extent of earthworks and vegetation clearance.

Through consultation there was a desire to preserve, restore and enhance natural character. A number of examples were raised of circumstances where natural character values have been diminished. For example, proliferation of structures in the Tauranga Harbour. It was noted that there is development pressure on the Omokoroa coast line, Tauranga and Western Bay of Plenty Coastlines. There is not the same degree of pressure in Opotiki.

(c) Vehicle Access Management.

The use of vehicles in the coastal environment was raised as a concern, particularly by tangata whenua. Particular concern was also voiced over damage to sensitive dunes and species that inhabit the dunes (e.g. native dotterel). Local authorities tended to consider access “managed” already and questioned the value of further RPS policy.

(d) Cumulative effects

Concern was raised by Whakatane District Council over the cumulative effects of development and associated activities on dunes. Effects identified included the loss of natural features, indigenous values of Thorndon and wetlands.

The effects associated with formal or informal access across dunes has been raised as an issue. Effects include the destruction of dune features, habitat and the introduction of invasive species.

Whakatāne District Council also raised issues of the zoning of Piripai spit and whether this impacted the natural character assessment.

(e) Water Quality of Coastal Areas

Another key issue was concern for general coastal water quality.

Particular concern was raised by tangata whenua during consultation over the need to improve the condition and quality of water discharged at the Arataki and Matakana wastewater outlets. Poor water quality was considered a barrier to aquaculture development opportunities for tangata whenua.

Public concern was raised over the pollution/poor water quality of the Tauranga Harbour and the perceived lack of mitigation from potentially pollution causing activities.

Discharges from the wash down of boats, sedimentation, Port activities including the fumigation of logs and discharge of contaminants to the sea, and Paru/foreign bodies from bottom of container ships (global foreign bodies), ship discharges coming into the harbour were all sighted as factors contributing to the Harbours degraded water quality.

Overall there was a desire to improve quality of water in coastal areas.

(f) Cultural values and uses

Tangata whenua were concerned that cultural values associated with the coastal environment are being diminished with coastal development.

Concern was raised regarding the depleted stocks of kaimoana/seafood (e.g. mussels and flounders at Rangataua Bay). Greater preservation was sought to protect kaimoana/seafood.

Tangata whenua want to enable potential development of their coastal lands.

(g) Sedimentation and erosion

Concern was raised by a number of parties about the lack of control of activities generating sedimentation. Dredging was noted as having the potential to leave holes in the harbour seabed and the potential to increase erosion.

The coast was considered particularly vulnerable to erosion, accretion, coastal hazards (such as flooding, tsunami) and sea level rise.

(h) Biodiversity

Management of Harmful Aquatic Organisms was highlighted as required as past invasions by aquatic pest species have had a significant effect (e.g. 6 armed starfish). Noted ships that the use the Port of Tauranga have bilge water that potentially is an issue for biodiversity.

(i) Preservation of Seascapes

Views to the coast from private properties and public spaces are highly valued. Concern was raised over the potential for development to block views.

4 Significant Issues and Objectives

The original S32 report for the Coastal Environment Chapter of the PRPS assessed the identified regionally significant issues and objectives. However, it is now necessary to review those issues and objectives against the newer NZCPS 2010 to consider their appropriateness.

4.1 Issues

4.1.1 Existing Issues in the PRPS

The S32 report for the proposed RPS (coastal environment topic) noted that the issues as stated in the PRPS were identified using a range of information sources, including the (then operative) NZCPS 1994 and the Independent Review of the New Zealand Coastal Policy Statement (2004).

At that time coastal issues were:

Issue 1: Adverse effects on the natural character and ecological functioning of the coastal environment

The natural character and ecological functioning of the region's coastal environment is adversely affected by land use and development, earthworks, inappropriate recreational activities, encroachment, grazing, changes in land use and the presence of pest plants and animals.

Issue 2: Effects of land use on Tauranga Harbour and Ōhiwa Harbour

A number of land uses surrounding Tauranga and Ōhiwa Harbours have resulted in increased rates of sedimentation. Sedimentation can affect the harbour environment by making navigation channels shallower, degrading habitats such as sea grass, shellfish beds and spawning sites, as well as changing the environment to favour mangrove growth.

Issue 3: Managing the allocation of space for a range of competing uses within the coastal marine area

This issue recognises that some activities have a functional need to be located in the coastal environment and are important to the social and economic wellbeing of the region but may adversely affect the use and enjoyment of the environment. Providing for aquaculture, recreation, wild catch fishing, Maori customary activities, regionally significant infrastructure and marine access ways in a manner that avoids conflict and considers the cumulative impacts of these activities on the public space of the coastal marine area and the adjacent shore is challenging.

It was recognised that there are other issues of concern within the coastal environment such as public access, iwi resource management, integrating management across mean high water springs, coastal hazards and matters raised in consultation as noted earlier in this report. However these issues have either been covered within other topic areas and therefore the associated policies and methods are analysed in other reports, or are considered insufficiently "significant" for inclusion in the PRPS.

4.1.2 Review of Issues

A review of the identified issues against the (now operative) New Zealand Coastal Policy Statement 2010 resulted in no change. Essentially, the new aspects covered in the NZCPS 2010 do not change those things considered regionally significant as identified in the PRPS. Variation 1 therefore proposed no changes to the existing issues.

4.2 Existing Objectives

As notes previously, the existing objectives were assessed in the s32 report for the Coastal Environment written in November 2010 which outlines the extent to which each are the most appropriate way to achieve the purpose of the RMA. That earlier assessment is not repeated here. The existing coastal environment objectives are:

Objective 2 – Preservation, restoration and enhancement of the natural character and ecological functioning of the coastal environment

Objective 3 - Equitable and sustainable allocation of public space within the coastal marine area

Objective 4 - Enable use and development in the coastal environment in appropriate locations

A brief analysis of these objectives follows:

4.2.1 **Objective 2 - Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment**

NZCPS 2010 policies 11, 13 and 15 relating to the protection of indigenous biodiversity, the preservation of natural character and the restoration of natural character are relevant to Objective 2.

The Objective is consistent with the policies of the NZCPS as it recognises that natural character not only needs to be preserved but enhanced (e.g. through restoration) and that natural character is considered to include indigenous biodiversity. This is also consistent with s6 'Matters of National Importance' and s7 'Other Matters' of the RMA, specifically those provisions regarding the preservation of the natural character of the coastal environment (s6(a)), the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s(6)(c)), the intrinsic values of ecosystems (s7(d)) and the maintenance and enhancement of the quality of the environment (s7(f)).

Because this objective is largely unchanged, further analysis is not warranted.

4.2.2 **Objective 3 - Equitable and sustainable allocation of public space within the coastal marine area**

Policies 4, 6, 18 and 20 of the NZCPS 2010 relating to integrated management, activities in the coastal environment (specifically part (2) regarding the coastal marine area), public open space and vehicle access are specifically relevant to Objective 3.

The Objective is consistent with the policies as it promotes the coordinated management or control of activities within the coastal marine area and what activities are considered appropriate or inappropriate in the consideration of allocation of public space. This is also consistent with s6(d) of the RMA 'the maintenance and enhancement of public access to and along the CMA'.

4.2.3 Objective 4 - Enable use and development in the coastal environment in appropriate locations

Policies 4, 6, 7, 8, 9, 18 and 19 of the NZCPS 2010 relating to integrated management, activities in the coastal environment, strategic planning, aquaculture, ports, public open space and walking access are specifically relevant to Objective 4.

The Objective is consistent with the policies of the NZCPS 2010 as it promotes the coordinated management or control of activities within the coastal environment, and requires the provision for necessary activities in appropriate locations such as aquaculture and ports, and public walking access.

4.2.4 Overall assessment

The objectives are largely consistent with the NZCPS 2010 and, as they were previously, most appropriate in achieving the purpose of the Act and to give effect to the NZCPS 2010. In particular, the objectives aim to balance the needs of the community to provide for their social and economic wellbeing with the need to protect the environment.

The objectives are considered consistent with the requirements of Section 6 of the Act to preserve the natural character of the coastal environment and NZCPS 2010 requirement to strategically plan for and locate activities, use and development in appropriate locations within the coastal environment.

5 Evaluation of Policies and Methods

The appropriateness of the policies and methods to achieve the objectives have been evaluated by looking at the effectiveness, the risks or acting or not acting and the efficiency of the policy and method options.

Given Council has released the decisions version of the PRPS, the main options considered include retaining the existing PRPS provisions (decisions version) and the inclusion of new or amended policy and methods to better give effect to the NZCPS 2010.

The evaluation of non-regulatory options, methods and maintaining the provisions of the Operative RPS have been considered as part of previous S32 reports (S32 reports, November 2010 for PRPS and S32(2)(a) report dated March 2012) and are not repeated here.

Policy CE1A below is considered to be the most appropriate for achieving Objectives 2, 3 and 4 of the PRPS and Policy 13 of the NZCPS 2010		
<p>New Policy CE 1A: Extent of the coastal environment</p> <p>The extent of the coastal environment shall be determined by giving effect to the maps in Appendix I.</p> <p>Existing methods apply.</p>	<p>Effectiveness: Identification of the extent of the coastal environment at a regional and district level will assist achieve anticipated environmental results in relation to the coastal environment by ensuring agencies with a management role in the coastal environment are consistently applying provisions over the same area. Maps are a very effective way of doing this.</p> <p>Efficient?: Yes - The policy is considered an efficient way of giving effect to the NZCPS 2010 by providing clarity over the coastal environment for regional and district plan implementation.</p> <p>Particular care has been taken to ensure this policy uses simple and unambiguous language – further enhancing efficiency.</p>	<p>Benefits: The policy promotes consistency in the identification of the inland extent of the coastal environment and will streamline decision-making. This will assist in integrated management and more effective planning across jurisdictional boundaries. Clarity as to the landward extent of the coastal environment may also result in reduced litigation and hearing time for local authorities.</p> <p>Authorities will face no further mapping costs as mapping of the coastal environment has been done to a district (property) level.</p> <p>Costs: If regional or district plans choose to incorporate maps of the inland extent of the coastal environment then there will be a cost associated with a plan change to do so. However there will be no costs for mapping as that has already been completed at both a regional and district level.</p>

		<p>Subject to the “line” being confirmed, there should be no further litigation or dispute.</p>
<p>Alternative 1</p> <p>No changes to the existing policy (as it appears in the decisions version of the PRPS).</p> <p>In this alternative there is no policy around defining the extent of the Coastal Environment. However, decisions on the PRPS were made considering that Variation 1 would address mapping.</p>	<p>Effectiveness: Not effective in giving effect to the NZCPS 2010 as there would be no direction given in the RPS on the extent of the coastal environment This may result in different interpretations of the coastal environment than anticipated through the NZCPS 2010 and inconsistencies across jurisdictional boundaries</p> <p>Efficient?: No – may result in inconsistencies in how the coastal environment is applied and ongoing debate.</p>	<p>Benefits: No change required to PRPS and therefore no Schedule 1 RMA process required.</p> <p>Costs: Potential costs to territorial authorities having to identify the inland extent of the coastal environment for their respective jurisdictions.</p> <p>Litigation costs as boundaries are debated.</p>
<p>Alternative 2</p> <p>Inclusion of Policy in the PRPS stating the criteria to be used in the definition of the coastal environment as identified in Policy 1 of the NZCPS 2010.</p>	<p>Effectiveness:</p> <p>Effective but requires local decision-making to work out where the coastal environment is.</p> <p>Could just repeat Policy 1 of the NZCPS with no added value at a regional level – but this causes a conflict between the “have regard” and “give effect” policy directives of RMA.</p> <p>Identification by district plans would not be required until 2 years after the RPS become operative so effectiveness would be delayed.</p> <p>Efficient?: No</p> <p>Will provide (slightly greater) certainty regarding where the coastal environment policies apply and where they do not. However, the option still leaves many people unclear about its precise location.</p> <p>Directing councils to map or identify the coastal environment at a local level may create inconsistencies in how the criteria are applied. For example how urban areas are dealt with may vary between districts.</p>	<p>Benefits:</p> <p>Allows local level interpretation of the coastal environment by territorial authorities who know and understand local communities and coastal environment management issues at a local scale.</p> <p>Would not necessarily require mapping</p> <p>Costs:</p> <p>May result in inconsistencies between the application of coastal environment policies across jurisdictional boundaries.</p> <p>There are significant economic costs for councils and communities associated with policy development and implementation, including costs of region/district wide research and investigations, analysis, interpretation, consultation, governance and decision making processes to formulate and thence to establish and implement the consequent regulatory framework.</p> <p>Substantial cost of interpreting the criteria and defining the affected land on planning maps.</p>

		<p>Process could be contentious.</p> <p>Potentially higher costs to least resourced district councils with least amount of subdivision and development pressure within coastal environment.</p> <p>District plans would be required to implement the policy and therefore incur the costs within two years of the RPS becoming operative.</p>
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Risk Analysis:

The risk of not acting/including this policy and associated maps in the PRPS is moderate because there may continue to be inconsistencies in the interpretation of the inland extent of the coastal environment both within and between jurisdictions. However, the inconsistency will not materially affect outcomes as, notwithstanding a lack of certainty; all developments are required to proceed recognising the coastal environment and will, in the course of their development planning, make a Coastal Environment determination if Councils have not. In practice, the main risk of doing nothing is the cumulative cost of uncertainty to developers and decision-makers alike.

Amended Policy CE 2A identified below is considered to be the most appropriate for achieving Objective 2 and Policy 13 of the NZCPS 2010.

<p>Amended Policy CE2A: Managing adverse effects on high natural character within the coastal environment</p> <p>Policy CE 2B: Managing adverse effects on natural character within the coastal environment</p> <p>Preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development by including provisions in regional and district plans, and when making decisions on resource consents to:</p> <p>(a) Avoid adverse effects of activities on the attributes that comprise natural character in areas of the coastal environment with outstanding natural character as identified in the maps and tables in Appendix I and J;</p> <p>(b) Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on the attributes comprising the natural character in all other areas of the coastal environment, recognising that areas identified in maps in Appendix I as having high or very high natural character can be</p>	<p>Effectiveness: This policy is effective at giving effect to the NZCPS at a regional scale through the inclusion of maps of outstanding and high natural character areas to which Policy 13 of the NZCPS 2010 applies. The policy echoes requirements of the NZCPS but relates them to attributes and maps included in the PRPS in order to make plan implementation more efficient. As such, it provides clear guidance to decision-makers and will be effective, considering the requirements of the NZCPS. An alternative would be to omit “high” natural character from the policy consideration. This would have negligible decision-making effect due to default provisions of the RMA requiring an identical level of</p>	<p>Benefits: Provides certainty to the community on areas considered to have outstanding and high natural and how effects in these areas are to be managed. The mapping of assessed natural character will reduce risks of litigation and provide greater certainty to all parties.</p> <p>Costs: Regional and District plans are required to implement the policy and therefore incur costs. Given the detail that natural character has been assessed at, reassessments are unlikely to be required at a local (district) level.</p>
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<p>especially sensitive to the adverse effects of inappropriate subdivision, use and development : and</p> <p>(c) Recognise that open coastal water in the region is of at least high natural character</p> <p>Existing methods apply.</p>	<p>consideration, but could confuse decision-makers.</p> <p>Efficient? Yes – Provides a level of protection consistent with the NZCPS for areas of outstanding natural character and the provision of maps in Appendix I will provide certainty for councils as to the assessed level of natural character.</p> <p>The inclusion of attributes tables provides more clarity in assessing potential effects on the natural character of areas and will assist in achieving environmental outcomes.</p>	
<p>Alternative 1 No changes to the Regional Policy Statement (Decision version) – no spatial definition of natural character. The Decisions version of the PRPS is to avoid effects on outstanding natural character to be assessed by the regional council through method 6.</p>	<p>Effectiveness: Although the (Decisions version) PRPS contains provisions that will give effect to the NZCPS 2010, it relies on areas of outstanding natural character to be assessed through Method 6. The natural character of the coastal environment has already been mapped by the Regional Council and therefore this is not an effective way of giving effect to the NZCPS 2010 (i.e. it ignores information currently held).</p> <p>Efficient? No – the natural character of the region has already been assessed and mapped and therefore it would not be efficient to have a policy that refers to a method that involves the re assessment of natural character.</p>	<p>Benefits: The existing policy would act as a placeholder to provide for the avoidance of effects on outstanding natural character of the region until an assessment is finalised – potentially reducing requirements for further plan changes.</p> <p>Costs: The delay in identifying mapped levels of natural character may lead to inconsistencies in the assessment of natural character at a local level and possible downstream litigation.</p> <p>Without the provision of natural character maps the RPS provides no certainty for the public as to where higher levels of protection may be required (i.e. where the outstanding natural character areas are) and therefore whether they will be affected by the policy.</p>
<p>Alternative 2 Include provisions in the decisions version of the RPS that requires outstanding natural character areas to be specifically identified at a local level through district plans (for land based activities – the Regional</p>	<p>Effectiveness: Will give effect to the NZCPS 2010 but may lead to inconsistencies in the way natural character is assessed between jurisdictions.</p> <p>Efficient? No – will result in</p>	<p>Benefits: Enables the identification of outstanding natural character at a local level by territorial authorities who know and understand their local communities and coastal</p>

<p>Coastal Environment Plan could identify those in the CMA).</p>	<p>multiple assessments required by district councils and may lead to inconsistencies in the way natural character is assessed in the region.</p>	<p>environment management issues.</p> <p>Costs: Likely to lead to inconsistencies in the way the NZCPS is applied as it will be left for localised interpretation of natural character areas and provisions to protect from adverse effects.</p> <p>The local level interpretation and mapping of natural character areas could be contentious and litigious. There will be costs associated with the technical assessment of natural character at a local level and this will be particularly onerous for smaller, less resourced district councils.</p>
<p>Risk Analysis: The risk of not acting and not including associated maps in the PRPS is moderate because there may continue to be inconsistency in the interpretation of natural character levels and the protection to be applied when assessing effects. However, as with definition of the Coastal Environment, the main tangible impact of not providing this policy in the pRPS is downstream cost and uncertainty to developers and decision makers. It is considered unlikely that decision-makers would interpret a lack of guidance as reason to ignore protection of natural character.</p>		

<p>Amended Policy CE 7B identified below is considered to be the most appropriate for achieving Objective 2 and Policy 13 of the NZCPS 2010.</p>		
<p>Policy CE 7B: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment</p> <p>When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:</p> <p>(a) The level of natural character as shown in Maps in Appendix I, as described in Appendix J, and the level of protection to be afforded by Policy CE 2B;</p> <p>(b) The criteria contained in Set 1 of Appendix F to further refine natural character for resource consents or site-specific mapping;</p> <p>(c) Maintaining coastal margins in a natural state and protecting the natural values of beaches and dune systems, including their ability to</p>	<p>Effectiveness: The policy is effective at giving effect to the NZCPS 2010 as it links the assessment of effects on natural character to the maps that have been prepared of natural character assessed at the regional scale. This will better meet the requirements of policy 13 of the NZCPS and provide protection of natural character from the effects of activities. The policy, as worded, will also provide protection to other areas of the coastal environment not considered outstanding and provides direction on local levels of natural character when considering potential</p>	<p>Benefits: Good protection of natural character will be achieved by providing certainty of areas and values of important natural character areas by referring to maps of natural character and policy CE 2A.</p> <p>Costs: Reduced costs of uncertainty and potential challenge as the natural character maps provide certainty and can be litigated once and determined for all time.</p>

<p>reduce the impacts of coastal hazards such as tsunami and storm surge;</p> <p>(d) Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned or designated) or were previously present or obvious; and</p> <p>(e) Subject to Policy CE2B avoiding significant adverse effects and avoiding, remedying or mitigating (including, where appropriate, through provision of buffers) other adverse effects on:</p> <p>(i) Visually, ecologically or culturally sensitive landforms, including ridgelines, coastal cliffs, beaches, headlands, and peninsulas and visually prominent public open space;</p> <p>(ii) Estuaries, lagoons, wetlands and their margins (saline and freshwater), dune lands, rocky reef systems and areas of eelgrass and salt marsh;</p> <p>(iii) Terrestrial and marine ecosystems;</p> <p>(iv) Natural patterns of indigenous and exotic vegetation and processes that contribute to the landscape and seascape value of the area; and</p> <p>(v) Regionally significant surf breaks and their swell corridors, including those at Matakana Island and the Whakatāne Heads</p> <p>(f) Encouraging efficient use of occupied space through intensification and clustering of developments, rather than sprawling, sporadic or unplanned patterns of settlement and urban growth;</p> <p>(g) Setting buildings and structures back from the coastal marine area and other waterbodies where necessary, practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment, while recognising marine structures may have a functional need to be located in the coastal environment, for which a setback would be inappropriate;</p> <p>(h) Explanation</p> <p>Policy CE 7B recognises that in some areas natural character has been mapped and directs decision-makers to consider the appropriateness of development having regard to Policy CE 2B and</p>	<p>effects.</p> <p>An important part of the policy is direction that man-made elements are appropriate where they have been zoned or consented. This aids policy effectiveness by ensuring planning restrictions are not applied in areas that have previously had their landuse determined.</p> <p>Efficiency: Yes – the amended policy provides greater certainty about the level of natural character in any coastal location reference via the natural character maps and attributes tables. It is specific in excluding previously consented and zoned areas.</p>	
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<p>local-scale considerations. Part (a) applies only to the mapped areas. NZCPS 2010</p> <p>Existing methods apply.</p>		
<p>Alternative 1 No changes to the Regional Policy Statement (decisions version). The decisions version has no reference to Appendix F and G in the assessment of natural character and what is considered inappropriate. No provision for setbacks for buildings and structures. There is also no provision for statutory documents in (d).</p>	<p>Effectiveness: Poor effectiveness because without a reference to Appendix F there is a lack of criteria for the assessment of natural character. This may result in inconsistencies in how natural character is considered across jurisdictions and potentially result in some higher value areas being lost through incorrect assessment of the level of natural character.</p> <p>Efficient?: No – the lack of direction on the criteria or elements that comprise natural character of an area may lead to inconsistencies in the identification of natural character of an area and loss of protection required by Policy 13(1)(a) of the NZCPS.</p>	<p>Benefits: The policy provides broad direction on the qualities that comprise natural character and so natural character may be preserved to some degree.</p> <p>Potentially gives greater discretion to a developer to do more with the land.</p> <p>Costs: There may be increased costs for district councils associated with litigation over the assessed level of natural character values of areas.</p>
<p>Risk Analysis: The natural character assessment has been done at a regional scale. There is a risk in requiring district councils to determine natural character at a local level without providing criteria on how to do that assessment in line with the NZCPS 2010.</p>		

New Method 49 identified below is considered to be the most appropriate for achieving Objective 2 and Policy 14 of the NZCPS 2010.

<p>Method 49A: Identify areas for restoration or rehabilitation of natural character</p> <p>Identify areas of the coastal environment where restoration or rehabilitation of natural character should be undertaken as a priority. Identification of restoration or rehabilitation areas should consider whether restoration or rehabilitation of the natural character is practicable and can be sustained given lawfully established use, permitted (including existing, consented and designated infrastructure) activities of the area, relevant planning considerations and, where land is in private ownership, concerns of and impacts on landowners. Priority restoration or rehabilitation areas include:</p> <ul style="list-style-type: none"> (a) where natural character has been compromised; or (b) where the natural character of the area has been identified as important in iwi or hapu management plans; or (c) where the restoration of an area has been planned for enhancement through biodiversity strategies; or, (d) where the restoration of natural character is integral to the restoration of the entire area; or (e) where restoration or rehabilitation is likely to proceed with the agreement of landowners, unless the restoration or rehabilitation is the requirement of a resource consent 	<p>Effectiveness: Gives effect to the NZCPS 2010 Policy 14 by requiring areas for restoration or rehabilitation to be identified.</p> <p>Efficient? Moderate – this method is necessary in order to fulfil requirements of the NZCPS. However, a method in an RPS is not automatically undertaken as it must be funded in the annual plan – which cannot be assured ahead of time. It is likely that identified areas will be incorporated into the RCEP and RWLP.</p>	<p>Benefits: Prioritises and identifies areas for restoration of natural character which will result in environmental benefit by directing the incorporation of these values in to future development proposals.</p> <p>Costs: Regional council costs associated with research and a plan change process. There are flow-on costs for district councils associated with policy development, implementation and decision making to establish and implement the resulting regulatory framework, which must be designed to give effect to the RPS.</p>
<p>Alternative 1 No changes to the Regional Policy Statement (decisions version). This would result in no new method on restoration.</p>	<p>Effectiveness: Is not totally effective in giving effect to the NZCPS 2010 Policy 14 as restoration is one of a number of competing regional priorities. (however, restoration does occur at a level considered sustainable and appropriate having regard of available levels of funding).</p>	<p>Benefits: No plan change process required by district councils.</p> <p>Costs: Environmental costs as restoration of natural character of the region is not extensively promoted.</p>

	<p>Efficient?: No – without information on where priority areas are restoration is not possible.</p>	
<p>Risk Analysis: The risk of not acting is low as the regional council will identify areas for restoration and rehabilitation of natural character in the normal course of its business.</p>		

Amended Policy CE 13B identified below is considered to be the most appropriate for achieving Objective 3 and 4 and NZCPS Policy 9.

<p>Policy CE 13B: Providing for ports Recognise the national and regional significance of the Port of Tauranga and the need for it to be located within the coastal environment by:</p> <p>(a) Safeguarding the capacity and efficiency of:</p> <ul style="list-style-type: none"> i. Current port operations; ii. Activities that have a functional need to be located in and around the port; iii. The strategic road, rail and sea routes to the port; and <p>(b) Providing, as appropriate, in the regional coastal plan, for future port operations and capacity; and</p> <p>(c) Having regard to potential adverse effects on the environment, providing for the need to maintain shipping channels and to renew/replace structures as part of ongoing maintenance; and</p> <p>(d) Avoiding activities in areas that may compromise port operations.</p> <p>Current methods apply.</p>	<p>Effectiveness: Policy CE13B gives effect to Policy 9 of the NZCPS by providing appropriately for the Port of Tauranga as a port of international and national significance. The policy provides protection of reverse sensitivity effects by acknowledging activities that may compromise port operations.</p> <p>Efficient?: Yes – do a degree – the policy provides detail on how to adequately provide for the Port of Tauranga operations and give effect to the NZCPS 2010 Policy 9. More detail will be included in the RCEP which is likely to provide for the PoT via a special management area.</p> <p>The efficiency qualifier relates to the fact that the NZCPS already states this requirement and the proposed policy adds little.</p>	<p>Benefits: Economic and social benefit as it provides for the on-going operation of the Port of Tauranga and access to it.</p> <p>Costs: As per NZCPS Policy 9 – the policy only focuses on ports with international or national significance. Other ports with regional significance do not benefit from the policy..</p> <p>There are flow-on costs for district councils associated with policy development and implementation and decision making processes to establish and implement the resultant regulatory framework, which must be designed so as to give effect to the RPS.</p>
<p>Alternative 1 No changes to the Regional Policy Statement (Decisions version) i.e. there is consideration of development capacity for shipping and no consideration of reverse sensitivity effects (i.e. activities that may compromise port operations)..</p> <p><i>Policy CE 13B: Providing for ports</i> <i>Recognise and provide for the functional need of ports to locate and develop in the coastal environment so as to provide for;</i></p>	<p>Effectiveness: The policy gives effect to the NZCPS 2010 but may not achieve required environmental outcomes because it lacks regional context. The policy also does not provide for the development capacity of shipping or control over activities that may compromise port activities as required in Policy 9 of the NZCPS 2010.</p>	<p>Benefits: Development opportunities more freely available without reverse sensitivity matters explicitly stated.</p> <p>Costs: Does not provide for development capacity of the POT for shipping and may have an economic cost for the Port through lack of direction on reverse</p>

<p>(i) Their efficient and safe operation;</p> <p>(ii) The servicing of national and international shipping; and</p> <p>(iii) Efficient connections with other transport modes.</p>	<p>Efficient?: Provides no regional context or clarification as to what the policy means for the Bay of Plenty and the Port of Tauranga (in particular) and so leaves it to local authorities work out the detail. Therefore inefficient.</p>	<p>sensitivity effects.</p> <p>There are flow-on costs for district councils associated with policy development and implementation and decision making processes to establish and implement the consequent regulatory framework.</p>
<p>Risk analysis: Risk of not acting is very low as information is available on Port development plans. Also, in the BOP context the NZCPS clearly applied to the Port of Tauranga.</p>		

<p>Amended Policy MN 6B identified below is considered to be the most appropriate for achieving Objective 2 and 4 and Policy 19 of the NZCPS 2010.</p>		
<p>Policy CE 13XB: Recognising secondary ports</p> <p>Recognise the local and regional significance of ports at Whakatāne and Ōpōtiki and take into account their social and economic benefits, including the need to maintain navigation channels.</p> <p>Explanation</p> <p>The region’s secondary ports contribute to the wellbeing of their communities Policy CE 13XB requires recognition of their existing and potential benefits in decision-making.</p> <p>Ōpōtiki and Whakatāne Ports are located in river estuaries and require ongoing dredging in order to maintain safe vessel access.</p>	<p>Effective:</p> <p>There is no direct parallel for this policy in the NZCPS. However, the ports of Whakatāne and Ōpōtiki have significance to their respective communities and several submissions were received requesting their recognition.</p> <p>Efficient? Moderately. The policy provides modest decision-making context for the few activities that may occur in these areas. However, it is short on detail and may therefore be of limited tangible benefit.</p>	<p>Benefits:.</p> <p>Make the RPS more relevant to Ōpōtiki and Whakatāne communities and ensure that their strategic assets are appropriately recognised when decisions are made.</p> <p>Costs:</p> <p>Potentially adds little to decision-making.</p>
<p>Alternative 1:.</p> <p>Do not add the new policy.</p>	<p>Effective:</p> <p>Indeterminate. The lack of a policy would be concerning to residents and could imply their infrastructure is of lower importance than it is. It could also (though unlikely) result in development proposals insufficiently weighting the community value of these facilities.</p> <p>Efficient?</p> <p>Yes. The absence of a “weak” policy would result in more efficient plan administration – but at the expense of the wider RPS being seen as relevant to</p>	<p>Benefits:</p> <p>Simplicity and brevity of the pRPS.</p> <p>Costs:</p> <p>Possible community disengagement.</p>

	these communities.	
<p>Risk analysis: Low risk of doing nothing.</p>		

<p>New Policy CE 6A and new Method 53A identified below is considered to be the most appropriate for achieving Objective 2 and 4 and Policy 11 of the NZCPS 2010.</p>		
<p>New Policy CE 6A: Protect Indigenous Biodiversity <i>Use the criteria in Policy 11 of the New Zealand Coastal Policy Statement 2010 to identify and protect areas of indigenous biological diversity in the coastal environment requiring protection under that policy.</i></p> <p>New Method 53A: Assess and classify areas of Indigenous Biodiversity <i>Regional Council should undertake an assessment of the indigenous biodiversity of the region and classify areas of the coastal environment into those that meet the criteria given in Policy 11(a) of the NZCPS 2010 and those that meet the criteria given in Policy 11(b) of the NZCPS 2010.</i></p>	<p>Effectiveness: Gives effect to Policy 11 of the NZCPS as simply as possible – through direct reference. Will assist in environmental outcomes relating to the protection of indigenous biodiversity being met.</p> <p>Efficient? Moderate - Low. Provides clarity over how areas requiring protection should be identified, but adds nothing to what is already contained in the NZCPS.</p>	<p>Benefits: Environmental improvement through the protection of areas of indigenous biodiversity in the coastal environment being protected from adverse effects.</p> <p>Costs: Regional council costs associated with the identified and classification of areas as outlined in the NZCPS Policy 11. There are flow-on costs for district councils associated with policy development and implementation and decision making processes to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the RPS.</p>
<p>Alternative 1 No changes to the Regional Policy Statement (decisions version). No reference to avoidance of effects on indigenous biodiversity areas as outlined in NZCPS 2010.</p>	<p>Effectiveness: Not effective in giving effect to Policy 11 of the NZCPS 2010. The requirement of avoiding effects on areas of indigenous biodiversity is provided in the decisions version of the PRPS.</p> <p>Efficient?: No – does not provide protection to areas of indigenous biodiversity.</p>	<p>Benefits: More development opportunities through less control of some areas.</p> <p>Costs: Environmental degradation as no requirement to avoid effects on identified areas of indigenous biodiversity.</p>
<p>Risk analysis: Risk of not acting is low as the method and policy are already provided for in the NZCPS..</p>		

<p>Amended Policy MN 6B identified below is considered to be the most appropriate for achieving Objective 2 and 4 and Policy 19 of the NZCPS 2010.</p>		
<p>Policy MN 6B: Restricting public</p>	<p>Effective: Detailed</p>	<p>Benefits: Additional protection</p>

<p>access to and along the coast, lakes and rivers</p> <p>Restrict public access to and along the coast, lakes and rivers only where necessary to:</p> <ul style="list-style-type: none"> (a) Protect public health or safety, including a consideration of existing or reasonably foreseeable conflict between uses; or (b) Protect dunes, estuaries, areas of sensitive indigenous vegetation and/or habitats of indigenous fauna; or (c) Protect threatened indigenous species in the coastal environment; or (d) Protect historic heritage and Māori cultural values and activities; or (e) Provide for temporary activities, activities for defence purposes or special events within the coastal environment; or (f) Provide a level of security consistent with the purpose of a resource consent; or (g) Achieve one or more of the objectives of this Policy Statement; or (h) Recognise other exceptional circumstances that are sufficient to justify a restriction. <p>Before imposing a restriction on public access consider and, where practicable, provide alternative access that is available to the public free of charge at all times.</p> <p>Existing methods apply.</p>	<p>provisions provided in the policy reflect all of the considerations given in Policy 19(3) of the NZCPS and will be more effective at appropriately restricting public access and avoiding adverse effects of public access.</p> <p>The inclusion of a requirement to consider alternative access before imposing a restriction will provide for mitigation for the loss of public access and assist in achieving appropriate environmental outcomes related to public access.</p> <p>Efficient? Yes – the policy provides detail on when it is appropriate to restrict public access and will assist with decision-making.</p>	<p>of areas outlined in NZCPS 2010 where it is appropriate to restrict access.</p> <p>The requirement to consider alternative access before imposing a restriction will provide mitigation for the loss of public.</p> <p>Costs: Councils and developers/community will incur a cost in identifying access and otherwise implementing this policy.</p>
<p>Alternative 1: No change to existing PRPS (decisions version). The existing Decisions version has no requirement to consider alternative access when a restriction is imposed, to avoid conflicts between uses, to protect threatened indigenous species and to provide for temporary activities.</p>	<p>Effective: Not effective in giving full effect to the NZCPS 2010.</p> <p>Efficient? Less efficient in restricting access as it lacks detail provided in NZCPS 2010.</p>	<p>Benefits: More development opportunity as fewer restrictions on access.</p> <p>Costs: Potential environmental degradation where restrictions are not imposed in areas where it may be necessary to avoid effects. Also the potential social cost, health and safety is not a consideration in restricting public access where there may be conflicts.</p>

Risk analysis: The risk of not acting is moderate as the provision of access can be a costly proposition and policy therefore needs to be accurate.

Amended Method 53 identified below is considered to be the most appropriate for achieving Objective 2 and Policies 10(4) and 14(c) of the NZCPS 2010.

<p>Amend Method 53 to include reference to redundant reclaimed land, restoring indigenous habitats and ecosystems and encouraging regeneration of indigenous species.</p> <p>i.e: Enhance the natural character of the coastal environment, where compromised</p> <p>In consultation with affected landowners consider opportunities (including conditions on resource consents or designations) to restore or enhance the natural character of the coastal environment where it has been compromised, and is practicable when taking into account existing or proposed (consented, designated or zoned or included in an operative reserve management plan) lawful uses and activities occurring in the area or where it is identified for restoration through Method 49A, including:</p> <ul style="list-style-type: none"> (a) Removing derelict or functionally redundant structures; (b) Restoring or enhancing natural elements including dunes, saline wetlands, intertidal saltmarsh, riparian margins and other natural coastal features or processes; (c) Restoring indigenous habitats and ecosystems, using local genetic stock where practicable, including kaimoana areas identified in collaboration with tangata whenua; (d) Encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; (e) Creating or enhancing habitat for indigenous species; (f) Enhancing water quality; (g) Remediation of contaminated sites; (g) Retrofitting existing built development to be less intrusive and to minimise adverse effects on ecosystem processes; (h) De-reclamation of previously reclaimed and functionally redundant land where it will restore the natural character and resources of the 	<p>Effectiveness: Method 53 was previously evaluated in the original S32 report dated November 2010 for the PRPS. This current assessment focuses on the amendment to Method 53 as described so as to not repeat earlier evaluations.</p> <p>By amending the method to include other opportunities for consideration for restoration the RPS gives effect to the NZCPS Policy 14 (c). The addition of other matters for consideration means that restoration opportunities associated with reclaimed land and indigenous species, as well as the restoration of kaimoana areas where identified in collaboration with tangata whenua, are better identified and will assist in achieving environmental outcomes relating to preservation and enhancement of natural character in the region.</p> <p>Efficient? Yes – the amended policy will allow for more effective identification of restoration opportunities and will provide greater clarity for decision makers.</p>	<p>Benefits: Better identification of restoration opportunities will provide for environmental benefits through improved restoration and enhancement of natural character in the region.</p> <p>Costs: There will be a cost to councils in identifying appropriate restoration opportunities.</p> <p>There will be a cost to developers/the community through requirement for restoration as part of developments.</p>
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<p>coastal marine area and/or provide more public open space or public access;</p> <p>(i) Managing the effects of appropriate subdivision, use, development and reclamation by taking into account the potential benefits of on and offsite-mitigation proposed to avoid, remedy or mitigate adverse effects</p>		
<p>Alternative 1 No changes to the Regional Policy Statement (decisions version) (no reference to redundant reclaimed land, previously identified restoration or rehabilitation areas in Method 49A and other aspects identified in Policy 14(c) of the NZCPS 2010).</p>	<p>Effectiveness: The effectiveness of this method is described in the original S32 report for the PRPS dated November 2010 and is not repeated here. The method does not fully give effect to the NZCPS 2010 as it does not list all possible restoration opportunities identified in Policy 14 (c) and there is no mention of redundant reclaimed land as per Policy 10 of the NZCPS 2010. This may result in lost opportunities for restoration.</p> <p>Efficient?: No – the detailing of only some circumstances when restoration of natural character may be appropriate incorrectly gives the impression that other aspects of Policy 14 (c) and Policy 10(4) of the NZCPS are not important or relevant to the region.</p>	<p>Benefits: As described in the S32 report, dated November 2010.</p> <p>Costs: Environmental costs through lost or overlooked opportunities for restoration of natural character.</p>
<p>Risk Analysis: The risk of not acting is moderate as there may be gaps in information on where redundant reclaimed land is.</p>		

<p>New Method 61: Identify vehicle access locations and situations below is considered to be the most appropriate for achieving Objective 2, 3 and 4 and Policy 20 of the NZCPS 2010.</p>		
<p>Method 61: Identify vehicle access locations and situations Identify areas in collaboration with road controlling authorities where vehicle access is permitted consistent with NZCPS Policy 20 and where territorial authorities are to restrict access. Note: Managing access through bylaws, control of reserve access points or user-agreements shall be considered appropriate access control methods.</p>	<p>Effective: Gives effect to NZCPS 2010 Policy 20. Policy 20 does not require that regional councils undertake the identification exercise and, in this instance, it is considered a matter better left to TAs.</p> <p>Efficient? Yes – provides guidance to TAs but recognises that they may implement this requirement</p>	<p>Benefits: Certainty of where access is considered appropriate provided for the community.</p> <p>Costs: Low/nil as TA's currently undertake this activity.</p>

Implementation responsibility: City and district councils.	outside the statutory process.	
Alternative 1: No change to existing PRPS (Decisions version) No method on vehicle access.	Effective: Does not give effect to the NZCPS 2010 Policy 20 as the PRPS is silent on vehicle access. Efficient? No – does not provide any guidance as to appropriate controls over vehicle access.	Benefits: No costs associated with a plan change process. Costs: No certainty provided on where vehicle access may be considered appropriate.
Risk analysis: The risk of not acting is low. District Councils advise that this is a matter they are all currently working on.		

New Method 53B below is considered to be the most appropriate for achieving Objective 2, 27 and Policy 21 of the NZCPS 2010

New Method 53B: Identify coastal waters having an adverse effect <i>Regional Council shall identify areas of coastal water that have deteriorated to a degree that they are having a significant adverse effect on ecosystems, natural habitats or water based recreational activities, or are restricting uses such as aquaculture, shellfish gathering and cultural activities.</i>	Effective: See Section 32 report for water quality and land use dated November 2010 for discussion on Policy WL 2B. Waters that have been identified through method 53B as deteriorating to the point where they are having an adverse effect will be prioritised under existing policy. Efficient? Yes – utilises existing provisions relating to catchments at risk to enhance coastal waters identified as being degraded.	Benefits: The identification of coastal waters that are having an effect and existing policy around the management of those waterbodies will achieve the Act's purpose. Costs: There will be costs to the regional council of identifying the coastal waters that are having an effect in the district. However, this is a requirement of the NZCPS that cannot be avoided.
Alternative 1: No change to existing PRPS (Decisions version). The decisions version does provide a method to identify coastal waters having an effect and does not refer to the catchments of coastal waters as catchments of risk.	Effective: No – does not give effect to the NZCPS Policy 21 which requires coastal waters that are having a significant effect be identified in plans and provisions to address improvement. This is appropriately signalled in the pRPS. Efficient? No – does not provide for identification and enhancement of coastal waters that are having an effect.	Benefits: No costs associated with a plan change process. More development opportunities in the catchments of coastal waters that may be degraded to the point they are having an effect. Costs: No environmental improvement of coastal waters and therefore continued effects on recreation, ecology, etc.

Risk analysis: The risk of not acting is low.