

VARIATION 1 (COASTAL POLICY)

Proposed Bay of Plenty Regional Policy Statement

COUNCIL DECISIONS ON SUBMISSIONS

This report presents the Bay of Plenty Regional Council's decisions on submissions and further submissions



Bay of Plenty Regional Council

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Chapter: Proposed Regional Policy Statement Variation 1 (Co

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Section: Proposed Regional Policy Statement Variation 1 (Co

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Council Decision

That prior to being made operative numbering be standardised and aligned with the relevant parts of the Proposed RPS.

Amend the third sentence in paragraph six of Section 2.2 by replacing 'major urban centres' with 'existing and future urban areas..'

Amend the definition of "Natural Character" and text in 2.2.2 to include reference to a spectrum of values as follows (definition): 'Natural character. The qualities of the environment that give New Zealand recognisable character. Natural character exists on a spectrum of values from low to outstanding with areas of high, very high and outstanding natural character being mapped and shown in Appendix I.'

Amend the reference to attributes in 2.2.2 to include reference "natural patterns and processes".

Exclude Astrolabe Reef from areas mapped as having "outstanding" natural character.

Reasons for Council Decision

Submissions 4-2: In the course of responding to submissions new provisions have been inserted and existing provisions (including the Appendix I natural character areas) amended or removed entirely. Each insertion and deletion has potentially wide-ranging impacts requiring consequential renumbering to affected provisions. In turn, each renumbering has a ripple-on effect requiring the updating of many cross-references. Instead of renumbering successive versions of Variation 1 an interim scheme was developed and will need to be replaced with regular numbering when Variation 1 provisions are merged back into the Proposed RPS and made operative.

Submissions 40-1, 52-1, 23-8(f): Variation 1 includes provisions to ensure the Proposed RPS gives effects to the NZCPS 2010. In particular, the variation addresses requirements for greater spatial direction in respect of natural character and the coastal environment. "Prohibitive" and "avoidance" type terms are appropriate in some situations - particularly where more ambiguous or "leading" language may frustrate the achievement of the RMA's purpose.

Submissions 8-1, 25-1(f), 8-10, 25-10(f), 8-16, 25-16(f). A policy linkage to the court-directed whole of (Matakana) island planning exercise (i.e. Operative RPS method 17A.4(iv)) is not required. These matters are better addressed in the Urban and Rural Growth Management provisions of the Proposed RPS. Including a link to an as yet unresolved court-directed process will not advance integrated management in the Bay of Plenty region.

Submissions 29-4, 10-1(f), "High", "very high" and "outstanding" natural character will not affect people's ability to protect against debris or remediate damaged property. Developed properties have lower natural character and are generally not included in areas delineated as having high (and above) natural character. If the submitter is genuinely concerned for their safety then this matter should be taken up with the District Council and other landowners, recognising that any solution should respect the environment in which it proceeds. It is not the role of an RPS to provide "rules" permitting particular works (that is the function of a District Plan)

Submissions 38-1, 52-1, 23-8(f), 53-1: The decision to prepare a variation was not taken lightly. Council delayed notifying the Proposed RPS pending release of the NZCPS. Unfortunately the NZCPS itself was delayed until Council had no choice but release the Proposed RPS and, upon legal advice, progress the variation. Lines (including the coastal environment) are all extremely conservative, in many instances having been determined after site visits and landowner discussions. Specific property "lines" are discussed elsewhere in this report.

Submissions 36-1, 38-1, 10-5(f), 18-1(f), 40-1, 29-4, 10-1(f), 30-1, 9-3(f), 19-1(f), 24-1(f), 52-1, 23-8(f), 53-1: The variation provides spatial certainty around natural character and the extent of the coastal environment. Within these extents the NZCPS provides detailed policy including direction on what constitutes "inappropriate" activities. The variation accurately reflects these policy requirements. The purpose of natural character lines is not to prevent use or development or even "protect" land - rather it is to describe, precisely, the areas within which the NZCPS2010 applies. The only material impact of Variation 1 maps is that features that were previously generally known to exist are now formally recognised and specifically identified, and the attributes that make them special are recorded. Existing farmed and horticultural land can have high natural character - though more frequently has lesser ranked values. Most rural land noted as having natural character is likely to remain in rural use for some time (and probably in perpetuity). A "natural character" "designation" does not hinder rural activities.

Submissions 38-1, 10-5(f), 18-1(f): The Proposed RPS includes a range of non-regulatory methods and has no rules (a Regional Policy Statement may not contain rules).

Submissions 41-1, 30-1, 9-3(f), 19-1(f), 24-1(f): To the extent practicable, consultation was undertaken in preparing Variation 1 and there was considerable media exposure.

Submissions 47-6, 5-12(f), 6-1(f), 7-1(f), 8-1(f), 10-9(f), 12-1(f), 18-2(f), 21-1(f), 22-1(f): A new appendix for applying the phrase "significant adverse effects" is unlikely to assist with decision-making because the proposed criteria lack thresholds and replace one well litigated term "significant" with several uncertain and un-litigated terms or phrases. The policy framework is considered sufficiently clear and, as submitters have highlighted, it would be difficult and risky to prepare an exhaustive list defining significant.

Submissions 24-1, 25-1, 26-1, 27-1: The coastal environment includes existing and proposed urban areas. It is appropriate to recognise the legitimacy of future development in these planned growth areas.

Submissions 30-1, 9-3(f), 19-1(f), 24-1(f), 35-10: "Natural Character" is an objective, technical term reflecting "naturalness" and including "experiential" considerations such as noise of the sea and the smell of salt-air. Case law and best practice has determined that section 6(a) RMA natural character assessments do not include cultural considerations (refer Appendix F set 1 criteria). Assessments involving other matters of national importance (e.g. section 6(b) natural features and landscapes and section 6(f) historic heritage) do involve cultural considerations (refer RPS Appendix

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F sets 2 and 5 criteria). In cases where assessments involve Maori cultural considerations/ criteria then Proposed RPS Policy IW 2B(b) recognises that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites and waahi tapu and other taonga.

The proposed amendments to the 'Natural character' definition reinforces how the Appendix I maps and the "spectrum" concept apply.

Motiti Island has been assessed as having unremarkable natural character (high around the fringes, but less than high elsewhere). This is not to say that the coastal area is devoid of natural character or has no other values. In preparing Variation 1 it was evident that coastal waters around Motiti are considered exceptionally important by Tangata whenua. However, when considered against the evidence-based yardstick used for Natural Character determinations, and removing "cultural" considerations (as these are not part of "natural character" the "high" ranking is supported. Generally, below MHWS, there is insufficient information to distinguish coastal features and the entire open coastal CMA has a high ranking.

It would be inappropriate for the BOPRC to anticipate determination of the Trust's application for Coastal Marine Title which must follow due process (including that prescribed in the RMA should the application be successful). Details particular to the management of Motiti Coastal Waters may be addressed in the RCEP.

While it is recognised that restoration can be facilitated through development funding it is not appropriate to include/ state the solution (of which there are potentially many others also) in an issue statement.

Submissions 8-17, 25-17(f), 40-1: The section 32 evaluation report for Variation 1 fulfils the requirements of the RMA.

Submissions 4-1, 9-1, 12-1, 24-1, 25-1, 26-1, 27-1: Support noted. A number of amendments have been recommended with the aim of better aligning to the intent of the NZCPS 2010 and in response to matters raised in submissions.

The character of Astrolabe reef, as found when the natural character assessment was undertaken, included a ship wreck (noted in the supporting technical report). The report also noted that an assessment should be undertaken following removal/ resolution of the wreck issue. A review of Coastal Marine natural character in response to submissions resulted in previously large and general polygons being "pulled back" to their immediate environment. Consequently, the "outstanding" natural character previously attributed to Motiti (derived from neighbouring Islands) has been removed and restricted to those outstanding features.

Submissions

Submission Number:	4: 1	Submission Type:	Support in Part
Submitter:	Department of Conservation		
Submission Summary:	Support giving effect to the New Zealand Coastal Policy Statement 2012 (NZCPS 2010).		
Decision Sought:	Retain variation provisions except for changes sought.		

Council Decision:	Accept in Part
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Submission Number:	4: 2	Submission Type:	Seek Amendment
Submitter:	Department of Conservation		
Submission Summary:	Give a unique and distinct identifying number to each provision in the final operative RPS.		
Decision Sought:	Renumber policies and methods so as to allow clear and distinct identification of these provisions. Renumber new policy CE6A; policy CE 10XB.		

Council Decision:	Accept
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Submission Number:	8: 1	Submission Type:	Oppose
Submitter:	Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited		
Submission Summary:	The submitters seek to restore the Court approved policy direction for the Island (Matakana) and also create an enabling framework for Coastal and Rural areas such as Matakana.		
	In general the submitters do not support the Coastal Environment provisions of variation 1. The provisions lack the necessary balance to promote sustainable management of the coastal environment resources.		
Decision Sought:	No specific remedy sought		

Council Decision:	Reject
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Further Submission(s)

Further Submission No:	25 - 1	Submission Type:	Oppose
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision:	To Be Advised
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Submission Number: 8: 10 Submission Type: Oppose in Part

Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited

Submission Summary: Link the amended policy direction to the plan to be prepared for Matakana Island.

Decision Sought: A reference to the Operative method (17A.4(iv)) is inserted under each relevant policy.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 25 - 10 Submission Type: Oppose

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision:	To Be Advised
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Submission Number: 8: 16 Submission Type: Oppose in Part

Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited

Submission Summary: The Coastal Environment provisions potentially conflict with work WBOPDC is undertaking for an Island Review, and these are not consistent with the NZCPS (2010); and it fails to provide the focused and directive methods approved by the Environment Court for the Island;

Decision Sought: The provisions need to be amended to enable the sustainable management of resources in a more balanced way than simply using avoidance and prohibitive terms. The submitters seek Consistency with the enabling purpose of the RMA and recognition of its legal relationship with BOPRC and in accordance with the Chairpersons direction in the NRPS. This should at the very least include policy direction consistent with 17A.3.1(b)(xiv)(e) and method 17 A.4(iv) of the Operative RPS.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 25 - 16 Submission Type: Oppose

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 8: 17 Submission Type: Oppose
 Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited
 Submission Summary: In terms of section 32 the NRPS is not efficient or effective; and the Section 32 Reports are deficient in the analysis of the costs and benefits of the new provisions, and the analysis is deficient .
 Decision Sought: No remedy stated.

Council Decision: Reject

Further Submission(s)

Further Submission No: 25 - 17 Submission Type: Oppose
 Further Submitter: Nessie Kuka
 Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.
 Decision Sought:

Council Decision: Accept in Part

Submission Number: 9: 1 Submission Type: Support
 Submitter: Fonterra Co-operative Group Ltd
 Submission Summary: The Variation provides an appropriate framework for managing the Coastal Environment while ensuring that it will not place an unreasonable burden on lawfully established activities including farming.
 Decision Sought: Retain the provisions of RPS Variation 1 subject to the amendments identified through the following submissions in relation to Policy CE 2A, CE 6A and CE 7B.

Council Decision: Accept in Part

Submission Number: 12: 1 Submission Type: Support
 Submitter: NZ Transport Agency
 Submission Summary: NZTA supports Variation 1.
 Decision Sought: Retain as notified.

Council Decision: Accept in Part

Submission Number: 24: 1 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.
 Decision Sought: Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.

Council Decision: Accept in Part

Submission Number: 25: 1 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.
 Decision Sought: Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.

Council Decision: Accept in Part

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Council Decision:	Accept in Part
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Submission Number:	26: 1	Submission Type:	Seek Amendment
Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.		
Decision Sought:	Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.		

Council Decision:	Accept in Part
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Submission Number:	27: 1	Submission Type:	Seek Amendment
Submitter:	Ford Land Holdings Pty Ltd		
Submission Summary:	Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.		
Decision Sought:	Make any further, other or consequential changes to any RPS-Var1 objective, policy, method or appendices that may be necessary or desirable to give effect to the amendments requested or to address issues of concern raised by the Te Tumu Landowners Group.		

Council Decision:	Accept in Part
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Submission Number:	29: 4	Submission Type:	Oppose in Part
Submitter:	The Sterling Trust		
Submission Summary:	Landscape reports for some claimed community benefit are subjective and prohibitively expensive.		
Decision Sought:	Make provision in the RPS for permitted protection of other forms of natural hazards that are not coastal defences e.g. falling debris within the areas of High Natural Character and to make provision in the RPS for fencing with areas of High Natural Character to be a permitted activity.		

Council Decision:	Reject
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Further Submission(s)

Further Submission No:	10 - 1	Submission Type:	Oppose
Further Submitter:	Royal Forest and Bird Protection Society NZ Inc		
Submission Summary:	The submission is incorrect. It is inappropriate for the RPS to address specific issues relating to individual properties.		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	30: 1	Submission Type:	Oppose in Part
Submitter:	Motiti Rohe Moana Trust		
Submission Summary:	<p>The Motiti Rohe Moana Trust ("the Trust") is particularly concerned with sustainable management of the coastal marine area to the extent of the territorial sea (12 nm). It is essential that the BOPRC Regional Policy Statement (RPS) and Regional Coastal Environment Plan (RCEP) are robust and reflect international best practices to manage the coastal marine area (CMA) and provide for the marine coastal area (MCA) to give effect to kaupapa Maori perspectives and aspirations, in particular providing for recognition of customary marine title (CMT) management plans. The Trust has made repeated endeavours to engage with BOPRC and has been rebuffed, disregarded and dismissed. Because of the refusal of BOPRC to facilitate preparation of a professional brief it has not been possible for the Trust to prepare comprehensive detailed submissions.</p> <p>The submitter raises a number of issues:</p> <ul style="list-style-type: none"> - conflicts and issues between CMA (RMA) and MCA (MACA Act) - principles of environmental sustainability - preparation of marine spatial plans, identification of sensitive areas and clarity about 'jurisdiction' over the seabed. 		

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- clarification of navigation routes and access rights
- clarity around use rights in the coastal marine area
- definition of maximum sustainable yield (MSY)
- assessment of environmental effects of activities
- identification of risks of causing irreversible environmental damage
- protection of threatened or endangered species and ecosystems
- prevention of degradation of the natural environment
- protection of biological diversity
- assessment of the activities causing adverse environmental effects through accidents and other unplanned events
- prescribed standards, methods or requirements.
- monitoring and reporting on the implementation and effectiveness of the RCEP
- baseline monitoring
- provision of bonds and public liability insurance
- provision for Observers to monitor activity
- availability of records for audit
- review of conditions and duration of consents
- provisions for aquaculture
- provide for co-management arrangements with tangata whenua

Decision Sought:

The submitter seeks full and effective engagement with tangata whenua and seeks to include the following over-riding environmental principles in the RPS and RCEP:

- Article 192 of the UN Convention on the Law of the Sea (UNCLOS)
- Provision of a marine policy statement.
- Precautionary principle to be applied in favour of the environment
- Information and Disclosure. Open and transparent processes.

An application for Marine Consent must be thorough. The Trust expects to be notified of all marine consents within the Motiti Rohemoana CMT area. The overriding considerations in granting consents should be to preserve biodiversity and tikanga. The BOPRC RCEP must also give effect to the Convention on Biodiversity and recognise the environmental limits which must not be breached.

The submitter further seeks:

- Recognition that the whole of Motiti Island and surrounds is within the coastal environment. The Motiti Proposed District Plan (MPDP) presently provides for only 40 metres 'coastal zone' inland from the MHWS. The Trust requests that BOPRC amend its appeal ENV-2010-339-006 to give effect to this overriding consideration to ensure alignment and conformity with the NZCPS, RPS variation, and the RCEP review.
- Identify Motiti Island and its surrounds including island and rocks, toka and reefs as an area of outstanding natural character in the RPS and provide relevant provisions within the RCEP to preserve the 'natural character' of Motiti
- Identify Motiti and its rocks and reefs as outstanding natural feature and land and seascape.
- Identify Motiti Island and its rocks and reefs as an area of significant indigenous habitat.
- Identify outstanding natural features and landscapes and views on Motiti
- Recognise and provide for Motiti Island as an island of historic and cultural heritage to be protected from subdivision that is not carried out in accordance with tikanga maori
- Direct development not associated with cultural and historic heritage away from Motiti.
- Provide for open space and walking access around the coastal margins of the island
- Direct landing areas for sea access to Motiti to two locations - Paterson's Inlet/Breakwater and Wairanaki
- Identify coastal resources and values of the Motiti Rohemoana and provide protections
- Provide for the protection of indigenous biological diversity of the land and waters of Motiti
- Provide for co-management of the Motiti Rohemoana.
- Provide for exercise of customary interests in the marine and coastal area
- Provide for recognition of CMT management plans
- Ensure that BOPRC does not adversely affect the guiding purposes of the MACA Act or the customary rights and interests of Motiti tangata whenua and lawful purposes of the Trust.

The Trust requests good faith collaboration from BOPRC to resolve issues identified in this submission, including commission of a professional brief.

Council Decision:	Reject
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Further Submission(s)

Further Submission No:	9 - 3	Submission Type:	Oppose
Further Submitter:	Lowndes Associates		
Submission Summary:	The provisions and maps in variation 1 should adopt good practice by considering character and habitats as found.		

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contains rural activities. People highly value the pastoral landscape and view it as “natural”, however it is a highly man modified environment and requires constant intervention from man to keep it that way.

More consideration needs to be given to The NZCPS 2010 Objectives 2 and 6 only inappropriate subdivision, land use and development should not be allowed and Council needs to enable the social, economic and cultural wellbeing's of farming communities.

Councils have a role in monitoring outcomes, but only in respect of the environmental effects that arise, not the adherence to any particular selfregulation mechanism or code.

Decision Sought:

Allow communities to decide their levels of appropriate subdivision, land use and development consistent with the New Zealand Coastal Policy Statement Objective 2.

Ensure the Regional Policy Statement enables communities to provide for the social, economic and cultural wellbeing's through the NZCPS 2010 consistent with Objective 6 bullet point 2.

Retain the use of non regulatory policies and methods and investigate ways to make wider use of the approach.

If rules are needed to modify behaviour, they must be clearly articulated, be understood by those to whom they apply and be fair to all.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No:	10 - 5	Submission Type:	Oppose
Further Submitter:	Royal Forest and Bird Protection Society NZ Inc		
Submission Summary:	NZCPS policies direct the application of Objectives 2 and 6 therefore the council does not have the mandate to accept the submission.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 1	Submission Type:	Support in Part
Further Submitter:	Horticulture NZ and NZ Kiwifruit Growers Inc		
Submission Summary:	Ensuring provision for social economic and cultural wellbeing must be provided for.		

Decision Sought:

Council Decision:	To Be Advised
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Submission Number:	40: 1	Submission Type:	Oppose
Submitter:	Lowndes Associates		
Submission Summary:	<p>The submitter wishes to ensure:</p> <p>(a) Variation 1 (Coastal Policy) to the Proposed Regional Policy Statement (RPS) (variation 1) properly reflects the purpose and intentions of the Resource Management Act, and the New Zealand Coastal Policy Statement 2010 (NZCPS);</p> <p>(b) The provisions and maps in variation 1 relating to preservation of natural character adopt good practice by considering the character as found;</p> <p>(c) There is recognition of a practicable approach to policies relating to restoration of natural character; and</p> <p>(d) Amendment (or withdrawal) of the appendices and maps in variation 1 identifying areas of natural character to reflect this submission,</p>		

Variation 1:

- (a) Will not promote the sustainable management of resources and will not achieve the purpose of the Resource Management Act 1991 (Act);
- (b) Will not enable social, economic and cultural wellbeing;
- (c) Is otherwise contrary to the purposes and provisions of the Act, the NZCPS, and other relevant planning documents;
- (d) Is inappropriate, and inconsistent with the purpose and principles in Part II and other provisions of the Act;
- (e) Is not necessary to assist the regional council to carry out its functions;

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(f) Wrongly prioritises avoidance of adverse effects on the environment, whereas the statutory formula in section 5 of the Act for sustainable management of people and the communities' social, economic and cultural well-being does not prioritise avoidance alone but "avoiding, remedying, 01' mitigating" adverse effects of activities in section 5(2) of the Act; and
(g) Does not meet section 32 of the Act.

Decision Sought: Withdraw variation as a whole

Council Decision: Reject

Submission Number: 41: 1 Submission Type: Support

Submitter: Bayway Initiatives

Submission Summary: Meetings needed to speed up variation process.

Decision Sought: Requests initial meetings to discuss any variations with iwi and hapu.

Council Decision: Reject

Submission Number: 47: 6 Submission Type: Oppose

Submitter: Tauranga City Council

Submission Summary: As has been developed for the term 'inappropriate subdivision, use and development', a new assessment criteria should be developed for 'significant adverse effect' .

Decision Sought: Create a new Appendix within the RPS that provides for a set of assessment criteria for applying the phrase 'significant adverse effects' the same or similar to that set out below:
Status of Resources: The importance of the area (locally and regionally) (Effects to rare or limited resources are usually considered more significant than impacts to common or abundant resources).
Percentage of Resource Affected/Area of Influence: The nature and extent of the area and the loss of area that will result from the activity (Impact significance is often directly related to the size of the area affected. An example would be the m2 of ecological area disturbed).
Persistence of Effect: The duration and frequency of effect (for example long-term or recurring effects as permanent or long-term changes are usually more significant than temporary ones. The ability of the resource to recover after the activities are complete is related to this effect).
Sensitivity of Resources: The effect on the area and its sensitivity to change (Impacts to sensitive resources are usually more significant than impacts to those that are relatively resilient to impacts).
Irreversibility: (loss of flora or fauna and more specifically rare or threatened flora and fauna).
Probability: (likelihood of unforeseen effects, ability to take a precautionary approach);
Cumulative Effects: (of multiple features or values);
Degree of Change: The character and degree of modification, damage, loss or destruction that will result from the activity;
Magnitude of Effect: (Number of sites affected, spatial distribution, context).

Council Decision: Reject

Further Submission(s)

Further Submission No: 5 - 12 Submission Type: Oppose

Further Submitter: NZ Transport Agency

Submission Summary: An assessment to determine the degree of respective effects should be undertaken on the merits of a proposal. Any list of assessment criteria is unlikely to be exhaustive or provide a sound basis for objective assessment as to significance. Inserting assessment criteria is likely to be of limited value an may be misleading if interpreted as an exhaustive list of criteria to consider.

Decision Sought:

Council Decision: Accept

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Further Submission No: 6 - 1 Submission Type: Oppose
 Further Submitter: Transpower New Zealand Limited
 Submission Summary: These matters are already addressed by policies CE 2A and CE 4A together with Set 1 of Appendix F and Appendix G. An additional appendix is not necessary.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 7 - 1 Submission Type: Support
 Further Submitter: Fonterra Co-operative Group Ltd
 Submission Summary: Criteria would establish a rational and consistent basis for determining the significance of adverse effects that should assist plan preparation and resource consent processing.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 8 - 1 Submission Type: Oppose
 Further Submitter: Powerco Limited
 Submission Summary: These matters are already addressed by policies CE 2A and CE 4A together with Set 1 of Appendix F and Appendix G. An additional appendix is not necessary.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 10 - 9 Submission Type: Oppose
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: Appendix G reflects the intent of the submission and is not part of the variation.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 1 Submission Type: Oppose
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: These matters are already addressed by policies CE 2A and CE 4A together with Set 1 of Appendix F and Appendix G.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 2 Submission Type: Oppose
 Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc
 Submission Summary: While clarity around significant adverse effects is supported there need to be guidance as to how the proposed new appendix would be used as an assessment tool.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 21 - 1 Submission Type: Support in Part
Further Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers supports the relief sought as long as the proposed assessment criteria for 'significant adverse effect' is used as a guide only.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 22 - 1 Submission Type: Oppose
Further Submitter: TrustPower Limited
Submission Summary: The criteria do not accord with the purpose of the Resource Management Act 1991.

Decision Sought:

Council Decision: Accept in Part

Submission Number: 52: 1 Submission Type: Oppose
Submitter: JB & HA Brosnahan
Submission Summary: A Regional Policy Statement is required to be clear and not likely to give rise to absurdities or unintended consequences. The term 'Coastal Environment' cannot therefore be reasonably and lawfully determined by simply making subjective lines on a map. Owners of land are not able to understand what are the matters relating to their land which are causing the BoP Regional Council to contemplate taking regulatory powers. We do not therefore consider that the proposed BoP Regional Council 'Coastal Environment' lines over our property that purport to delineate what Council claims is 'the' 'Coastal Environment' are either lawful or appropriate and further that no reasonable case can be made to justify such lines.

Decision Sought: No explicit change requested.

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 23 - 8 Submission Type: Support
Further Submitter: Andrew Buttle, Peter Buttle and James Buttle
Submission Summary: Existing uses and structures on Whakaari/White Island are not acknowledged in the proposed classification as "Outstanding Natural Landscape."

Decision Sought:

Council Decision: Accept in Part

Submission Number: 53: 1 Submission Type: Oppose
Submitter: H Hei Junior Trust & Hamiora Hei (Estate)
Submission Summary: Refute any government legislative (BOPRC) review and/or changes of authority over all Maraehako lands, rivers and seas that lie within its traditional boundaries. The Resource Management Act recognises and provides for the special relationship of Tangata Whenua (Pt2, Section 7) with their land.
Decision Sought: That BOPRC remove our Taonga (8563B SH35, RD 3, Opotiki) from the "High Natural Character" zoning plan.

Council Decision: To Be Advised

Chapter: Part Two: Resource management issues, objectives and summary of policies and methods to achieve

491

Section: 2.2.1 Integrated management of the coastal environment

491

Council Decision

Retain section 2.2.1 as notified.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Reasons for Council Decision

Submissions 24.4, 10-11(f), 24.3, 25.3, 26.3: Section 2.2.1 was not changed by Variation 1 and the submissions are therefore out of scope.

Submissions

Submission Number: 24: 3 Submission Type: Seek Amendment
Submitter: Te Tumu Landowners Group
Submission Summary: This section overview does not provide adequate recognition that the Coastal Environment (as detailed in section 2.2.1) will meet a significant portion of both current and future housing demand.
Decision Sought: Amend the fourth sentence of section 2.2.1 to read as follows: (add the words "both current and future housing")
"The coastal environment meets a significant portion of both current and future housing demand within the region."

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 11 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This is not part of the variation.
Decision Sought:

Council Decision: Accept

Submission Number: 25: 3 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: This section overview does not provide adequate recognition that the Coastal Environment (as detailed in section 2.2.1) will meet a significant portion of both current and future housing demand.
Decision Sought: Amend the fourth sentence of section 2.2.1 to read as follows: (add the words "both current and future housing")
"The coastal environment meets a significant portion of both current and future housing demand within the region."

Council Decision: Reject

Submission Number: 26: 3 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: This section overview does not provide adequate recognition that the Coastal Environment (as detailed in section 2.2.1) will meet a significant portion of both current and future housing demand.
Decision Sought: Amend the fourth sentence of section 2.2.1 to read as follows: (add the words "both current and future housing")
"The coastal environment meets a significant portion of both current and future housing demand within the region."

Council Decision: Reject

Submission Number: 27: 3 Submission Type: Seek Amendment
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: This section overview does not provide adequate recognition that the Coastal Environment (as detailed in section 2.2.1) will meet a significant portion of both current and future housing demand.
Decision Sought: Amend the fourth sentence of section 2.2.1 to read as follows:
"The coastal environment meets a significant portion of both current and future housing demand within the region."

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Section: 2.2.2 Natural character and the ecological functioning of the coastal environment

492

Council Decision

Amend 2.2.2 to refer to Ohiwa Harbour as follows:

..."low" natural character such as as would be experienced in some coastal settlements to pristine "outstanding" natural character remaining in some offshore islands and Ohiwa Harbour.

Restructure the listing of example natural character "attributes" to match attributes used in the attributes table.

Reasons for Council Decision

Submissions 4-3, 6-2(f), 8-2(f), 12-2(f), 4-4, 10-15(f), 18-3(f): Amendment is required to recognise the identified significance of Ohiwa Harbour. Support is noted.

Submissions 8-2, 13-3(f), 25-2(f): Opportunities to enhance natural character are accepted, however the section is focussed on preserving natural character consistent with NZCPS Policy. Specific mention of the whole of Island process would be inappropriate in this general section.

Submission 42-1, 18-4(f), 24-2(f): Amendments elsewhere make it clear that modified environments have lower natural character than unmodified, the changes requested are considered unnecessary. Motiti Island is not "outstanding".

Submission 44-1: The term "dynamic" is not opposed, though in drafting was considered unnecessary because it was implied in terms like "processes", "natural movement of water and sediment", "surf breaks".

Submission 48-1, 22-1, 24-4, 25-4, 26-4, 27-4: Support is noted.

Submission 36-2, 21-2(f): The request is supported and elsewhere in this report it is recommended to include the "spectrum" concept in the definition.

Submissions

Submission Number:	4: 3	Submission Type:	Support
Submitter:	Department of Conservation		
Submission Summary:	The description of natural character components in the first sentence, first paragraph recognises matters consistent with the NZCPS 2010.		
Decision Sought:	Retain as notified.		

Council Decision: Accept

Further Submission(s)

Further Submission No:	6 - 2	Submission Type:	Support
Further Submitter:	Transpower New Zealand Limited		
Submission Summary:	Transpower supports the description to the extent that it recognises that natural character existis on a spectrum from heavily modified 'low' natural character such as would be experienced in some coastal settlements to pristing 'outstanding' natural character.		
Decision Sought:			

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 8 - 2 Submission Type: Support
 Further Submitter: Powerco Limited
 Submission Summary: Powerco supports the description to the extent that it recognises taht natural character exists on a spectrum from heavily modified 'low' natural character.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 2 Submission Type: Support
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The Oil Companies suppor the description to the extent that it recognises that natural character exists on a spectrum.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 4: 4 Submission Type: Seek Amendment
 Submitter: Department of Conservation
 Submission Summary: The last sentence of the first paragraph infers that "outstanding" natural character only occurs on some offshore islands. Amendment is required to recognise the identified significance of Ohiwa Harbour.
 Decision Sought: Amend text of first paragraph to recognise the significance of Ohiwa Harbour.

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 10 - 15 Submission Type: Support
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: Implies only off-shore islands are outstanding.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 3 Submission Type: Oppose
 Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc
 Submission Summary: The relevant paragraph refers to the 'spectrum' but the submitter does not indicate where on the spectrum that it is considered Ohiwa Harbour would be.
 Decision Sought:

Council Decision:	Reject
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Submission Number: 8: 2 Submission Type: Oppose
 Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited
 Submission Summary: Does not recognise fully the opportunities to provide for enhanced coastal values in particular areas.
 Decision Sought: Adding the following to the end of the discussion under the issue:
 In some cases there is an opportunity to make provision for enhancement of coastal character through integrating land use change with those values (through the Whole of Island Review for Matakana Island for example).

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 13 - 3 Submission Type: Oppose
 Further Submitter: Western Bay of Plenty District Council

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 36: 2 Submission Type: Support in Part

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: The addition of the descriptor of natural character in paragraph 1 is supported. The definition of natural character in the PRPS should be amended to better reflect this descriptor, including the spectrum from low to high natural character. There should be reference to the NIWA study of sedimentation in Tauranga Harbour which provides context for the sedimentation issue.

Decision Sought: Amend the definition of natural character by adding:
Natural character exists on a spectrum from heavily modified "low" natural character to pristine "outstanding" natural character.

Amend Paragraph 2.2.2. by adding:
Analysis of studies on Tauranga harbour (2009) by NIWA show that pastoral farming contributed 64% of sediment loads. Urban earthworks contributed more than all orchard and cropland.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 21 - 2 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: All sources of sediment into the harbour should be listed if agriculture is going to be singled out.

Decision Sought:

Council Decision:	Reject
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Submission Number: 42: 1 Submission Type: Oppose in Part

Submitter: Motiti Avocados Limited

Submission Summary: Coastal Environment chapter (set out in the relief column) could be read as inappropriately elevating off shore islands to the highest example of natural character and implies they warrant special attention. Framing natural character as a spectrum and then naming a single area will pre-empt a balanced assessment and is potentially inconsistent with the protection of physical resources provided for in Part 2 of the Resource Management Act 1991 (RMA or Act).

Decision Sought: The following changes are sought:
"...Natural character exists on a spectrum from heavily modified "low" natural character such as would be experienced in some coastal settlements to "outstanding" natural character. With respect to offshore islands, a range of landscape values also exist, the assessment of which needs to take into account the topographic profile, location and the degree of human landuse modification."

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 18 - 4 Submission Type: Support

Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc

Submission Summary: The change sought provides clarification.

Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 24 - 2 Submission Type: Oppose
Further Submitter: Motiti Rohe Moana Trust (MRMT)
Submission Summary: Intent and extent of NZCPS should be given full effect, especially Policies 2 & 17.
Decision Sought:

Council Decision: Accept

Submission Number: 44: 1 Submission Type: Oppose in Part
Submitter: Basil Graeme
Submission Summary: Reference to the "dynamic coastal processes" has been removed.
Decision Sought: Insert "dynamic" before processes in the first paragraph.

Council Decision: Reject

Submission Number: 48: 1 Submission Type: Support
Submitter: Te Runanga O Ngati Awa
Submission Summary: Te Runanga O Ngati Awa supports, in its entirety, the proposed addition of the narrative in section 2.2.2 of the proposed Variation. In particular Ngati Awa supports provisions for 'experiential attributes' that are associated with natural landforms.
The attached 'Letter to the Editor' of the Whakatane Beacon prepared by one of our affiliates, demonstrates some of the important experiential attributes that make manifest a cultural linkage to landforms of traditional and cultural significance to Ngati Awa.
Piripai Spit and the Opihiwhanaungakore Urupa are important landforms to her and future generations of her family, because it is the place that her young partner, the father of their daughter, now lies.
There are many other examples of experiential attributes that must be recognised and provided for in a planning context,
Decision Sought: A body of work to be undertaken by Council in the identification of important experiential attributes that should be attributed to places of significance to Maori

Council Decision: Accept

Section: 2.2.3 Use and allocation of coastal resources

449

Council Decision

Retain section 2.2.3 unchanged.

Reasons for Council Decision

Submissions 8-3, 25-3(f): The submissions relate to urban development matters which are not directly addressed by Variation 1. The Whole of Island review will benefit from information available via the Variation 1 process including the delineation of the relatively discrete High and Very High natural character areas.

The Whole of Island review is required to address matters in the NZCPS2010 including opportunities to mitigate, and offset any adverse effects of development. Integrated management will be advanced by including the results of a Whole of Island review in consideration of the appropriateness of urban limits (potentially via the current SmartGrowth review). Prioritising development as proposed by the submitter is simplistic and inappropriate, particularly given the strong policy direction already contained elsewhere in the pRPS.

Submissions

Submission Number: 8: 3 Submission Type: Seek Amendment
Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited
Submission Summary: The whole of island review for Matakana Island should be mentioned in this part of the variation.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend to read:

"This can be achieved by providing direction on the appropriate location and form of development within the coastal environment, encouraging development in areas where the natural character has already been highly compromised (except where areas and opportunities for restoration and rehabilitation have been identified particularly as a result of the Review of Matakana Island in mentod 17A(iv)..."

Council Decision: Reject

Further Submission(s)

Further Submission No: 25 - 3 Submission Type: Oppose

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision: Accept in Part

Section: 2.2.4 Coastal hazards

450

Council Decision

Retain 2.2.4 unchanged.

Reasons for Council Decision

Submissions 24-5, 25-5, 26-5, 27-5: Note the submissions relate to matters outside the scope of Variation 1. Notwithstanding this, support is noted. No changes are requested.

Submissions

Submission Number: 24: 5 Submission Type: Support

Submitter: Te Tumu Landowners Group

Submission Summary: Section 2.2.4 as notified adequately recognises the coastal hazard provisions of NZCPS 2010.

Decision Sought: Adopt section 2.2.4 as notified.

Council Decision: Accept

Submission Number: 25: 5 Submission Type: Support

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Section 2.2.4 as notified adequately recognises the coastal hazard provisions of NZCPS 2010.

Decision Sought: Adopt section 2.2.4 as notified.

Council Decision: Accept

Submission Number: 26: 5 Submission Type: Support

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Section 2.2.4 as notified adequately recognises the coastal hazard provisions of NZCPS 2010.

Decision Sought: Adopt section 2.2.4 as notified.

Council Decision: Accept

Submission Number: 27: 5 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Section 2.2.4 as notified adequately recognises the coastal hazard provisions of NZCPS 2010.

Decision Sought: Adopt section 2.2.4 as notified.

Council Decision: Accept

Section: 2.2.5 Regionally significant coastal environment issues

451

Council Decision

Retain Section 2.2.5 unchanged.

Reasons for Council Decision

Submissions 8-4, 10-14(f), 25-4(f), 24-6, 10-12(f), 21-3(f), 25-6, 26-6, 27-6, 36-3, 21-4(f): The regionally significant coastal environment issues in Section 2.2.5 were unchanged by Variation 1 because the issues, themselves, have not changed. Submissions on this part of the Proposed RPS are therefore largely beyond the scope of Variation 1. Furthermore, it is noted that the:

- term "development" is qualified by the term "appropriate". "Inappropriate" development is so classified because it is not suitable in the location and has adverse effects.
- NZCPS has a tiered approach to effects on natural character. An unqualified reference as included in the issue statement does not mean Objectives and Policies should ignore legislative detail.
- cost of sedimentation to the Port of Tauranga is one of a large number of considerations relevant to issue 2.

Submissions

Submission Number: 8: 4 Submission Type: Oppose

Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited

Submission Summary: Issue 2.2.5.1 gives no scale to what effects the regional council is concerned about.

Decision Sought: Amend 2.2.5 to refer to significant adverse effects as follows:

Significant adverse effects on the natural character and ecological functioning of the coastal environment.

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 14 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: This is not part of the variation.

Decision Sought:

Council Decision: Accept

Further Submission No: 25 - 4 Submission Type: Oppose

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision: To Be Advised

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 24: 6 Submission Type: Seek Amendment

Submitter: Te Tumu Landowners Group

Submission Summary: Item 1 of section 2.2.5 makes the assumption / statement that all land use and development adversely affects the natural character and ecological functioning of the natural character of the coastal environment. The level of effect on the natural character of the coastal environment is determined by the appropriateness of the land use and development.

Decision Sought: Amend Item 1 of section 2.2.5 to read as follows: (delete "is" and replace with "may be"):
 "The natural character and ecological functioning of the region's coastal environment may be adversely affected by inappropriate land use and development, hazard mitigation works, earthworks, inappropriate recreational activities, encroachment, grazing, changes in land use and the presence of pest plants and animals."

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 10 - 12 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: This is not part of the variation.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 3 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons stated by the submitter

Decision Sought:

Council Decision:	To Be Advised
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Submission Number: 25: 6 Submission Type: Seek Amendment

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Item 1 of section 2.2.5 makes the assumption / statement that all land use and development adversely affects the natural character and ecological functioning of the natural character of the coastal environment. The level of effect on the natural character of the coastal environment is determined by the appropriateness of the land use and development.

Decision Sought: Amend Item 1 of section 2.2.5 to read as follows:
 "The natural character and ecological functioning of the region's coastal environment is may be adversely affected by inappropriate land use and development, hazard mitigation works, earthworks, inappropriate recreational activities, encroachment, grazing, changes in land use and the presence of pest plants and animals."

Council Decision:	Reject
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Submission Number: 26: 6 Submission Type: Seek Amendment

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Item 1 of section 2.2.5 makes the assumption / statement that all land use and development adversely affects the natural character and ecological functioning of the natural character of the coastal environment. The level of effect on the natural character of the coastal environment is determined by the appropriateness of the land use and development.

Decision Sought: Amend Item 1 of section 2.2.5 to read as follows: (delete "is" and replace with "may be"):
 "The natural character and ecological functioning of the region's coastal environment is may be adversely affected by inappropriate land use and development, hazard mitigation works, earthworks, inappropriate recreational activities, encroachment, grazing, changes in land use and the presence of pest plants and animals."

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 27: 6 Submission Type: Seek Amendment

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Item 1 of section 2.2.5 makes the assumption / statement that all land use and development adversely affects the natural character and ecological functioning of the natural character of the coastal environment. The level of effect on the natural character of the coastal environment is determined by the appropriateness of the land use and development.

Decision Sought: Amend Item 1 of section 2.2.5 to read as follows:
 "The natural character and ecological functioning of the region's coastal environment is may be adversely affected by inappropriate land use and development, hazard mitigation works, earthworks, inappropriate recreational activities, encroachment, grazing, changes in land use and the presence of pest plants and animals."

Council Decision:	Reject
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Submission Number: 36: 3 Submission Type: Support in Part

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: Issue 1 is very broad and implies that natural character is adversely affected by land use and development. Issue 2 is also broad. Issue 3 does not recognise the competing uses within the coastal environment.

Decision Sought: Amend 2.2.5 Regional significant coastal environment issues as follows:
 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 some land use change and development, hazard mitigation works, earthworks, inappropriate recreational activities, encroachment, grazing, change from rural to urban land use and the presence of pest plants and animals.
 2 Effects of land use on Tauranga Harbour and Ohiwa Harbour
 Some land uses (pastoral land use and natural processes are significant contributors) surrounding Tauranga and Ohiwa Harbours have resulted in increased rates of sedimentation. Sedimentation can affect a harbour by making navigation channels shallower, degrading habitats, such as sea grass, shellfish beds and spawning sites, and changing the environment to favour mangrove growth. Sedimentation of Tauranga Harbour will also increase the cost of maintaining access to the port.
 3 Managing the allocation of space for a range of competing uses within the coastal marine area and coastal environment
 Providing for aquaculture**, recreation, wild catch fishing, Maori customary activities, Regionally significant infrastructure**, maintenance and enhancement of existing investment and land uses, and marine access ways in a manner that avoids conflict and considers the cumulative impacts of these activities on both public and private land of the coastal marine area and coastal environment the adjacent shore is challenging.
 3 Managing the allocation of space for a range of competing uses within the coastal marine area and coastal environment Providing for aquaculture**, recreation, wild catch fishing, Maori customary activities, Regionally significant infrastructure**, maintenance and enhancement of existing investment and land uses, and marine access ways in a manner that avoids conflict and considers the cumulative impacts of these activities on both public and private land of the coastal marine area and coastal environment the adjacent shore is challenging.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 21 - 4 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Proposed wording is appropriate for the purpose of the section.

Decision Sought:

Council Decision:	To Be Advised
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

452

Section: Table 2 Coastal environment objectives and titles of policies and methods to achieve the objectives

Council Decision

Amend the 'Implementation' column as per "reasons" for recommendations on Policies CE 1A and CE 2A below.

Amend Objective 2 to insert "where appropriate" before "enhancement" to read: 'Preservation, restoration, and where appropriate, enhancement of the natural character and ecological functioning of the coastal environment.'

Amend the first Objective 2 anticipated environmental result and monitoring indicator to better reflect the requirements of the RMA/ and NZCPS to read:

AER: 'Areas of outstanding, very high and high natural character in the coastal environment are identified and enhanced and/ or preserved.'

Monitoring indicator: 'Regional and district council consent database shows no further consents issued for inappropriate subdivision, use and development within areas of outstanding natural character that would cause adverse effects or very high or high natural character that would cause significant adverse effects.'

Amend the responsibility for method 2 to "Regional Council".

Amend Objective 4 to include "subdivision" to read: 'Enable subdivision, use and development of the coastal environment in appropriate locations.'

Reasons for Council Decision

Submissions 7-2, 3-12(f): Errors in relation to the responsibility for implementation of district plan and regional plan Methods 1 and 2 require correction (where these occur in Table 2). Method 2: Regional plan implementation is a Regional Council responsibility (see links to Policies CE 1A and CE 2B). Method 1: District Plan implementation is a territorial authority responsibility (see links to Policies CE 2B and CE 4A).

Submissions 22-14, 18-5(f), 21-5(f), 22-3(f), 24-7(f): The proposed amendments to the monitoring indicator better reflect requirements of the NZCPS.

Submission 24-25, 25-25, 26-25, 27-25: Policy CE 7B is relevant to appropriate use and development in the coastal environment and therefore should be linked to Objective 4 in Table 2.

Submissions 22-2, 24-6(f): Although the main "effects" on the environment arise from use and development, subdivision enables many of these to occur.

Submissions 36-4, 7-2(f), 21-6(f): Enhancement of the natural character and ecological functioning of the coastal environment is not always appropriate and Objective 2 should not suggest it is.

Submission 24-24, 25-24, 26-24, 27-24: A link to Policy UF 5A under either Objective 2 or Objective 4 is not necessary. The Proposed RPS is to be read as a whole with urban limits related to most parts. A particular reference via natural character is not warranted and may mislead as to the relative importance of urban form issues over coastal matters (and vice versa).

Submissions 24-8, 6-3(f), 8-3(f), 12-3(f), 25-7, 26-7, 27-7: It is not necessary to preface Objective 2 with the term "integrated management" or similar. The Proposed RPS (at large) through objectives, policies and methods seeks to achieve this function through balance and the holistic approach demonstrated throughout.

Submissions 47-1, 5-9(f), 6-7(f), 8-7(f), 12-10(f), 14-20(f), 15-20(f), 16-20(f), 17-20(f), 18-6(f), 20-13(f), 22-2(f): Policy CE 1B simply states that the Coastal Environment is the area defined in maps. There is a huge body of caselaw and detailed methodology supporting locating the extent of the Coastal Environment. Links to the policy origin of these maps will serve no purpose and undermines the intent that this line be fixed and not be re-litigated.

Submission 44-2: Policy CE 10B is unchanged by Variation 1 and should not link to terrestrial considerations.

Submissions 36-4, 7-2(f), 21-6(f): There is no need to include a new policy to enable rural production activities in the coastal environment, as the coastal environment clearly includes existing rural production activities. Provisions providing for rural production activities are provided for in the Urban and Rural Growth Management section (e.g. Policies UF 18B and UF 20B). The variation provides spatial certainty around natural character and the extent of the coastal environment. Within these extents the NZCPS provides detailed policy including that "inappropriate" activities should be suitably managed. The variation accurately reflects these policy requirements. The purpose of natural character lines is not to prevent use or development or even "protect" land. The boundary denotes an area within which NZCPS policy applies to varying degrees. The only impact is that features that were generally known are now specifically identified, providing greater certainty to landowners and decision-makers alike. Existing farmed and horticultural land can have high natural character and has not been excluded by virtue of this land use. However, most rural land noted as having natural character is likely to remain in rural use for some time - if not in perpetuity.

Submissions 23-3, 24-7, 24-9, 6-4(f), 8-4(f), 12-4(f), 25-8, 25-9, 26-8, 26-9, 27-8, 27-9, 36-5, 7-3(f): Support noted. A number of amendments have been recommended with the aim of better aligning to the intent of the NZCPS 2010 and in response to matters raised in submissions.

Submissions

Submission Number: 7: 2 Submission Type: Oppose
Submitter: Western Bay of Plenty District Council

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Typographical error. Not a district or city council responsibility.

Decision Sought: Under implementation delete the words "city and district councils".

Council Decision:	Accept
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Further Submission(s)

Further Submission No:	3 - 12	Submission Type:	Support
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Further Submitter: Department of Conservation

Submission Summary: ?

Decision Sought:

Council Decision:	Accept
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Submission Number:	22: 2	Submission Type:	Oppose in Part
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Submitter: Environmental Defence Society Incorporated

Submission Summary: The proposed RPS should be consistent with the NZCPS.

Decision Sought: Change the objective to refer to "subdivision, use and development" rather than "use and development".

Council Decision:	Accept
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Further Submission(s)

Further Submission No:	24 - 6	Submission Type:	Support
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Further Submitter: Motiti Rohe Moana Trust (MRMT)

Submission Summary: Refer to "subdivision" as well as use and development.

Decision Sought:

Council Decision:	Accept
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Submission Number:	22: 14	Submission Type:	Oppose
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Submitter: Environmental Defence Society Incorporated

Submission Summary: Monitoring indicators for Objective 2 - This is inconsistent with policy 13.1(a) of the NZCPS which provides "avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character".

Decision Sought: Delete the word "significant" from "that would cause significant adverse effects", in respect of areas of outstanding natural character.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No:	18 - 5	Submission Type:	Oppose
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Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc

Submission Summary: The word 'significant' is consistent with the spectrum approach in 2.2.2.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 21 - 5 Submission Type: Oppose
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: The monitoring indicator applies to all spectrums of natural character not just those areas deemed to be outstanding and as such the relief sought is inappropriate and inconsistent with Policy 13.1 of the NZCPS.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 22 - 3 Submission Type: Support
 Further Submitter: TrustPower Limited
 Submission Summary: Accords with the direction advanced by Policy 13(1)(a) of the New Zealand Coastal Policy Statement 2010 (the 'NZCPS').

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 24 - 7 Submission Type: Support
 Further Submitter: Motiti Rohe Moana Trust (MRMT)
 Submission Summary: Delete "significant".

Decision Sought:

Council Decision:	Reject
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Submission Number: 23: 3 Submission Type: Support
 Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: Objective 2 Preservation of natural character is consistent with the RMA and NZCPS and is supported .
 Decision Sought: Retain objective.

Council Decision:	Accept
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Submission Number: 24: 7 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: Objective 3 as notified adequately recognises the provisions of NZCPS 2010.
 Decision Sought: Adopt Objective 3 as notified.

Council Decision:	Accept
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Submission Number: 24: 8 Submission Type: Support
 Submitter: Te Tumu Landowners Group
 Submission Summary: The regionally significant resource management issues with regard to the natural character of the coastal environment require an integrated management approach in order to effectively manage and balance the various competing interests in the Coastal Environment. Objective 2 does not recognise this.
 Decision Sought: Amend Objective 2 as follows (add text):
 "Integrated management, preservation and where appropriate enhancement of the natural character and ecological functioning of the coastal environment."

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 6 - 3 Submission Type: Support

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submitter: Transpower New Zealand Limited
Submission Summary: Integrated management is essential to the effective and efficient management of the coastal environment and there are parts of the coastal environment (e.g., the Port) where enhancement of natural character and ecological functioning is not necessary.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 8 - 3 Submission Type: Support

Further Submitter: Powerco Limited

Submission Summary: Powerco supports the requested wording Integrated management is essential to the effective and efficient management of the coastal environment.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 12 - 3 Submission Type: Support

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: Integrated management is essential to the effective and efficient management of the coastal environment.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 24: 9 Submission Type: Support

Submitter: Te Tumu Landowners Group

Submission Summary: Objective 4 as notified adequately recognises the provisions of NZCPS 2010.

Decision Sought: Adopt Objective 4 as notified.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 6 - 4 Submission Type: Support

Further Submitter: Transpower New Zealand Limited

Submission Summary: Transpower supports the objective.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 8 - 4 Submission Type: Support

Further Submitter: Powerco Limited

Submission Summary: Powerco supports objective 4.

Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 12 - 4 Submission Type: Support
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: The Oil Companies support the objective.
Decision Sought:

Council Decision: Accept in Part

Submission Number: 24: 24 Submission Type: Seek Amendment
Submitter: Te Tumu Landowners Group
Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy UF 5A – Establishing Urban Limits Western Bay of Plenty sub-region" under both Objectives 2 and 4.
Decision Sought: Add:
"Policy UF 5A Establishing Urban Limits western Bay of Plenty sub-region" under both Objective 2 and Objective 4.

Council Decision: Reject

Submission Number: 24: 25 Submission Type: Seek Amendment
Submitter: Te Tumu Landowners Group
Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" and under Objective 4.
Decision Sought: Amend Table 2 by adding:
"Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" under Objective 4.

Council Decision: Accept

Submission Number: 25: 7 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: The regionally significant resource management issues with regard to the natural character of the coastal environment require an integrated management approach in order to effectively manage and balance the various competing interests in the Coastal Environment.
Objective 2 does not recognise this.
Decision Sought: Amend Objective 2 as follows:
"Integrated management, preservation and where appropriate enhancement of the natural character and ecological functioning of the coastal environment."

Council Decision: Accept in Part

Submission Number: 25: 8 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Objective 3 as notified adequately recognises the provisions of NZCPS 2010.
Decision Sought: Adopt Objective 3 as notified.

Council Decision: Accept

Submission Number: 25: 9 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Objective 4 as notified adequately recognises the provisions of NZCPS 2010.
Decision Sought: Adopt Objective 4 as notified.

Council Decision: Accept in Part

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 25: 24 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy UF 5A – Establishing Urban Limits western Bay of Plenty sub-region" under both Objectives 2 and 4.
 Decision Sought: Add:
 "Policy UF 5A Establishing Urban Limits western Bay of Plenty sub-region" under both Objective 2 and Objective 4.

Council Decision:	Reject
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Submission Number: 25: 25 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" and under Objective 4.
 Decision Sought: Amend Table 2 by adding:
 "Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" under Objective 4.

Council Decision:	Accept
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Submission Number: 26: 7 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: The regionally significant resource management issues with regard to the natural character of the coastal environment require an integrated management approach in order to effectively manage and balance the various competing interests in the Coastal Environment.
 Objective 2 does not recognise this.
 Decision Sought: Amend Objective 2 as follows (add text):
 "Integrated management, preservation and where appropriate enhancement of the natural character and ecological functioning of the coastal environment."

Council Decision:	Accept in Part
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Submission Number: 26: 8 Submission Type: Support
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Objective 3 as notified adequately recognises the provisions of NZCPS 2010.
 Decision Sought: Adopt Objective 3 as notified.

Council Decision:	Accept
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Submission Number: 26: 9 Submission Type: Support
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Objective 4 as notified adequately recognises the provisions of NZCPS 2010.
 Decision Sought: Adopt Objective 4 as notified.

Council Decision:	Accept in Part
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Submission Number: 26: 24 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy UF 5A – Establishing Urban Limits western Bay of Plenty sub-region" under both Objectives 2 and 4.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Decision Sought: Add:
"Policy UF 5A Establishing Urban Limits western Bay of Plenty sub-region" under both Objective 2 and Objective 4.

Council Decision: Reject

Submission Number: 26: 25 Submission Type: Seek Amendment

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" and under Objective 4.

Decision Sought: Amend Table 2 by adding:
"Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" under Objective 4.

Council Decision: Accept

Submission Number: 27: 7 Submission Type: Seek Amendment

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: The regionally significant resource management issues with regard to the natural character of the coastal environment require an integrated management approach in order to effectively manage and balance the various competing interests in the Coastal Environment. Objective 2 does not recognise this.

Decision Sought: Amend Objective 2 as follows:
"Integrated management, preservation and where appropriate enhancement of the natural character and ecological functioning of the coastal environment."

Council Decision: Accept in Part

Submission Number: 27: 8 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Objective 3 as notified adequately recognises the provisions of NZCPS 2010.

Decision Sought: Adopt Objective 3 as notified.

Council Decision: Accept

Submission Number: 27: 9 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Objective 4 as notified adequately recognises the provisions of NZCPS 2010.

Decision Sought: Adopt Objective 4 as notified.

Council Decision: Accept in Part

Submission Number: 27: 24 Submission Type: Seek Amendment

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy UF 5A – Establishing Urban Limits western Bay of Plenty sub-region" under both Objectives 2 and 4.

Decision Sought: Add:
"Policy UF 5A Establishing Urban Limits western Bay of Plenty sub-region" under both Objective 2 and Objective 4.

Council Decision: Reject

Submission Number: 27: 25 Submission Type: Seek Amendment

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: To provide for an integrated resource management approach, include within Table 2 "Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" and under Objective 4.

Decision Sought: Amend Table 2 by adding:
 "Policy CE 7B – Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment" under Objective 4.

Council Decision: Reject

Submission Number: 36: 4 Submission Type: Support in Part

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: Objective 2
 The Objective seeks "Preservation, restoration and enhancement of the natural character and ecological functioning of the coastal environment.
 Section 6 a) of the RMA requires 'preservation' of the natural character of the coastal environment but does not include 'restoration and enhancement'. Any objective for restoration and enhancement should be more targeted than applied in the generic sense as in Variation 1.

Decision Sought: Amend Objective 2 as follows: (delete " restoration and enhancement" and add new text)
 "Preservation of the natural character and ecological functioning of the coastal environment and restoration and enhancement where identified as appropriate".

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 7 - 2 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Ltd

Submission Summary: The current wording goes further than s6a) of the RMA. The objective applies throughout the defined Coastal Area which includes land that has limited natural character value. The wording could have the effect of imposing unnecessary requirements for restoration and enhancement.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 21 - 6 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons stated by the submitter.

Decision Sought:

Council Decision: Accept in Part

Submission Number: 36: 5 Submission Type: Support

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: Objective 4. The parties support this objective and seek a policy that specifically provides for rural production in the coastal environment to give effect to this objective.

Decision Sought: No change requested

Council Decision: Accept

Further Submission(s)

Further Submission No: 7 - 3 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Ltd

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Objective 4 aims to “enable use and development of the coastal environment in appropriate locations.” The change sought through the submission would help to achieve that Objective and would ensure that primary production activities are properly recognised and provided for in the coastal environment.

Decision Sought:

Council Decision:	Accept
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Submission Number: 36: 8 Submission Type: Support

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: There is no specific policy under Objective 4 that considers land use activities in the coastal environment. The coastal environment includes areas of rural production land and it is important that there is a policy that provides direction in respect of such land.

Decision Sought: Add a new policy under Objective 4 as follow:
Enable rural production activities within the coastal environment.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 7 - 6 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Ltd

Submission Summary: Objective 4 aims to “enable use and development of the coastal environment in appropriate locations.” The change sought through the submission would help to achieve that Objective and would ensure that primary production activities are properly recognised and provided for in the coastal environment.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 10 - 16 Submission Type: Support in Part

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: This submission is correct. However there are several policies in the NZCPS which apply to land use in the coastal environment. The exact wording requested by the submitter would not be consistent with those policies.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 21 - 7 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons stated by the submitter.

Decision Sought:

Council Decision:	Reject
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Submission Number: 44: 2 Submission Type: Support

Submitter: Basil Graeme

Submission Summary: Objective 2 is supported
Policy CE 2A Should be consistent with the RMA
Support methods 49,49A,53,53A for policy CE 2A
Support methods 35,35A,49A, 61 for policy CE 4A
Support methods 53, 53B for policy CE 8B
Policy 10B methods should also include reference to buffer zones, corridors, indigenous biodiversity and natural character.
Request add methods 49,49A and 53 for policy 10B

Decision Sought: Insert “adverse” before “effects”
Request add methods 49,49A and 53 for policy 10B

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision:	Reject
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Submission Number: 47: 1 Submission Type: Oppose

Submitter: Tauranga City Council

Submission Summary: There is no Policy approach that directly relates to Method 1 and how the coastal environment maps were developed/designed based upon technical analysis. There is a clear requirement for such a Policy to link the Objective through to the methods.

Decision Sought: Include a new Policy within the RPS, the same or similar to that outlined below:
 Identifying the Coastal Environment
 By identifying the coastal environment by the degree to which an area is located within or exhibits the following attributes:
 (a) the coastal marine area;
 (b) islands within the coastal marine area;
 (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 (d) areas at risk from coastal hazards;
 (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 (g) items of cultural and historic heritage in the coastal marine area or on the coast;
 (h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 (i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 5 - 9 Submission Type: Support

Further Submitter: NZ Transport Agency

Submission Summary: The NZTA supports recognition of physical resources and built facilities, including infrastructure, that are within the existing environment.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 6 - 7 Submission Type: Oppose

Further Submitter: Transpower New Zealand Limited

Submission Summary: The suggested policy does not provide any useful policy guidance. It merely and unnecessarily repeats the requirements of Policy 1 of the NZCPS.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 8 - 7 Submission Type: Oppose

Further Submitter: Powerco Limited

Submission Summary: The suggested policy does not provide any useful policy guidance and unnecessarily repeats the requirements of policy 1 of the NZCPS.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 12 - 10 Submission Type: Oppose
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: The suggested policy does not provide any useful policy guidance.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 20 Submission Type: Oppose
Further Submitter: Te Tumu Landowners Group
Submission Summary: Appendix I maps give effect to Policy 1 of the NZCPS and this is clearly stated in the explanation to Policy CE 1A.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 20 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Appendix I maps give effect to Policy 1 of the NZCPS and this is clearly stated in the explanation to Policy CE 1A.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 20 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Appendix I maps give effect to Policy 1 of the NZCPS and this is clearly stated in the explanation to Policy CE 1A.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 20 Submission Type: Oppose
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Appendix I maps give effect to Policy 1 of the NZCPS and this is clearly stated in the explanation to Policy CE 1A.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 6 Submission Type: Oppose
Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc
Submission Summary: While clarification as to how the coastal environment was identified is useful a policy may not be the most appropriate mechanism.
Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 20 - 13 Submission Type: Other
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port agrees that clarification of what is meant by this explanation is needed and submitted on the point.
Decision Sought:

Council Decision: Reject

Further Submission No: 22 - 2 Submission Type: Oppose
Further Submitter: TrustPower Limited
Submission Summary: Should this work be undertaken now and incorporated into the pRPS via Variation 1, a number of potentially affected parties and stakeholders would be unable to comment.
Decision Sought:

Council Decision: Accept

Chapter: Part Three: Policies and methods

456

Section: Coastal Environment Policies

456

Council Decision

Make no changes to Coastal Environment Policies in relation to dredging navigation channels in Tauranga Harbour.

Include areas of very high natural character in the first Objective 2 anticipated environmental result to read: 'Areas of outstanding, very high and high natural character in the coastal environment are identified and enhanced and/ or preserved.'

Reasons for Council Decision

Submissions 7-14, 10-17(f), 14-21(f), 15-21(f), 16-21(f), 17-21(f), 20-1(f), 20-4(f): This submission point does not relate to matters or topics addressed in Variation 1. While Policy 9 of the NZCPS2010 addresses ports, it is a stretch to extend this or any other NZCPS policy to a requirement to "enable" maintenance dredging. This topic is better addressed in the current RCEP review process.

Submissions 7-23, 22-6(f): Mapping relates to areas of outstanding, very high and high natural character. The proposed amendment is consistent with their purpose and will aid the evaluation of whether Objective 2 is being achieved.

Submissions

Submission Number: 7: 14 Submission Type: Seek Amendment
Submitter: Western Bay of Plenty District Council
Submission Summary: It is costly to obtain resource consent for the dredging channels and the cost of this exceeds the actual costs of the works involved. Adding a policy will recognise that these local navigational channels contribute to the wellbeing of coastal communities such as Matakana Island.
Decision Sought: Add the following new policy:
Providing for Navigation Channels
Recognise and provide for the functional need of existing harbour navigation and access channels so as to provide for;
(i) Their efficient and safe operation, including the need for dredging to maintain navigation and access channels and to renew/replace structures as part of on-going maintenance;
(ii) The servicing of local shipping;
(iii) Efficient connections with other transport modes, and
(iv) The future capacity for local shipping by avoiding activities in areas that may compromise navigation and access channels in the future.

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 17 Submission Type: Support in Part
Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: It is important that maintenance and upgrade of existing facilities is done in a sustainable manner using best practice. The society's experience is that councils do not always fully consider the environmental effects of activities such as dredging. The wording of any new provision needs to acknowledge this.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	14 - 21	Submission Type:	Support
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Further Submitter: Te Tumu Landowners Group

Submission Summary: Existing navigation channels are essential for regional and local shipping.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	15 - 21	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Existing navigation channels are essential for regional and local shipping.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	16 - 21	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Existing navigation channels are essential for regional and local shipping.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	17 - 21	Submission Type:	Support
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Further Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Existing navigation channels are essential for regional and local shipping.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	20 - 1	Submission Type:	Support in Part
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Further Submitter: Port of Tauranga Limited

Submission Summary: Seek the relief be accepted subject to the need to ensure appropriate integration with similar provisions such as Policy CE 13B Providing for ports.

Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 20 - 4 Submission Type: Support in Part
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port seeks that this relief be assessed and provided through a separate policy and that it be declined so far as it leads to changes to CE 13B.
Decision Sought:

Council Decision: Reject

Submission Number: 7: 23 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: Not currently consistent with Policy 13 of the NZCPS 2010. Support is given to the addition of the words "that would cause significant adverse effects". The AER also fails to refer to 'very high'. This omission also occurs in other places in the notified document.
Decision Sought: Reword the first monitoring indicator as follows; Regional and district council consent database shows no further consents issued for subdivision, use and development within areas of outstanding natural character that would cause adverse effects, or within areas of very high or high natural character that would cause significant adverse effects.

Council Decision: Accept

Further Submission(s)

Further Submission No: 22 - 6 Submission Type: Support
Further Submitter: TrustPower Limited
Submission Summary: The amendment suggested by the Submitter accords with the approach advanced by Policy 13 of the NZCPS.
Decision Sought:

Council Decision: Accept

Section: Policy CE 1A: Implementing management of the coastal environment

474

Council Decision

Change policy CE1A to a "B" type policy.

Amend Policy CE 1B title, policy and explanation to read:

"Policy CE 1B: Extent of the coastal environment
The extent of the coastal environment shall be determined by giving effect to the maps in Appendix I.

Explanation

Policy CE 1B refers to the maps of the coastal environment contained in Appendix I based on the direction given in the NZCPS 2010. District and regional plans must manage activities in the coastal environment as delineated in Appendix I."

Reasons for Council Decision

Submissions 7-3, 2-7(f), 3-1(f), 18-12(f), 20-11(f), 21-16(f), 23-2, 1-5(f), 2-8(f), 20-12(f), 21-17(f), 47-3, 2-9(f), 14-2(f), 15-2(f), 16-2(f), 17-2(f), 20-14(f): Submitters (including TAs) were of the view that discretion to amend the coastal environment line is unhelpful. The policy has been simplified and is now worded to remove any discretion. It was considered unnecessary to include details of how the Coastal Environment is derived as its extent is a matter that is well litigated and intended to be beyond doubt through inclusion on maps.

Submissions 8-5, 25-5(f), 24-10, 25-10, 26-10, 27-10: The purpose of Policy CE 1B is to define the extent of the Coastal Environment. The title and its type classification should reflect this purpose.

Submissions 31-1, 19-2(f), 32-1, 19-3(f), 38-3: Natural character is addressed in Policy CE 2B (previously Policy CE 2A) which explains the role of the attributes table. Submission points on this topic are discussed under Policy CE 2A also.

Submissions 22-3, 47-2, 6-6(f), 8-6(f), 12-8(f), 12-9(f), 14-1(f), 15-1(f), 16-1(f), 17-1(f): Support is noted.

Submissions

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 7: 3 Submission Type: Support in Part

Submitter: Western Bay of Plenty District Council

Submission Summary: It is not clear why district council "may" be required to re-define and re-litigate the extents. If the Regional Council has defined the coastal environment is this not the area that should be protected? Council is concerned at the possibility of a mapping and consultation process and plan change as a consequence.

Decision Sought: Either delete the sentence that reads;
 "...district plans may define the coastal environment with respect to their purpose but will use the maps in Appendix 1 as the basis."
 or reword it so that it is clear to district councils what their responsibilities are.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 2 - 7 Submission Type: Support

Further Submitter: Environmental Defence Society Incorporated

Submission Summary: The maps contained in Variation 1 should be applied by the regional council and all district councils and should not be redefined in regional and/or district plans.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 3 - 1 Submission Type: Support

Further Submitter: Department of Conservation

Submission Summary: Support ammendment to the explanation to clarify district council roles in further defining the coastal environment.
 Support clarification of the meaning of the phrase "in respect to their purpose..

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 12 Submission Type: Support in Part

Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc

Submission Summary: The change sought provides clarity as the coastal environment should not be re defined through a range of plan processes.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 20 - 11 Submission Type: Other

Further Submitter: Port of Tauranga Limited

Submission Summary: The Port neither supports or opposes the relief sought as it is unclear what re-definition is entailed through the Policy (both at a regional and district level).

Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 21 - 16 Submission Type: Oppose
Further Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers supports the regional council building some flexibility into Policy CE1A.
Decision Sought:

Council Decision: Accept

Submission Number: 8: 5 Submission Type: Seek Amendment
Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited
Submission Summary: Policy CE 1A has not been written in positive terms.
Decision Sought: Amend to policy CE 1A to read: (replace Implementing with Provide for)
Provide for management of the coastal environment.

Council Decision: Reject

Further Submission(s)

Further Submission No: 25 - 5 Submission Type: Oppose
Further Submitter: Nessie Kuka
Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.
Decision Sought:

Council Decision: Accept

Submission Number: 22: 3 Submission Type: Support
Submitter: Environmental Defence Society Incorporated
Submission Summary: No change requested.
Decision Sought: Delineation of the coastal environment is an essential precursor for a regional council to deliver a RPS which meets the statutory requirements of the RMA (specifically section 6(a)) and gives effect to the NZCPS 2010 (specifically policies 7 and 13).

Council Decision: Accept

Submission Number: 23: 2 Submission Type: Oppose
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: The explanation is ambiguous and seems to imply that regional and district plans can divert from the identified areas.
Decision Sought: Reword the explanation to state that regional and district plans are to define the coastal environment as identified in Appendix I, the management of which will be dictated by the respective functions of district and regional councils as set out in the RMA and this RPS.

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 1 - 5 Submission Type: Support
Further Submitter: Basil Graeme
Submission Summary: Avoids confusion.
Decision Sought:

Council Decision: Accept in Part

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 2 - 8 Submission Type: Support
 Further Submitter: Environmental Defence Society Incorporated
 Submission Summary: The maps contained in Variation 1 should be applied by the regional council and all district councils and should not be redefined in regional and/or district plans.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 20 - 12 Submission Type: Other
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port conditionally opposes the relief. The Port wishes to first understand what was meant by allowing further definition before discussing how and whether this should occur.
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 21 - 17 Submission Type: Oppose
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: Federated Farmers supports the regional council building some flexibility into Policy CE1A.
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 24: 10 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: The 'implementation' function of the Proposed Regional Policy Statement is managed through the 'Methods'
 Decision Sought: Amend Policy CE 1A as follows (replace "Implementing" with "Provide for"):
 "Provide for management of the coastal environment"

Council Decision:	Reject
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Submission Number: 25: 10 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: The 'implementation' function of the Proposed Regional Policy Statement is managed through the 'Methods'
 Decision Sought: Amend Policy CE 1A as follows (replace "Implementing" with "Provide for"):
 "Provide for management of the coastal environment"

Council Decision:	Reject
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Submission Number: 26: 10 Submission Type: Support
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: The 'implementation' function of the Proposed Regional Policy Statement is managed through the 'Methods'
 Decision Sought: Amend Policy CE 1A as follows:
 "Provide for management of the coastal environment"

Council Decision:	Reject
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Submission Number: 27: 10 Submission Type: Seek Amendment
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: The 'implementation' function of the Proposed Regional Policy Statement is managed through the 'Methods'

Proposed Regional Policy Statement Variation 1 (Coastal Environment) Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 33: 1 Submission Type: Support

Submitter: Transpower New Zealand Limited

Submission Summary: Supports the general intent of Policy CE 1A, which draws the coastal environment maps in Appendix I into the policy framework. The Coastal Environment Policies would benefit from a clearer statement regarding the role of the 'Natural Character Attributes' set out in Appendix J.

Decision Sought: Expand Policy CE 1A as follows: (additional text added)
Manage activities in the coastal environment using the maps in Appendix I to define the extent of the coastal environment and the attributes tables in Appendix J to define the natural character of an area.

Council Decision: Reject

Further Submission(s)

Further Submission No: 19 - 4 Submission Type: Support in Part

Further Submitter: Motiti Avocados Limited

Submission Summary: There is a need to have clear guidance on the role of Appendix J.

Decision Sought:

Council Decision: Reject

Submission Number: 35: 1 Submission Type: Oppose

Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen

Submission Summary: However NTST does support Alternative 2 of new Policy CE1A: Implement management of the Coastal Environment; as identified as being most appropriate for achieving Objectives 2, 3 and 4 of the PRPS and Policy 13 of the NZCPS 2010.

Decision Sought: No specific relief stated

Council Decision: Accept

Submission Number: 36: 6 Submission Type: Support

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: The parties support Policy CE1A and the inclusion of maps in Appendix 1.

Decision Sought: No change requested.

Council Decision: Accept

Submission Number: 38: 3 Submission Type: Support in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Federated Farmers is generally supportive of the rationale of this policy. However we have concerns over some of the areas that have been identified as "very high natural character" and "high natural character" in Appendix J as this does include land that is farmed. These are: Ohiwa Harbour (High), Opotiki to Opape (High), Opape to Pokohinu Point Very High), Whanarua Bay to Waihau Bay (High), Waihau Bay to Cape Runaway (High), Cape Runaway to Pokikirua Point (High).

Decision Sought: a) Remove and Delete the following land areas from the Natural Character Attribute table in Appendix J and all associated maps in Appendix I: Ohiwa Harbour (OH), Opotiki to Opape (OOp), Opape to Pokohinu Point (Opo), Whanarua Bay to Waihau Bay (Whan), Waihau Bay to Cape Runaway (WC), Cape Runaway to Pokikirua Point (Run).
b) Add this paragraph to the Explanation section:
Where there is a change in landscape category as a result of the reclassification or identification of the coastal environment, affected landowners will be identified, contacted and informed of exactly what the proposed changes will mean to them prior to the notification of the plan change or variation. That if requested these landowners are given an opportunity to discuss landscape boundaries on their properties.

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 10 - 6 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: Land should not be excluded from natural character classification simply because it is farm land. There is substantial case law reflecting that some farm land has high natural character.

Decision Sought:

Council Decision: Accept

Submission Number: 47: 2 Submission Type: Oppose
Submitter: Tauranga City Council
Submission Summary: Given that local authorities must give effect to the RPS it would be more appropriate that the explanatory statement be more explicit. This will ensure that the coastal environment line is not relitigated at the local level, but rather is fixed at the overarching Policy level.

Decision Sought: Amend the Explanatory Statement Associated with Policy CE 1A, by:
a) Including it as the explanatory statement for the above proposed new Policy; and
b) Amending the Explanatory Statement as outlined below:
Policy CE 1A refers to the maps of the coastal environment contained in Appendix I based on the direction given in the NZCPS 2010. Regional and district plans must recognise the coastal environment and shall define the extent of the coastal environment in accordance with the Maps provided in Appendix I.

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 6 - 6 Submission Type: Oppose
Further Submitter: Transpower New Zealand Limited
Submission Summary: The suggested policy merely reiterates that there is a need to comply with Policies 6 and 7 of the NZCPS and that adverse effects should be avoided, remedied or mitigated, as required by Section 5 of the Act. It does not provide any useful policy guidance as to how these matters should be achieved.

Decision Sought:

Council Decision: Reject

Further Submission No: 8 - 6 Submission Type: Oppose
Further Submitter: Powerco Limited
Submission Summary: The suggested policy merely reiterates that there is a need to comply with policies 6 and 7 of the NZCPS and does not provide any useful policy guidance as to how these matters should be achieved.

Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 12 - 8 Submission Type: Oppose
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The Oil Companies are opposed to the addition of the text 'must recognise' particularly in the context that it may not be appropriate for a regional plan that deals with air quality or land and fresh water matters, for example, to recognise the coastal environment maps.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 12 - 9 Submission Type: Oppose
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The suggested policy merely reiterates that there is a need to comply with Policies 6 and 7 of the NZCPS.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 14 - 1 Submission Type: Support in Part
 Further Submitter: Te Tumu Landowners Group
 Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that it provides greater clarity with regard to the extent of the coastal environment.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 1 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that it provides greater clarity with regard to the extent of the coastal environment.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 1 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that it provides greater clarity with regard to the extent of the coastal environment.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 1 Submission Type: Support in Part
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that it provides greater clarity with regard to the extent of the coastal environment.

Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 47: 3 Submission Type: Oppose

Submitter: Tauranga City Council

Submission Summary: Policy CE 1A, as drafted now appears to not be required, based upon the above TCC submission to include a new policy. Further, Policy CE 1 A focus was on the management of activities. This covered all activities, and in reality as written was too wide in scope to be really useful.

Decision Sought: Amend Policy CE 1 A as below:
 Policy CE 1A: Managing Subdivision, use and Development within the Coastal Environment
 a) Manage subdivision, use and development in accordance with and to the extent required under Policy: 6: Activities in the coastal environment of the and Policy: 7: Strategic Planning NZCPS (2010); and
 b) Avoid, remedy: or mitigate the adverse effects of subdivision, use and development in the coastal environment

Council Decision: Reject

Further Submission(s)

Further Submission No: 2 - 9 Submission Type: Oppose

Further Submitter: Environmental Defence Society Incorporated

Submission Summary: Policy CE 1A is required to give effect to the maps in Appendix 1.

Decision Sought:

Council Decision: Accept

Further Submission No: 14 - 2 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group

Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that the Policy should be focussed on the management of the coastal environment.

Decision Sought:

Council Decision: Accept

Further Submission No: 15 - 2 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that the Policy should be focussed on the management of the coastal environment.

Decision Sought:

Council Decision: Accept

Further Submission No: 16 - 2 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that the Policy should be focussed on the management of the coastal environment.

Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 2 Submission Type: Support in Part
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: We support the proposed amendments to Policy CE 1A to the extent that the Policy should be focussed on the management of the coastal environment.
Decision Sought:

Council Decision: Accept

Further Submission No: 20 - 14 Submission Type: Other
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port agrees that clarification of what is meant by this explanation is needed and submitted on the point.
Decision Sought:

Council Decision: Accept

Section: Policy CE 2A: Avoiding effects on Preserving high natural character within the coastal environment

Council Decision

Change type of policy to a specific directive (i.e. from '2A' to '2B') policy for resource consents regional and district plans, and notices of requirement.

Amend Policy CE 2B title, policy and explanation to read:

"Policy CE 2B: Managing adverse effects on natural character within the coastal environment

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:

- (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;
- (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 especially sensitive to the adverse effects of inappropriate subdivision, use and development: and
- (c) Recognise that open coastal water in the region is of at least high natural character.

Explanation

Policy CE 2B comprises three parts Part (a) requires the complete avoidance of adverse effects of inappropriate activities on the attributes of areas of the coastal environment with "outstanding" natural character. These areas are mapped in Appendix I. Part (b) requires avoidance of significant adverse effects on attributes comprising natural character in all other areas and that activities avoid, remedy or mitigate adverse effects on the natural character attributes of all areas of the coastal environment. Part (c) clarifies the natural character status of open coastal water.

This policy confirms that the effects of some activities may not be adverse in light of an areas' natural character attributes and a consideration of whether the activity itself is appropriate in this location.

For example, the attributes for Tauranga Harbour include channel markers (scattered throughout the harbour and visible during the night time) and commercial areas. These features diminish natural character but comprise the harbour at the time it was assessed.

Suitable provisions in regional and district plans may include policies, rules and zones to direct inappropriate activities away from areas susceptible to the loss of natural character. Measures should provide for the existing lawfully established activities, subdivisions, designations and zonings and their continuance and development in a way that maintains or enhances the natural character values of the area."

Reasons for Council Decision

Submissions 4-5, 18-13(f), 9-2, 2-14(f), 18-14(f), 20-17(f), 23-4, 1-7(f), 1-8(f), 2-16(f), 20-19(f), 22-8(f), 31-2, 2-18(f), 32-2, 33-2, 3-4(f), 4-6, 1-6(f), 2-10(f), 6-8(f), 8-8(f), 9-2(f), 12-11(f), 20-15(f), 7-4, 2-11(f), 7-5, 2-12(f), 21-18(f), 12-2, 13-1, 2-15(f), 6-10(f), 8-10(f), 12-13(f), 13-6(f), 20-18(f), 22-4, 14-5(f), 15-5(f), 16-5(f), 17-5(f), 20-16(f), 24-9(f), 24-11, 2-17(f), 25-11, 26-11, 27-11, 28-2, 29-1, 10-3(f), 35-6, 36-7, 7-4(f), 21-19(f), 38-4, 40-5, 2-19(f), 24-14(f), 44-3, 45-3, 1-9(f), 2-20(f), 3-3(f), 6-11(f), 8-11(f), 10-38(f), 12-14(f), 13-12(f), 14-4(f), 15-4(f), 16-4(f), 17-4(f), 20-20(f), 47-4, 2-21, 3-2(f), 5-10(f), 6-12(f), 8-12(f), 12-15(f), 14-3(f), 15-3(f), 16-3(f), 17-3(f): The NZCPS has a hierarchy of treatments for different levels of natural character and effect. Changes to Policy CE 2A reflects the priority as applicable to the Bay of Plenty region. The policy title is amended to better reflect its intent and that it is applicable in the coastal environment. B type classification is applicable to plans and resource consents to which this policy applies.

The NZCPS requires that all adverse effects on natural character be avoided, remedied or mitigated. The BOPRC has mapped "high, very high and outstanding" natural character but cannot have policy imply that unmapped areas are to be ignored.

Council has not assessed the attributes comprising natural character in less significant areas but, consistent with the approach applied to the higher ranked areas, considers these "elements" of natural character to be an important policy focus.

Submission 38-4: The purpose of natural character lines is not to prevent use or development. The boundary denotes an area within which features that were previously generally known are now specifically identified. Existing farmed and horticultural land can have high natural character and has not

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

been excluded by virtue of this land use. Most rural land noted as having natural character is likely to remain in rural use for some time - if not in perpetuity. The "designation" does not hinder rural activities and provides considerable certainty as to where natural values exist.

Submissions 1-1, 21-3, 50-2: Support is noted.

Submissions

Submission Number:	1: 1	Submission Type:	Support
Submitter:	KiwiRail		
Submission Summary:	Much of the railway corridor avoids areas of outstanding natural character. The explanation notes that the effects of some activities may not be adverse in light of areas' attributes and a consideration of whether the activity itself is appropriate in this location.		
Decision Sought:	Retain changes to Policy CE 2A as proposed.		
Council Decision:	Reject		

Submission Number:	4: 5	Submission Type:	Seek Amendment
Submitter:	Department of Conservation		
Submission Summary:	Policy title is opposed as it is considered too general.		
Decision Sought:	Amend title to "Avoiding [adverse] effects on natural character [within the coastal environment]".		
Council Decision:	Accept		

Further Submission(s)

Further Submission No:	18 - 13	Submission Type:	Support
Further Submitter:	Horticulture NZ and NZ Kiwifruit Growers Incorporated		
Submission Summary:	The submitter seeks the same change to the title as Horticulture NZ and NZKGI.		
Decision Sought:			
Council Decision:	Accept		

Submission Number:	4: 6	Submission Type:	Oppose in Part
Submitter:	Department of Conservation		
Submission Summary:	NZCPS 2010 Policy 13 requires that adverse effects on activities on natural character in areas of the coastal environment with outstanding natural character are avoided. Policy CE 2A(a) recognises this and is supported. Policy CE 2A(b) is not consistent with Policy 13(1)(b)NZCPS which requires that in all other areas of the coastal environment significant adverse effects on natural character are to be avoided and other adverse effects of activities on natural character are to be avoided, remedied or mitigated.		
Decision Sought:	Retain subsection (a). Replace subsection (b) with policy direction that gives effect to Policy 13(1)(b) NZCPS by requiring the avoidance of all significant adverse effects on natural character of the coastal environment and avoidance, remediation or mitigation of all other effects. The first paragraph of the explanation may need amendment to reflect the requested relief.		
Council Decision:	Accept in Part		

Further Submission(s)

Further Submission No:	1 - 6	Submission Type:	Support
Further Submitter:	Basil Graeme		
Submission Summary:	Clarification		
Decision Sought:			

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision:	Accept in Part
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Further Submission No:	2 - 10	Submission Type:	Support
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Further Submitter: Environmental Defence Society Incorporated

Submission Summary: This will give effect to policy 12 of the NZCPS.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	6 - 8	Submission Type:	Oppose
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Further Submitter: Transpower New Zealand Limited

Submission Summary: Clarification of this policy is required. However Transpower prefers the current policy approach (and the amendments in the Bay of Plenty Regional Council submission 45-3) to the extent that it focuses on effects on the 'attributes that comprise natural character' rather than on 'natural character' per se.

Decision Sought:

Council Decision:	Accept
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Further Submission No:	8 - 8	Submission Type:	Oppose
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Further Submitter: Powerco Limited

Submission Summary: Poweco agrees that clarification of this policy is required but prefers the current policy approach to the extent that it focuses on effects on 'the attributes that compromise natural character'.

Decision Sought:

Council Decision:	Accept
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Further Submission No:	9 - 2	Submission Type:	Oppose
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Further Submitter: Lowndes Associates

Submission Summary: The NZCPS and its policies 13 and 14 should properly be read in the light and context of the purpose and principles of the RMA as a whole.

Decision Sought:

Council Decision:	Accept
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Further Submission No:	12 - 11	Submission Type:	Oppose
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Further Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: Agree that clarification of this policy is required, as set out in their own submission. However, the Oil Companies prefer the current policy approach to the extent that it properly focuses on effects on 'the attributes that comprise natural character'.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 20 - 15 Submission Type: Other
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port conditionally opposes the relief to give effect to Policy 13 of the NZCPS 2010 as it is not clear how the relief will affect the overall application of Policy CE 2A.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 7: 4 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: The policy does not seek to preserve "high" natural character.
Decision Sought: Reword as follows:
"Preserve the natural character..."

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 2 - 11 Submission Type: Support
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: This will give effect to policy 12 of the NZCPS.
Decision Sought:

Council Decision:	Accept
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Submission Number: 7: 5 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: It appears that the policy may be intending to capture "very high" and "high" as well as the remainder of the coastal environment which is not identified as having natural character. To be consistent with Policy 13 of the NZCPS, Policy CE 2A (b) should only apply to areas identified as having natural character and not the balance of the coastal environment.
Decision Sought: Clarify that "all other areas" refers only to areas of "high" and "very high" natural character and does not also include areas of moderate/low natural character that haven't been identified on maps.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 2 - 12 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: Policy 13 NZCPS is not restricted to areas of very high and high natural character.
Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 12 - 12 Submission Type: Oppose

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: Agree that clarification of this policy is required, as set out in their own submission. However, the Oil Companies prefer the current policy approach to the extent that it properly focuses on effects on 'the attributes that comprise natural character'.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 22 - 9 Submission Type: Oppose

Further Submitter: TrustPower Limited

Submission Summary: A preferable approach is for Policy CE 2A to closely follow the response set out in Policy 13 of the NZCPS.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 25 - 6 Submission Type: Oppose

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision:	Accept
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Submission Number: 9: 2 Submission Type: Oppose

Submitter: Fonterra Co-operative Group Ltd

Submission Summary: The proposed wording creates the impression that all effects on natural character are to be avoided, regardless of the natural character attributes of a locality.

The inclusion of the proposed word "and" in Policy CE 2A (b) makes the policy unworkable.

Decision Sought: Amend the title of the Policy to read "Managing effects on natural character
Amend clause (b) to read "Avoid, remedy or mitigate significant adverse effects..."

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 2 - 14 Submission Type: Support in Part

Further Submitter: Environmental Defence Society Incorporated

Submission Summary: To be consistent with policy 13 NZCPS the phrase must read "avoid significant adverse effects and avoid, remedy or mitigate other adverse effects".

Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 14 Submission Type: Support in Part
 Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc
 Submission Summary: The submitter identifies that the title needs to be changed but seeks different wording to that sought by Horticulture NZ

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 20 - 17 Submission Type: Support
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port seeks the relief be granted, in addition to the relief in its submission on the Policy, for the reasons given by the submitter.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 12: 2 Submission Type: Seek Amendment
 Submitter: NZ Transport Agency
 Submission Summary: The NZTA requests that CE2A(b) also state that the high or very high natural character ... "attributes" to be preserved/protected as they relate to high or very high Natural Character Areas are those as described in Appendix J. N.B. Attributes have not yet been identified in Appendix J for all of the high and very high Natural Character Areas.
 Decision Sought: Amend policy CE 2A to read:
 Policy CE 2A(b) : ...recognising that areas identified in the maps and attributes tables in Appendix I and I as having high or very high natural character ... "

Council Decision:	Accept in Part
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Submission Number: 13: 1 Submission Type: Oppose in Part
 Submitter: TrustPower Limited
 Submission Summary: Section 5(2)(c) of the Act is very clear that adverse effects need only be avoided, remedied or mitigated to be consistent with the Act's purpose.
 Decision Sought: That the first line in paragraph (b) of Policy CE 2A be amended as follows: (replace 'and' with 'or')
 "(b) Avoid, remedy or mitigate... "

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 2 - 15 Submission Type: Support in Part
 Further Submitter: Environmental Defence Society Incorporated
 Submission Summary: To be consistent with policy 13 NZCPS the phrase must read "avoid significant adverse effects and avoid, remedy or mitigate other adverse effects".

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 6 - 10 Submission Type: Support
 Further Submitter: Transpower New Zealand Limited
 Submission Summary: Transpower supports the submission and the reason given.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 8 - 10 Submission Type: Support
 Further Submitter: Powerco Limited
 Submission Summary: Powerco supports the submission and the reason given.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 12 - 13 Submission Type: Support
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The oil companies support the submission and the reason given.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 13 - 6 Submission Type: Support
 Further Submitter: Western Bay of Plenty District Council
 Submission Summary: Wording should read "avoid, remedy or mitigate".
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 20 - 18 Submission Type: Support
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port seeks the relief be granted, in addition to the relief in its submission on the Policy, for the reasons given by the submitter.
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 3 Submission Type: Support
 Submitter: L A Sisam Holdings Limited
 Submission Summary: Support the amendment of this Policy by "including provisions in regional and district plans and when making decisions on resource consents to (a) and (b)" particularly "recognising that areas identified in maps in Appendix I as having high or very high natural character can be especially sensitive to the adverse effects of subdivision, use and development".
 Decision Sought: No decision requested.

Council Decision:	Accept
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Submission Number: 22: 4 Submission Type: Oppose in Part
 Submitter: Environmental Defence Society Incorporated
 Submission Summary: The policy:
 - does not state the actions councils should undertake to protect natural character in the coastal environment from inappropriate subdivision, use and development following a finding of high natural character.
 - does not identify that subdivision use and development may be inappropriate in some areas

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Decision Sought: Amend to state the actions the councils should undertake to protect natural character in the coastal environment from inappropriate subdivision, use and development and reflect the fact that protection may require areas where no development should take place.

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 14 - 5 Submission Type: Oppose

Further Submitter: Te Tumu Landowners Group

Submission Summary: We oppose this submission point seeking (with regard to Policy CE 2A) that the Policy identify that subdivision may be nappropriate in some areas. This is covered in Policy CE7B.

Decision Sought:

Council Decision: Reject

Further Submission No: 15 - 5 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We oppose this submission point seeking (with regard to Policy CE 2A) that the Policy identify that subdivision may be inappropriate in some areas. This is covered in Policy CE78.

Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 5 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We oppose this submission point seeking (with regard to Policy CE 2A) that the Policy identify that subdivision may be inappropriate in some areas. This is covered in Policy CE78.

Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 5 Submission Type: Oppose

Further Submitter: Ford Land Holdings Pty Ltd

Submission Summary: We oppose this submission point seeking (with regard to Policy CE 2A) that the Policy identify that subdivision may be inappropriate in some areas. This is covered in Policy CE78.

Decision Sought:

Council Decision: Reject

Further Submission No: 20 - 16 Submission Type: Other

Further Submitter: Port of Tauranga Limited

Submission Summary: The Port conditionally opposes the relief to give effect to Policy 13 of the NZCPS 2010 as it is not clear how the relief will affect the overall application of Policy CE 2A.

Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 24 - 9 Submission Type: Support
Further Submitter: Motiti Rohe Moana Trust (MRMT)
Submission Summary: Councils should undertake to protect natural character in the coastal environment from subdivision, use and development, as has happened on Motiti in recent years; and identify areas where no development should take place.

Decision Sought:

Council Decision:	Accept
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Submission Number: 23: 4 Submission Type: Oppose in Part
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: The title of the policy should include the word 'adverse' to qualify 'effects' for consistency with the RMA. Paragraph (b) is not consistent with the NZCPS Policy 13 (1) (b). The latter requires avoidance of significant effects, and avoidance, remediation or (not and) mitigation of other effects on natural character in all other areas. This is an important distinction the policy overlooks.

The second paragraph of the Explanation is vague and unnecessary.

Decision Sought: Include the word 'adverse' in the policy title.

Re phrase the policy with wording parallel to that in Policy CE 6A.

Delete the 2nd sentence in the Explanation.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 1 - 7 Submission Type: Support
Further Submitter: Basil Graeme
Submission Summary: If councils introduce zoning in their plans, it is important to include areas where subdivision, use and development may be inappropriate eg hazard zones, areas of high natural character.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 1 - 8 Submission Type: Oppose
Further Submitter: Basil Graeme
Submission Summary: Consistency with NZCPS.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 2 - 16 Submission Type: Support
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: To be consistent with policy 13 NZCPS the phrase must read "avoid significant adverse effects and avoid, remedy or mitigate other adverse effects".

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

natural character is uncertain in its application and undermines the previous wording in that paragraph by suggesting a different assessment of adverse effects should apply.

Decision Sought: Seek the policy be amended as follows:
"Preserve the high natural character ...
(b) Avoid remedy and mitigate significant adverse effects on the attributes comprising the natural character in all other areas of the coastal environment

Council Decision:	Reject
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Submission Number: 29: 1 Submission Type: Oppose

Submitter: The Sterling Trust

Submission Summary: The change in emphasis from preserving high natural character to avoiding effects on natural character places an unreasonable burden on all properties captured by natural character and those properties adjoining the natural character area.

Decision Sought: Retain CE2A as per proposed RPS

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 10 - 3 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The relief sought is not consistent with Policy 13 of the NZCPS 2010.

Decision Sought:

Council Decision:	Accept
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Submission Number: 31: 2 Submission Type: Oppose

Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: CE 2A is confusing. The policy heading would benefit from the inclusion of the word 'adverse' in relation to avoiding effects on natural character. Either the policy and/or the explanation need to be reworked to clarify the intent and to assist with interpretation. The explanation states that 'part a requires the complete avoidance of adverse effects of inappropriate activities on areas of the coastal environment with 'outstanding' natural character'. However, part 'a' makes no reference to 'inappropriate activities.' Nor is there any guidance on what might be considered to be an inappropriate activity in this context.

The explanation suggests that the second part of the policy only relates to the areas specifically identified on the maps in Appendix J as having high or very high natural character. In contrast, part 'b' of the policy refers to 'all other areas of the coastal environment' suggesting that the policy does in fact extend to those areas within the coastal environment. Part 'b' provides no guidance on what attributes comprising natural character. A reference to the attributes table in Appendix J would assist in this respect.

Decision Sought: Amend the wording of Policy CE 2A to include reference to 'adverse' effects in the heading and to ensure that the policy focuses on the avoidance of adverse effects, rather than the preservation of natural character as set out in the heading. In addition, amend the wording of part (a) of the policy to ensure it is grammatically correct as follows or to the same effect:

Policy CE 2A: Avoiding adverse effects on natural character

"Avoid adverse effects on 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 resources consents to:

(a) Avoid adverse effects of activities on the natural character attributes identified in Appendix J of areas identified in the maps in Appendix I and J as having outstanding natural character;

Amend the wording of Policy CE 2A and / or the supporting explanation to ensure consistency between the policy and its explanation and to assist with interpretation of the policy.

Retain the final paragraph of the explanation to Policy CE 2A as follows:

"The effects of some activities may not be adverse in light of an areas' attributes and a consideration of whether the activity itself is appropriate in this location."

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 21 - 19 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For reasons stated by the submitter.
Decision Sought:

Council Decision:	Reject
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Submission Number: 38: 4 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers seek to ensure that policies CE1A and CE2A and the associated methods do not become the basis of restrictions to primary production activities in coastal environments.
Decision Sought: Retain the two tiered policy approach

Council Decision:	Accept
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Submission Number: 40: 5 Submission Type: Oppose
Submitter: Lowndes Associates
Submission Summary: CE 2A provides solely for avoidance of effects on the environment, contrary to the statutory prescription of "avoid, remedy or mitigate"
Decision Sought: Cancel, delete or withdraw Variation 1 as a whole.
Amend policy CE 2A (avoiding effects on natural character) and elsewhere where the drafting provides only for avoidance of effects on the environment, contrary to the statutory prescription of "avoid, remedy or mitigate" (section 5(2)(c) of the Act.)

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 2 - 19 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: This submission is inconsistent with Policy 13 of the NZCPS.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 24 - 14 Submission Type: Oppose
Further Submitter: Motiti Rohe Moana Trust (MRMT)
Submission Summary: MRMT supports intent of Variation 1 to give effect to NZCPS.
Decision Sought:

Council Decision:	Accept
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Submission Number: 44: 3 Submission Type: Support in Part
Submitter: Basil Graeme
Submission Summary: change to "avoid, remedy or mitigate"
Decision Sought: Support part a

Council Decision:	Accept
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Submission Number: 45: 3 Submission Type: Seek Amendment
Submitter: Bay of Plenty Regional Council

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 8 - 11 Submission Type: Support in Part
 Further Submitter: Powerco Limited
 Submission Summary: Powerco supports part 2 of the submission to the extent that it is consistent with changes sought in its own submission (i.e., deletion of the word 'high'). Powerco supports the intent of the additional text to clarify that existing lawfully established activities will be able to continue as they were prior to the policy statement becoming operative. However the statement should also address activities that may existing use rights as not all activities will have been established by way of resource consent or designation.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 10 - 38 Submission Type: Support
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: Clarifies and improves the policy.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 14 Submission Type: Support in Part
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The Oil Companies support part 2 of the submission to the extent that it is consistent with changes sought in their own submission (i.e., deletion of the word 'high'). The Oil Companies support the intent of the additional text to clarify that existing lawfully established activities will be able to continue. The statement should also address activities that may have existing use rights.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 13 - 12 Submission Type: Support in Part
 Further Submitter: Western Bay of Plenty District Council
 Submission Summary: Support the intention of the additional text to clarify the status of existing activities but there are further clarifications that need to be made.

Decision Sought:

Amend the additional wording so that it reads as follows;

 "Land-use activities and subdivisions granted resource consent, and designations granted, (for which applications/notices of requirements were lodged prior to the policy statement becoming operative) may continue to operate or be developed in accordance with the terms of their resource consents/designations. Activities lawfully established as permitted activities may continue to operate under existing use rights in accordance with the RMA."

Council Decision:	Accept in Part
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Further Submission No: 14 - 4 Submission Type: Support in Part
 Further Submitter: Te Tumu Landowners Group
 Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.

Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 15 - 4 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 4 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 4 Submission Type: Support in Part
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 20 - 20 Submission Type: Oppose
 Further Submitter: Port of Tauranga Limited
 Submission Summary: Additional text in the explanation is superfluous and implies that the only appropriate use is existing/consented activities.
 Decision Sought:

Council Decision:	Reject
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Submission Number: 47: 4 Submission Type: Oppose
 Submitter: Tauranga City Council
 Submission Summary: Policy CE 2A is titled 'Avoiding effects on natural character' however the policy itself is about 'preserving the high natural character of the coastal environment and protecting it from inappropriate subdivision, use and development' (first paragraph of Policy).
 Policy 13 of the NZCPS requires that the preservation of natural character of the coastal environment outright, and it is not qualified as to whether that is identified as having 'high' values or otherwise.

Decision Sought: Re-write Policy CE 2A - Avoiding effects on natural character' as outlined below:
 Preserving the Natural Character of the Coastal Environment
 Preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use an development by including provisions in regional and district plans, and when making decisions on resource consents to:
 (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character as identified in the maps and tables in Appendix I and J; and
 (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on 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 especially sensitive to the adverse effects of inappropriate subdivision use and development.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 2 - 21 Submission Type: Support
 Further Submitter: Environmental Defence Society Incorporated
 Submission Summary: This submission is consistent with Policy 13 of the NZCPS.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 3 Submission Type: Support in Part
Further Submitter: Te Tumu Landowners Group
Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions (Te Tumu Landowners Group, Te Tumu Kaituna 14 Trust, Te Tumu Kaituna 1182 Trust and Ford Land Holdings Pty Ltd) on the same Policy.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 15 - 3 Submission Type: Support in Part
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions .

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 16 - 3 Submission Type: Support in Part
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 17 - 3 Submission Type: Support in Part
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: We support the proposed amendments to Policy CE 2A to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.

Decision Sought:

Council Decision: Accept in Part

Submission Number: 50: 2 Submission Type: Support
Submitter: Ngati Makino Iwi Authority
Submission Summary: We support the clear message in Policy CE2A and wish it to be retained as is.
Decision Sought: Retain as is

Council Decision: Reject

Section: Policy CE 3A: Identifying the key constraints to use and development of the coastal marine area ⁴⁷⁶

Council Decision

Retain Policy CE 3A unchanged.

Reasons for Council Decision

Submissions 24-12, 25-12, 26-12, 27-12: Policy CE 3A was not changed by Variation 1 and submissions on this part of the Proposed RPS are beyond scope. Submitters sought no changes to Policy CE 3A.

Submissions

Submission Number: 24: 12 Submission Type: Support
Submitter: Te Tumu Landowners Group

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Policy CE 3A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 3A as notified.

Council Decision: Accept

Submission Number: 25: 12

Submission Type: Support

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Policy CE 3A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 3A as notified.

Council Decision: Accept

Submission Number: 26: 12

Submission Type: Support

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Policy CE 3A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 3A as notified.

Council Decision: Accept

Submission Number: 27: 12

Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Policy CE 3A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 3A as notified.

Council Decision: Accept

Section: Policy CE 4A: Protecting and restoring natural coastal margins

477

Council Decision

Retain Policy CE 4A unchanged.

Reasons for Council Decision

Submissions 8-7, 14-6(f), 15-6(f), 16-6(f), 17-6(f), 21-20(f), 25-7(f), 12-10, 24-13, 25-13, 26-13, 27-13: Policy CE 4A concerns protecting and restoring natural coastal margins. Policy CE 4A was not changed by Variation 1 and submissions seeking its change are beyond the scope of Variation 1.

Submissions

Submission Number: 8: 7

Submission Type: Oppose

Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited

Submission Summary: On one hand the policy aspires for restoration, but on the other requires protection. These two parts of the policy should work together. The explanation under policy CE 4A needs amendment to reflect the intent of the changes and reference the method for Matakana Island.

Decision Sought: Amend as follows:

"Policy CE4A Enhance natural coastal margins

Enhance the natural functioning of coastal margins through identifying opportunities to restore and enhance natural functioning by integrating management in subdivision, use and development (where appropriate) to allow for ..."

Amend the explanation to reflect these changes.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision:	Reject
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Further Submission(s)

Further Submission No:	14 - 6	Submission Type:	Support
Further Submitter:	Te Tumu Landowners Group		
Submission Summary:	Support that the Policy identify that enhancement opportunities for coastal margins through the integrated management of the subdivision, use and development process.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	15 - 6	Submission Type:	Support
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Support that the Policy identify that enhancement opportunities for coastal margins through the integrated management of the subdivision, use and development process.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	16 - 6	Submission Type:	Support
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Support that the Policy identify that enhancement opportunities for coastal margins through the integrated management of the subdivision, use and development process.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	17 - 6	Submission Type:	Support
Further Submitter:	Ford Land Holdings Pty Ltd		
Submission Summary:	Support that the Policy identify that enhancement opportunities for coastal margins through the integrated management of the subdivision, use and development process.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	21 - 20	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For reasons stated by the submitter.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	25 - 7	Submission Type:	Oppose
Further Submitter:	Nessie Kuka		
Submission Summary:	Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.		
Decision Sought:			

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 12: 10 Submission Type: Oppose
Submitter: NZ Transport Agency
Submission Summary: The policy's full impact is not understood as these areas have not yet been identified.
Decision Sought: No specific decision requested.

Council Decision: Accept

Submission Number: 24: 13 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Policy CE 4A adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 4A as notified.

Council Decision: Accept

Submission Number: 25: 13 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Policy CE 4A adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 4A as notified.

Council Decision: Accept

Submission Number: 26: 13 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Policy CE 4A adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 4A as notified.

Council Decision: Accept

Submission Number: 27: 13 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Policy CE 4A adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 4A as notified.

Council Decision: Accept

Section: Policy CE 5A: Provide for sustainable use and development of the coastal marine area

478

Council Decision

Retain Policy CE 5A unchanged.

Reasons for Council Decision

Submissions 24-14, 25-14, 26-14, 27-14: Policy CE 5A is unchanged by Variation 1. There are no submissions seeking its amendment.

Submissions

Submission Number: 24: 14 Submission Type: Support
Submitter: Te Tumu Landowners Group

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Policy CE 5A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 5A as notified.

Council Decision: Accept

Submission Number: 25: 14

Submission Type: Support

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Policy CE 5A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 5A as notified.

Council Decision: Accept

Submission Number: 26: 14

Submission Type: Support

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Policy CE 5A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Policy CE 5A adequately recognises the provisions of the NZCPS 2010.

Council Decision: Accept

Submission Number: 27: 14

Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Policy CE 5A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 5A as notified.

Council Decision: Accept

Section: Policy CE 6A: Protect Indigenous biodiversity

479

Council Decision

Amend Policy CE 6A policy and explanation to read:

'Policy CE 6A: Protect Indigenous biodiversity

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.

Explanation

Policy CE 6A protects indigenous biological diversity of the coastal environment, on land and in the water in accordance with NZCPS 2010 Policy 11 parts (a) and (b). Policy CE 6A links to Method 53A which requires the identification of outlined areas.'

Reasons for Council Decision

Submissions 8-8, 2-22(f), 25-8(f), 9-4, 2-23(f), 10-39(f), 21-21(f): Neither Criteria set 1 (Appendix F) nor Policy MN 2B provide protection for indigenous vegetation in the coastal environment as required by Policy 11 of the NZCPS 2010. Interim protection (if any) exists through relevant District Plan rules which will have been formulated to give effect to requirements of the NZCPS 2010 or its predecessor (via s75 RMA).

Submissions 22-5, 21-22(f), 21-27(f), 24-10(f): Mapping significant features is necessary and is being undertaken in parallel with this variation. Policy will support and guide work currently underway in the Regional Coastal Environment Plan and ensures the Proposed RPS is consistent with the NZCPS 2010.

Submissions 24-15, 25-15, 26-15, 27-15: The revised wording reads less like a rule and uses simpler language than its predecessor.

Submissions 31-3, 32-3, 33-3, 38-5: Policy CE 6A relates directly to Method 53A which should acknowledge the considerable private interest in coastal biodiversity. Unless landowners are engaged and understand the reasons for and outcomes of assessments ongoing protection of these sites will be a challenge.

Submissions 13-2, 23-7: Support is noted.

Submissions

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 8: 8 Submission Type: Oppose
Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited
Submission Summary: Policy CE 6A relies on an assessment to be completed by the regional council in accordance with method 53A. Until such an assessment it is premature to provide policy direction.
Decision Sought: Delete policy CE 6A.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 2 - 22 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: The RPS should require the implementation of method 53A as soon as reasonably practicable.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 25 - 8 Submission Type: Oppose
Further Submitter: Nessie Kuka
Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.
Decision Sought:

Council Decision:	Accept
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Submission Number: 9: 4 Submission Type: Oppose
Submitter: Fonterra Co-operative Group Ltd
Submission Summary: Appendix F is phrased as an extensive list of considerations that are not qualified in terms of thresholds or other objective criteria. Consequently they are confusing and will not assist the consistent understanding or implementation of the RPS provisions.
Decision Sought: Delete reference to Appendix F, or in the alternative, re-write Appendix F so as not to be so over-inclusive.

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 2 - 23 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: The list of considerations in Appendix F is appropriate as an interim measure.
Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 10 - 39 Submission Type: Oppose
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: Appendix F has already been through a plan change process including an appeal to the Environment Court. It should not be altered.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 21 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For reasons stated by the submitter.

Decision Sought:

Council Decision:	Accept
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Submission Number: 13: 2 Submission Type: Support
 Submitter: TrustPower Limited
 Submission Summary: Policy CE 6A is aligned with Policy 11 of the New Zealand Coastal Policy Statement. It is also appropriate that Policy CE 6A does not apply until the investigations set out in Method 53A are completed.

Decision Sought: That Policy CE 6A remains unchanged in its intent and wording.

Council Decision:	Reject
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Submission Number: 22: 5 Submission Type: Oppose in Part
 Submitter: Environmental Defence Society Incorporated
 Submission Summary: This policy simply incorporates the wording of policy 11 and does not identify how this is to be achieved. Method 53A areas should be mapped and included in the RPS.
 Decision Sought: Identify the location of indigenous species, ecosystems and vegetation types within the coastal environment which require protection to give effect to the NZCPS.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 21 - 22 Submission Type: Oppose
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: Whilst it may be appropriate to include the assessment criteria within the RPS it is not appropriate to include the actual maps.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 27 Submission Type: Oppose
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: Policy MN8B is broader than policy 13 of the NZCPS and as such the relief sought is inappropriate and inconsistent with both the RMA and NZCPS.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 24 - 10 Submission Type: Support
 Further Submitter: Motiti Rohe Moana Trust (MRMT)
 Submission Summary: Need to identify location of indigenous species and ecosystems, particularly in the marine environment.
 Decision Sought:

Council Decision:	Reject
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Submission Number: 23: 7 Submission Type: Support
 Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: This policy is supported to implement NZCPS Policy 11
 Decision Sought: Retain policy as written

Council Decision:	Reject
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Submission Number: 24: 15 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: Policy CE 6A reads as a rule / method.
 Decision Sought: Amend Policy CE 6A as follows: (reword and delete (a) and (b)):
 "Policy CE 6A: Protect Indigenous biodiversity
 Identify and provide for the protection of indigenous biodiversity of the coastal environment by using the criteria in Policy 11 of the New Zealand Coastal Policy Statement 2010 to determine the level of protection required under that Policy.

Council Decision:	Accept in Part
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Submission Number: 25: 15 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Policy CE 6A reads as a rule / method.
 Decision Sought: Amend Policy CE 6A as follows: (reword and delete (a) and (b)):
 "Policy CE 6A: Protect Indigenous biodiversity
 Identify and provide for the protection of indigenous biodiversity of the coastal environment by using the criteria in Policy 11 of the New Zealand Coastal Policy Statement 2010 to determine the level of protection required under that Policy.

Council Decision:	Accept in Part
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Submission Number: 26: 15 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Policy CE 6A reads as a rule / method.
 Decision Sought: Amend Policy CE 6A as follows:
 "Policy CE 6A: Protect Indigenous biodiversity
 Identify and provide for the protection of indigenous biodiversity of the coastal environment by using the criteria in Policy 11 of the New Zealand Coastal Policy Statement 2010 to determine the level of protection required under that Policy.

Council Decision:	Accept in Part
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Submission Number: 27: 15 Submission Type: Seek Amendment
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Policy CE 6A reads as a rule / method.

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Decision Sought: Amend Policy CE 6A as follows:
 "Policy CE 6A: Protect Indigenous biodiversity
 Identify and provide for the protection of indigenous biodiversity of the coastal environment by using the criteria in Policy 11 of the New Zealand Coastal Policy Statement 2010 to determine the level of protection required under that Policy.

Council Decision: Accept in Part

Submission Number: 31: 3 Submission Type: Oppose

Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: The explanation to the policy notes that until such time as Method 53A is complete, interim protection is provided to areas of indigenous biodiversity by using the criteria provided in Appendix F. The statement does not form part of the policy itself, leaving a policy gap around the interim protection of indigenous biodiversity.

Decision Sought: Amend the explanation to Policy CE 6A in order to clarify that Policy MN 2B provides an interim policy framework for the protection of indigenous biodiversity based on the criteria provided in Appendix F as follows or with alternative wording to the same effect: (Policy MN2B added)
 "Until such time as Method 53A is complete, interim protection is provided to areas of indigenous biodiversity by Policy MN 2B and by using the criteria provided in Appendix F".

Council Decision: Reject

Submission Number: 32: 3 Submission Type: Support in Part

Submitter: Powerco Limited

Submission Summary: The explanation to the policy notes that until such time as Method 53A is complete, interim protection is provided to areas of indigenous biodiversity by using the criteria provided in Appendix F. The statement does not form part of the policy itself leaving a policy gap around the interim protection of indigenous biodiversity.

Decision Sought: Amend the explanation to Policy CE 6A as follows or with alternative wording to the same effect: ("Policy MN 2B" added)
 "Until such time as Method 53A is complete, interim protection is provided to areas of indigenous biodiversity by Policy MN 2B and by using the criteria provided in Appendix F".

Council Decision: Reject

Submission Number: 33: 3 Submission Type: Support in Part

Submitter: Transpower New Zealand Limited

Submission Summary: Policy CE 6A has a policy gap around the interim protection of indigenous biodiversity.

Decision Sought: Amend the explanation to Policy CE 6A in order to clarify that Policy MN 2B provides an interim policy framework for the protection of indigenous biodiversity based on the criteria provided in Appendix F as follows or with alternative wording to the same effect:
 "Until such time as Method 53A is complete, interim protection is provided to areas of indigenous biodiversity by Policy MN 2B and by using the criteria provided in Appendix F."

Council Decision: Reject

Submission Number: 38: 5 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Federated Farmers seek to ensure that Policy CE6 and Method 53A do not become the basis of restrictions to primary production activities in coastal environments. Federated Farmers accepts this policy reflects the two tiered approach of NZCPS Policy 11 and we would like to remain involved with the Method 53A process as it progresses.

Decision Sought: Ensure Federated Farmers and affected landowners are involved with the Method 53A process.

Council Decision: Accept

Section: Policy CE 7B: Ensuring subdivision, use and development is appropriate to the natural character

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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision

Amend policy CE 7B to read:

"Policy CE 7B: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment
When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:

- (a) The level of natural character as shown in Maps in Appendix J, and the level of protection to be afforded by Policy CE 2B;
- (b) The criteria contained in Set 1 of Appendix F to further refine natural character for resource consents or site-specific mapping;
- (c) Maintaining coastal margins in a natural state and protecting the natural values of beaches and dune systems, including their ability to reduce the impacts of coastal hazards such as tsunami and storm surge;
- (d) Avoiding the introduction or accumulation of inappropriate man-made elements where none are planned (consented, zoned or designated) or were previously present or obvious; and;
- (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:
 - (i) Visually, ecologically or culturally sensitive landforms, including ridgelines, coastal cliffs, beaches, headlands, and peninsulas and visually prominent public open space;
 - (ii) Estuaries, lagoons, wetlands and their margins (saline and freshwater), dune lands, rocky reef systems and areas of eelgrass and salt marsh;
 - (iii) Terrestrial and marine ecosystems;
 - (iv) Natural patterns of indigenous and exotic vegetation and processes that contribute to the landscape and seascape value of the area; and
 - (v) Regionally significant surf breaks and their swell corridors, including those at Matakana Island and the Whakatane Heads.
- (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;
- (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;

Explanation

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 local-scale considerations. Part (a) applies only to the mapped areas. The policy identifies particular elements, features and patterns which, if present, in the coastal environment require a higher level of protection from development in terms of avoidance, remediation or mitigation of adverse effects. This policy will ensure that subdivision, use and development are appropriate for the characteristics of the area and will not result in significant adverse effects on the natural character of the coastal environment. The extent to which particular activities are appropriate within the coastal environment is a matter for the Regional Coastal Environment Plan to define. That plan will recognise the rights conferred to owners of consents, provided for in existing operative plans or proposed by way of details in Appendices C and D (growth area timing and sequencing and business land provisions) of this RPS. Special "classes" of development, including that of Tangata whenua and minor works consistent with Reserve Management Plans will be considered in the Regional Coastal Environment Plan. Surfing is an economically and socially important activity in parts of the Bay of Plenty. Breaks such as Matakana (i.e. Puni's Farm) have featured in the international media and together with Whakatane Heads are considered to be of regional significance. It is therefore appropriate that particular regard is had to avoiding, remedying of mitigating potential adverse effects on regionally significant surf breaks and their swell corridors.

"

Reasons for Council Decision

Submissions 32-4, 1-13(f), 45-2, 1-15(f), 14-8(f), 15-8(f), 16-8(f), 17-8(f), 24-15(f), 31-4, 1-12(f), 2-26(f), 13-11(f), 28-3, 2-25(f), 13-10(f), 14-10(f), 15-10(f), 16-10(f), 17-10(f), 21-24(f), 33-4, 1-14(f): The intention of "where mapped" was to restrict application of (a) to those areas shown in the maps. However, this is implicit and these words appear to cause more confusion than clarity.

Submissions 24-16, 25-16, 26-16, 27-16, 28-3, 2-25(f), 13-10(f), 14-10(f), 15-10(f), 16-10(f), 17-10(f), 21-24(f): Para (b) is unclear (i.e. "appropriate localised scale" is undefined). The revised wording is much simpler.

Submissions 24-16, 25-16, 26-16, 27-16, 7-7, 14-11(f), 15-11(f), 16-11(f), 17-11(f), 23-1(f): Several submitters noted (d) was unclear. No amendments are proposed as the policy is considered clear and specific. Its retention ensures that development is not relitigated when consent decisions (or designations etc) have been made. Referencing land zoned for future development (such as at Te Tumu) in the policy is not supported because that land is required to go through further (i.e. structure plan) processes. It is clear from policy elsewhere in the RPS that development in future growth areas is anticipated and it serves no purpose to restate that policy here (the RPS is to be read as a whole). It is not considered necessary to restrict application of the policy to structures (etc) present at a particular time because to be lawful, structures must be consented (or otherwise permitted).

Submissions 24-16, 25-16, 26-16, 27-16, 7-9, 7-10, 1-18(f), 5-3(f), 10-19(f), 14-14(f), 15-14(f), 16-14(f), 17-14(f), 23-3(f), 35-7, 36-9, 21-25(f): While the NZCPS seeks to avoid a proliferation of new coastal structures those that exist now can support a range of important land-based services. There is nothing in policy CE 7B to suggest existing uses of an area are not to be had regard of, however the matters listed are those that need to be given particular regard - considering the Act otherwise enables land use and development.

The law surrounding activities unable to mitigate significant adverse effects does not require restating in the Proposed RPS.

Submission 21-2: It would be inappropriate for the Proposed RPS to direct that neighbours be notified on all subdivisions. The RMA has a limited set of requirements around notification and has undergone review to remove perceived process delays associated with unnecessary notification.

Submissions 7-11, 10-20(f), 14-15(f), 15-15(f), 16-15(f), 17-15(f), 7-12, 10-21(f), 14-16(f), 15-16(f), 16-16(f), 17-16(f), 23-4(f), 8-9, 25-9(f), 11-3, 12-4, 22-6, 1-11(f), 19-5(f), 20-21(f), 22-4(f), 24-11(f), 23-8, 2-24(f), 13-7(f), 14-17(f), 15-17(f), 16-17(f), 17-17(f), 19-6(f), 20-22(f), 21-23(f), 38-6, 2-27(f), 7-5(f), 14-9(f), 15-9(f), 16-9(f), 17-9(f), 42-2, 24-3(f) : The NZCPS seeks to preserve the natural character of the coastal environment. "Appropriate" development is anticipated - being development that does not exceed the effects thresholds stipulated elsewhere in policy.

Submissions 47-5, 3-5(f), 5-11(f), 6-13(f), 8-13(f), 12-17(f), 14-7(f), 15-7(f), 16-7(f), 17-7(f): Policy MN 7B provides considerations for assessing whether

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an activity is "inappropriate" with regards to the requirements of Part 2 of the RMA. A linkage to Policy CE2B ensures "significance" is appropriately scaled.

Submissions 7-8, 5-1(f), 12-16(f), 14-12(f), 15-12(f), 16-12(f), 17-12(f), 23-2(f), 43-1: Setbacks are not always appropriate. For example, sometimes the provision of a setback creates a waste area that has worse adverse effect than if one is not created and the interface between areas is more actively managed.

Submission 50-7: Newdicks beach is not a regionally significant surf break.

Submission 23-1(f): White Island (and other special places) may need specialist facilities. The Proposed RPS does not preclude this.

Submissions 5-1, 44-4: Support is noted. Further amendments are recommended to better achieve the intent of Policy CE 7B.

Submissions

Submission Number: 5: 1 Submission Type: Support
Submitter: Opotiki District Council
Submission Summary: This policy correctly provides for previously zoned or consented proposal. This is supported by Opotiki District Council.
Decision Sought: Retain Policy CE 7B as notified.

Council Decision: Reject

Submission Number: 7: 6 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: The mapping of natural character is already covered in Policy CE 2A. The wording "appropriately localised scale" again provides little direction on how to map natural character.
Decision Sought: Delete the words "or mapping natural character at a district level".

Council Decision: Accept

Submission Number: 7: 7 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: Reserve management plans should also be recognised as planned development as they are a statutory requirement under the Reserves Act 1977 and set out how councils will use, develop and protect reserves. If not recognised under this policy, planned development such as bins, picnic tables and walkways may have to be 'avoided'. Such activities are part of the character of the coastal environment.
Decision Sought: Amend wording as follows:
"Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned, designated or provided for in a reserve management plan or other local authority strategies such as the Tauranga Harbour Recreation Strategy) or were previously present or obvious".

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 14 - 11 Submission Type: Support in Part
Further Submitter: Te Tumu Landowners Group
Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.
Decision Sought:

Council Decision: Accept in Part

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Further Submission No: 15 - 11 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 11 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 11 Submission Type: Support in Part
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 23 - 1 Submission Type: Support in Part
 Further Submitter: Andrew Buttle, Peter Buttle and James Buttle
 Submission Summary: Whakaari/White Island, as a private scenic reserve encompassing tourist and monitoring activities, requires man-made items both inside the crater and outside. Allowance needs to be made for man-made structures that will be required to support the reserve's activities in the future.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 7: 8 Submission Type: Support in Part
 Submitter: Western Bay of Plenty District Council
 Submission Summary: Marine structures provided for the public good are appropriate activities within the coastal marine area.
 Decision Sought: Reword as follows:
 Particular regard shall be given to:

Setting buildings and structures back from the coastal marine area and other waterbodies where practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment, while recognising that marine structures for the public good have a functional need to be located in the coastal marine area and setbacks from the coastal marine area will not allow for their intended purpose.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 5 - 1 Submission Type: Support
 Further Submitter: NZ Transport Agency
 Submission Summary: Requested additional wording acknowledges that there is a functional need for some structures that provide for the public good to be located within the coastal marine environment. However, the suggested wording should not just provide for "marine structure" as some public infrastructure in the coastal marine area serves a non-marine purpose, such as bridges. Additionally, the term "marine structures" is not defined within the RPS making it open to interpretation.

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Decision Sought:

Council Decision: Reject

Further Submission No: 12 - 16 Submission Type: Support in Part

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: The Oil Companies support the submission to the extent that it seeks to recognise that some structures have a functional purpose to be located in the coastal marine area and that setbacks will not allow for their intended purpose but do not support inclusion of the reference to 'public good structures'. The Oil Companies note that structures such as wharflines and bunkerlines also have a functional need to be located within the coastal marine area and seeks that any amendment to the policy recognises this situation.

Decision Sought:

Council Decision: Reject

Further Submission No: 14 - 12 Submission Type: Support

Further Submitter: Te Tumu Landowners Group

Submission Summary: We support this submission as it provides clarity with regard to the functional need for marine structures within or adjacent to the Coastal Marine Area.

Decision Sought:

Council Decision: Reject

Further Submission No: 15 - 12 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support this submission as it provides clarity with regard to the functional need for marine structures within or adjacent to the Coastal Marine Area.

Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 12 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support this submission as it provides clarity with regard to the functional need for marine structures within or adjacent to the Coastal Marine Area.

Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 12 Submission Type: Support

Further Submitter: Ford Land Holdings Pty Ltd

Submission Summary: We support this submission as it provides clarity with regard to the functional need for marine structures within or adjacent to the Coastal Marine Area.

Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 23 - 2 Submission Type: Support

Further Submitter: Andrew Buttle, Peter Buttle and James Buttle

Submission Summary: Certain structures are required for the public good and effective use, development and enhancement of reserves. There is a functional connection between their purpose and their placement and they can contribute to the character of the coastal area.

Decision Sought:

Council Decision:	Reject
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Submission Number: 7: 9 Submission Type: Support in Part

Submitter: Western Bay of Plenty District Council

Submission Summary: Hard protection structures may be necessary for the protection of land in some cases and to enable people and their communities to provide for their wellbeing and health and safety. Flora and fauna contribute to the natural character of the coastal environment and man-made elements to protect these contribute to the maintenance of the natural character. Additionally, built structures that provide access to the marine environment can be seen as having a public good. Built structures are not necessarily out of place within the coastal environment.

Decision Sought: Add the following new matter to be given particular regard to:

Allowing man-made elements in the coastal environment where these are needed to protect land, flora, fauna and public access particularly in urban and built communities.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 1 - 10 Submission Type: Oppose

Further Submitter: Basil Graeme

Submission Summary: Oppose "allow" but would support "consider".

Decision Sought:

Council Decision:	Accept
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Further Submission No: 5 - 2 Submission Type: Support

Further Submitter: NZ Transport Agency

Submission Summary: Proposed addition to the policy acknowledges that man-made elements are sometimes required to protect public access provision, including that provided by the state highway network.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 10 - 18 Submission Type: Other

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The policy is primarily about setbacks, which would obviously not apply to access ramps to the beach for example (not practicable or reasonable). However specifically providing for structures solely to meet demand cannot be justified as a blanket provision.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 14 - 13 Submission Type: Support
 Further Submitter: Te Tumu Landowners Group
 Submission Summary: Support recognition of the need for hard protection structures in the coastal environment and the coastal marine area in particular circumstances.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 13 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Support recognition of the need for hard protection structures in the coastal environment and the coastal marine area in particular circumstances.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 13 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Support recognition of the need for hard protection structures in the coastal environment and the coastal marine area in particular circumstances.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 13 Submission Type: Support
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Support recognition of the need for hard protection structures in the coastal environment and the coastal marine area in particular circumstances.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 7: 10 Submission Type: Support in Part
 Submitter: Western Bay of Plenty District Council
 Submission Summary: Western Bay of Plenty District Council has a number of marine structures such as jetties established within the coastal marine area which may require extending, altering or replacing in the future for the purposes outlined in the suggested wording. These are appropriate activities within the coastal marine area.

Decision Sought: Add the following new matter to be given particular regard to:
 Allowing the extension, alteration or replacement of existing marine structures that have been provided for the public good when this is required to improve safety or the level of service or to meet an increase in demand.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 1 - 18 Submission Type: Oppose
 Further Submitter: Basil Graeme
 Submission Summary: Oppose "allow" but would support "consider".

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 5 - 3 Submission Type: Support

Further Submitter: NZ Transport Agency

Submission Summary: Requested addition acknowledges that improvements to structures in the coastal marine area may be required over time. The NZTA requires the ability to undertake such a function within the coastal marine area to provide safe and effective infrastructure for the community. However, the suggested wording should not just provide for "marine structure" as some public infrastructure in the coastal marine area serves a non-marine purpose, such as bridges. Additionally, the term "marine structures" is not defined within the RPS making it open to interpretation.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 10 - 19 Submission Type: Other

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The policy is primarily about setbacks, which would obviously not apply to access ramps to the beach for example (not practicable or reasonable). However specifically providing for structures solely to meet demand cannot be justified as a blanket provision.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 14 - 14 Submission Type: Support

Further Submitter: Te Tumu Landowners Group

Submission Summary: Support recognition of the need to allow for the extension, alteration or replacement of existing marine structures.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 14 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Support recognition of the need to allow for the extension, alteration or replacement of existing marine structures.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 14 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Support recognition of the need to allow for the extension, alteration or replacement of existing marine structures.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 14 Submission Type: Support

Further Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Support recognition of the need to allow for the extension, alteration or replacement of existing marine structures.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 23 - 3 Submission Type: Support
Further Submitter: Andrew Buttle, Peter Buttle and James Buttle
Submission Summary: Marine structures are a feature of the natural character of the coastline and it is appropriate that provision is made for their replacement and enhancement.
Decision Sought:

Council Decision:	Accept
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Submission Number: 7: 11 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: The taking of esplanade reserves at the time of subdivision allows council the ability to undertake restoration or enhancement of natural character.
Decision Sought: Add the following new matter to be given particular regard to:

The potential to preserve and enhance natural character through the taking of esplanade reserves at the time of subdivision in particular through measures such as riparian planting, removal of weeds and the planting of indigenous vegetation.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 10 - 20 Submission Type: Other
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: The policy is primarily about setbacks, which would obviously not apply to access ramps to the beach for example (not practicable or reasonable). However specifically providing for structures solely to meet demand cannot be justified as a blanket provision.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 15 Submission Type: Oppose
Further Submitter: Te Tumu Landowners Group
Submission Summary: It is more appropriate to address the taking of esplanade reserves at a district level.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 15 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: It is more appropriate to address the taking of esplanade reserves at a district level.
Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 16 - 15 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: It is more appropriate to address the taking of esplanade reserves at a district level.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 15 Submission Type: Oppose
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: It is more appropriate to address the taking of esplanade reserves at a district level.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 7: 12 Submission Type: Support in Part
 Submitter: Western Bay of Plenty District Council
 Submission Summary: Giving consent to these existing structures recognises that they are an appropriate use of the coastal environment. For example jetties and boat ramps.
 Decision Sought: Add the following new matter to be given particular regard to:
 Facilitating the consenting of existing un-consented man-made structures that are necessary and appropriate within the coastal environment.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 10 - 21 Submission Type: Other
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: The policy is primarily about setbacks, which would obviously not apply to access ramps to the beach for example (not practicable or reasonable). However specifically providing for structures solely to meet demand cannot be justified as a blanket provision.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 14 - 16 Submission Type: Support
 Further Submitter: Te Tumu Landowners Group
 Submission Summary: Support recognition to provide for the consenting of existing jetties and boat ramps that are considered necessary.
 Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 15 - 16 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Support recognition to provide for the consenting of existing jetties and boat ramps that are considered necessary.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 16 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Support recognition to provide for the consenting of existing jetties and boat ramps that are considered necessary.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 16 Submission Type: Support
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Support recognition to provide for the consenting of existing jetties and boat ramps that are considered necessary.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 23 - 4 Submission Type: Support
 Further Submitter: Andrew Buttle, Peter Buttle and James Buttle
 Submission Summary: The policy should provide for maintaining, improving or expanding existing marine structures. Future development requirements may be informed by public safety requirements.
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 8: 9 Submission Type: Oppose
 Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited
 Submission Summary: Part (a) of the policy links the assessment of applications for subdivision, use and development to Policy CE 2A. Linking the assessment to that policy is problematic because it appears to read in almost prohibitive terms.
 Part (b) relies on Appendices F for determining what matters to have regard to for the purpose of assessment, and some matters in the Appendices are subjective.
 Method 17A.4(iv) of the Operative RPS needs to bbe referenced under the policy to address natural character of Matakana Island along with subdivision, use and development.
 Decision Sought: Request it is reworded to provide for a balanced approach. The starting point should be to delete reference to "Avoid" throughout the policy and replace it with a more positive term like "manage".
 Policy CE 7B and Appendix F need to be amended to provide for a balanced approach to managing the coastal environment more consistently with policy 6(b) and 7 of the NZCPS (2010).
 Method 17A.4(iv) of the Operative RPS needs to bbe referenced under the policy to address natural character of Matakana Island along with subdivision, use and development.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 25 - 9 Submission Type: Oppose

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision:	Reject		
Further Submission No:	13 - 7	Submission Type:	Oppose
Further Submitter:	Western Bay of Plenty District Council		
Submission Summary:	<p>The wording change suggested may almost prohibit any further planning for man-made elements, which is not the intention of the Variation or the NZCPS which both focus on avoiding, remedying or mitigating effects.</p> <p>WBOPDC also submitted for reserve management plans to be considered as 'planned' development.</p> <p>Will all proposed future developments after May 2012 be considered as inappropriate as they all involve man-made elements?</p> <p>Another point that needs to be considered is how rezoning within the urban limits will be affected by the suggested wording from the submitter.</p>		
Decision Sought:	<p>Either:</p> <p>Accept the proposed wording for Policy CE7B (d) suggested in the Western Bay of Plenty District Council submission, or;</p> <p>Reword Policy CE7B (d) to allow for the introduction of man-made elements except where these will lead to adverse effects on natural character in line with those described in the NZCPS. There is no justification otherwise for avoiding man-made elements.</p>		
Council Decision:	Accept		
Further Submission No:	14 - 17	Submission Type:	Oppose
Further Submitter:	Te Tumu Landowners Group		
Submission Summary:	This is better managed at a City Plan or District Plan level.		
Decision Sought:			
Council Decision:	Accept		
Further Submission No:	15 - 17	Submission Type:	Oppose
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	This is better managed at a City Plan or District Plan level.		
Decision Sought:			
Council Decision:	Accept		
Further Submission No:	16 - 17	Submission Type:	Oppose
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	This is better managed at a City Plan or District Plan level.		
Decision Sought:			
Council Decision:	Accept		
Further Submission No:	17 - 17	Submission Type:	Oppose
Further Submitter:	Ford Land Holdings Pty Ltd		
Submission Summary:	This is better managed at a City Plan or District Plan level.		
Decision Sought:			
Council Decision:	Accept		

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 19 - 6 Submission Type: Oppose
 Further Submitter: Motiti Avocados Limited
 Submission Summary: MAL seeks that the relief be rejected as the relief would operate as a bar to the use of the coastal environment and would be contrary to the purpose and principles of the Act.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 20 - 22 Submission Type: Oppose
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port seeks that the relief be rejected as the relief would operate as a bar to the use of the coastal environment and is contrary to the purpose and principles of the Act.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 23 Submission Type: Oppose
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: The relief sought has the potential to incur significant compliance cost on affected landowners and undermine existing lawful activities the likes of which were not contemplated by the council nor subject to a section 32 analysis.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 24: 16 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: 1. Part (b) seeks that natural character be further assessed beyond what is required by NZCPS 2010.
 2. Part (d) requires further clarity to identify the Growth Management Areas for the Western Bay of Plenty as detailed in Appendix E.
 3. Part (g) requires clarity and context around what is covered by "water bodies".
 Decision Sought: Amend Policy CE 7B as follows (text added and deleted):
 "When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:
 (b) The criteria contained in Set 1 of Appendix F in order to confirm or refine the extent of high, very high or outstanding natural character at an appropriately localised scale for resource consent considerations;
 (d) Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned, designated or identified in Appendix D and E) or were previously present or obvious; and
 (g) Setting buildings and structures back from the coastal marine area and other significant natural waterbodies where practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment."

Council Decision:	Reject
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Submission Number: 25: 16 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: 1. Part (b) seeks that natural character be further assessed beyond what is required by NZCPS 2010.
 2. Part (d) requires further clarity to identify the Growth Management Areas for the Western Bay of Plenty as detailed in Appendix E.
 3. Part (g) requires clarity and context around what is covered by "water bodies".

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend Policy CE 7B as follows:
"When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:
(b) The criteria contained in Set 1 of Appendix F in order to confirm or refine the extent of high, very high or outstanding natural character at an appropriately localised scale for resource consent considerations;
(d) Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned, designated or identified in Appendix D and E) or were previously present or obvious; and
(g) Setting buildings and structures back from the coastal marine area and other significant natural waterbodies where practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment."

Council Decision: Reject

Submission Number: 26: 16 Submission Type: Seek Amendment

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: 1. Part (b) seeks that natural character be further assessed beyond what is required by NZCPS 2010.
2. Part (d) requires further clarity to identify the Growth Management Areas for the Western Bay of Plenty as detailed in Appendix E.
3. Part (g) requires clarity and context around what is covered by "water bodies".

Decision Sought: Amend Policy CE 7B as follows:
"When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:
(b) The criteria contained in Set 1 of Appendix F in order to confirm or refine the extent of high, very high or outstanding natural character at an appropriately localised scale for resource consent considerations;
(d) Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned, designated or identified in Appendix D and E) or were previously present or obvious; and
(g) Setting buildings and structures back from the coastal marine area and other significant natural waterbodies where practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment."

Council Decision: Reject

Submission Number: 27: 16 Submission Type: Seek Amendment

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: 1. Part (b) seeks that natural character be further assessed beyond what is required by NZCPS 2010.
2. Part (d) requires further clarity to identify the Growth Management Areas for the Western Bay of Plenty as detailed in Appendix E.
3. Part (g) requires clarity and context around what is covered by "water bodies".

Decision Sought: Amend Policy CE 7B as follows:
"When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:
(b) The criteria contained in Set 1 of Appendix F in order to confirm or refine the extent of high, very high or outstanding natural character at an appropriately localised scale for resource consent considerations;
(d) Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned, designated or identified in Appendix D and E) or were previously present or obvious; and
(g) Setting buildings and structures back from the coastal marine area and other significant natural waterbodies where practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment."

Council Decision: Reject

Submission Number: 28: 3 Submission Type: Support in Part

Submitter: Port of Tauranga Limited

Submission Summary: The Port supports the explanation recognising that "zoned" activities are appropriate. However, this point does not come through sufficiently in the Policy.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Decision Sought: Seek the policy be amended as follows:
Policy CE 78: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment

When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:

- (a) Where mapped, the level of natural character as shown in Maps in Appendix I and the level of protection to be afforded by Policy CE 2A;
- (b) The criteria contained in Set 1 of Appendix F in order to ascertain the existence of natural character at an appropriately localised scale for resource consent considerations
- (ba) The role of the coastal environment in providing for social and economic wellbeing of communities;
- (bb) recognising that previously zoned, anticipated or consented activities should be considered appropriate;

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No:	2 - 25	Submission Type:	Oppose
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Further Submitter: Environmental Defence Society Incorporated

Submission Summary: The suggested paragraph (ba) is not an appropriate consideration when determining the effect of subdivision, use and development on the natural character of the coastal environment.
Suggested paragraph (bb) is unnecessary due to reference in (d) to planned and previously present or obvious man-made elements.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	13 - 10	Submission Type:	Oppose
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Further Submitter: Western Bay of Plenty District Council

Submission Summary: The suggested wording limits appropriateness to only those "zoned, anticipated or consented activities" that exist before a certain date. This is opposed for the same reasons as submission point 23.8.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	14 - 10	Submission Type:	Not Applicable
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Further Submitter: Te Tumu Landowners Group

Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	15 - 10	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.

Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 16 - 10 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 10 Submission Type: Support
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: We support this submission to the extent that it aligns with the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 21 - 24 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For reasons stated by the submitter.
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 31: 4 Submission Type: Support in Part
 Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
 Submission Summary: Request the removal of the words 'where mapped' from part 'a' of the policy. This reference is not required as the areas have now been mapped. In the first paragraph of the explanation the Oil Companies request the removal of the word 'previously' from the beginning of the sentence. The word 'previously' could suggest that land that was previously zoned for a certain type of development, but has now been rezoned, or land that was previously consented for subdivision, but where the consent has subsequently lapsed, is also suitable for development.
 Decision Sought: Amend the wording of Policy CE 7B as follows: (delete "where mapped")
 a) The level of natural character as shown in Maps in Appendix I and the level of protection to be afforded by Policy CE 2A;

 Amend the wording of paragraph 1 of the explanation to Policy CE 7B as follows: (delete "Previously" "Zoned or consented subdivision should be considered appropriate. Part (a) applies only to the mapped areas.

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 1 - 12 Submission Type: Support
 Further Submitter: Basil Graeme
 Submission Summary: Support deleting "previously". Areas of high natural character or other areas of natural character may also have been included in previous "residential" zoning and also may be included in past or future hazard mapping.
 Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 2 - 26 Submission Type: Support in Part
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: The wording previously should be removed.
Decision Sought: The sentence should be amended to read "subdivision zoned or consented prior to the RPS entering into force should be considered "appropriate".

Council Decision:	Accept
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Further Submission No: 13 - 11 Submission Type: Support
Further Submitter: Western Bay of Plenty District Council
Submission Summary: Support the removal of the word "previously" (or wording of a similar effect) to avoid implying that a previous zoning or subdivision consent, which may have since lapsed, is still provided for.
Decision Sought:

Council Decision:	Accept
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Submission Number: 32: 4 Submission Type: Support in Part
Submitter: Powerco Limited
Submission Summary: Request the removal of the words 'where mapped' from part 'a' of the policy. This reference is not required as the areas have now been mapped.

The word 'previously' could suggest that land that was previously zoned for a certain type of development, but has now been rezoned, or land that was previously consented for subdivision, but where the consent has subsequently lapsed, is also suitable for development.
Decision Sought: Amend the wording of Policy CE 7B as follows:
"a) The level of natural character as shown in Maps in Appendix I and the level of protection to be afforded by Policy CE 2A;

Amend the wording of paragraph 1 of the explanation to Policy CE 7B as follows:
"Zoned or consented subdivision should be considered appropriate. Part (a) applies only to the mapped areas."

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 1 - 13 Submission Type: Support
Further Submitter: Basil Graeme
Submission Summary: Support deleting "previously". Areas of high natural character or other areas of natural character may also have been included in previous "residential" zoning and also may be included in past or future hazard mapping.
Decision Sought:

Council Decision:	Accept
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Submission Number: 33: 4 Submission Type: Support in Part
Submitter: Transpower New Zealand Limited
Submission Summary: Transpower requests the removal of the words 'where mapped' from part 'a' of the policy. This reference is not required as the areas have now been mapped.

The word 'previously' could suggest that land that was previously zoned for a certain type of development, but has now been rezoned, or land that was previously consented for subdivision, but where the consent has subsequently lapsed, is also suitable for development.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Decision Sought: Amend the wording of Policy CE 7B as follows: ("Where mapped" has been deleted)
"a) The level of natural character as shown in Maps in Appendix I and the level of protection to be afforded by Policy CE 2A;"

Amend the wording of paragraph 1 of the explanation to Policy CE 7B as follows: ("Previously" has been deleted)
"Zoned or consented subdivision should be considered appropriate. Part (a) applies only to the mapped areas."

Council Decision: Accept

Further Submission(s)

Further Submission No: 1 - 14 Submission Type: Support

Further Submitter: Basil Graeme

Submission Summary: Support deleting "previously". Areas of high natural character or other areas of natural character may also have been included in previous "residential" zoning and also may be included in past or future hazard mapping.

Decision Sought:

Council Decision: Accept

Submission Number: 35: 7 Submission Type: Oppose

Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen

Submission Summary: NTST does not support Amended Policy CE7B : Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment. NTST does however support Alternative 1 of the S32 Report.

Decision Sought: No specific remedy stated

Council Decision: Reject

Submission Number: 36: 9 Submission Type: Support in Part

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Submission Summary: Existing land use activities should be taken into account in any such assessment as they provide the context of the environment.

Decision Sought: Add an additional point in Policy CE 7B as follows:
h) The existing land use activities including associated man made elements.

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 21 - 25 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons stated by the submitter.

Decision Sought:

Council Decision: Accept in Part

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 38: 6 Submission Type: Support in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Lawfully established activities such as pastoral farming are appropriate and Federated Farmers seek to ensure that Policy CE7B does not become the basis of restricting normal farming practices in coastal areas. Further, the uncertainty which surrounds existing use rights and the absence of any mention of compensation options makes it difficult to understand the full ramifications of this policy.

Decision Sought: Amend Policy CE7B to ensure it does not become the basis of restrictions to primary production activities in the coastal environment. Norming farming practices should be acknowledged as being appropriate within the coastal environment.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 2 - 27 Submission Type: Oppose

Further Submitter: Environmental Defence Society Incorporated

Submission Summary: The policy is sufficient as paragraph (d) already protects existing and planned man-made elements.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 7 - 5 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Ltd

Submission Summary: The changes reflect but expand upon the concerns set out in Fonterra's primary submission which was concerned that the Policy and Appendix F would unnecessarily constrain primary production activities in the Coastal Environment.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 14 - 9 Submission Type: Support

Further Submitter: Te Tumu Landowners Group

Submission Summary: Support acknowledgement that normal farming practices are appropriate in the coastal environment.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 9 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Support acknowledgement that normal farming practices are appropriate in the coastal environment.

Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 16 - 9 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Support acknowledgement that normal farming practices are appropriate in the coastal environment.
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 9 Submission Type: Support
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Support acknowledgement that normal farming practices are appropriate in the coastal environment.
 Decision Sought:

Council Decision:	Reject
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Submission Number: 42: 2 Submission Type: Support in Part
 Submitter: Motiti Avocados Limited
 Submission Summary: The submitter does not consider the policy sufficiently recognises the importance of the benefits of activities conducted in the coastal environment which are beneficial to social and economic wellbeing (a point recognised in the New Zealand Coastal Policy Statement 2010 (see Policy 6(2) in particular)).

The explanation recognises that "previously zoned or consented subdivision" activities are appropriate, which reflects the NZCPS. This point should be a part of the policy itself. The ability for lower plans to assess natural character at a local level is also potentially problematic as it undermines the present assessment.

Motiti Avocados Limited supports the addition of the word "zoned" in subparagraph (d) of the Policy but considers that the bracketed words should not be a closed list so as not to rule out other planning mechanisms such as existing use rights.

Decision Sought: Amend the policy as follows:
 (b) The criteria contained in Set 1 of Appendix F in order to ascertain the existence of natural character at an appropriately localised scale for resource consent considerations;
 (ba) The role of the coastal environment in providing for social and economic wellbeing of communities;
 (bb) recognising that previously zoned or consented activities should be considered appropriate;
 (d) Avoiding the introduction or accumulation of man-made elements where none are planned (including where consented, zoned or designated) or were previously present or obvious..."

Explanation
 Policy CE 78 recognises that in some areas natural character has been mapped and directs decision makers to consider the appropriateness of development having regard of policy CE2A and local scale considerations. Previously zoned or consented should be considered "appropriate". Part (a) applies only to the mapped areas.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 24 - 3 Submission Type: Oppose
 Further Submitter: Motiti Rohe Moana Trust (MRMT)
 Submission Summary: Purported economic benefits should not over-ride cultural and heritage protections.
 Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 43: 1 Submission Type: Oppose

Submitter: W Ruha

Submission Summary: The land in question has been cropped for many years and is no different to many farmed blocks in the area. -Will severely restrict the ability for our whanau and future generations to live and enjoy their cultural and historic whenua. Many land owners may not be able to afford to build on their land and have to live in sub-standard housing such as caravan's, buses, garages or sheds. Why are some areas not included in this proposal.
e.g. the subdivision and the "doctors land". Land owners are being asked to provide the " amenity" and "enjoyment" of the coastal environment for the people of this country to enjoy but this is at our cost.

Decision Sought: Move High natural character line to within 5m of edge of bank or restrict zone to within "the Queens chain" area.

Council Decision:	Reject
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Submission Number: 44: 4 Submission Type: Support

Submitter: Basil Graeme

Submission Summary: Support changes.

Decision Sought: Retain Policy CE 7B as notified.

Council Decision:	Reject
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Submission Number: 45: 2 Submission Type: Seek Amendment

Submitter: Bay of Plenty Regional Council

Submission Summary: The proposed amendment improves readability without changing policy meaning.

Decision Sought: Delete "Where mapped" from the beginning of paragraph (a) and make subsequent amendments to paragraph (a) to read:
(a) The level of natural character as shown in Appendix I maps and the level of protection to be afforded by policy CE2A.
Amend the first sentence of the explanation to read:
Policy CE 78 recognises that in some areas of natural character -has have been mapped ...

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 1 - 15 Submission Type: Support

Further Submitter: Basil Graeme

Submission Summary: Support deleting "previously". Areas of high natural character or other areas of natural character may also hae been included in previous "residential" zoning and also may be included in past or future hazard mapping.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 8 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group

Submission Summary: We support the proposed amendments to Policy CE 7B to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.

Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 15 - 8 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: We support the proposed amendments to Policy CE 7B to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 8 Submission Type: Support in Part
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: We support the proposed amendments to Policy CE 7B to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 8 Submission Type: Support in Part
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: We support the proposed amendments to Policy CE 7B to the extent that they bring the Policy closer to the Policy amendments sought in the Te Tumu submissions.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 24 - 15 Submission Type: Support
 Further Submitter: Motiti Rohe Moana Trust (MRMT)
 Submission Summary: Support proposed amendments.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 47: 5 Submission Type: Oppose
 Submitter: Tauranga City Council
 Submission Summary: This policy should relate back to Appendix G of the RPS, given the Regional Council has already adopted appropriate assessment criteria to determine whether subdivision, use and development is appropriate or inappropriate. Policy CE 7B (d) should not just refer to 'consented, zoned or 'designated' areas. It should also reference adopted Reserve Management Plans. The Explanatory Statement reads (second sentence): 'Previously zoned or consented subdivision should be considered 'appropriate.' TCC supports that principle particularly in relation to urban growth areas identified by the RPS, but submits that greater clarity is required in the wording.
 Decision Sought: Amend Policy CE 7B by adding a new c) as outlined below:
 (c) The criteria contained in Appendix G in order to determine whether the subdivision, use or development is appropriate or inappropriate.
 Amend Policy CE 7B (d) as outlined below
 (d) avoiding the introduction or accumulation of appropriate man-made elements where none are planned (consented, zoned, designated or contained within an adopted reserve management plan) or were previously present or obvious; and ..."
 Amend the Explanatory Statement that supports Policy CE 7B as outlined below:
 'Previously zoned or consented subdivision should only be provided for where it is not inappropriate in accordance with the criteria contained in Set 1 of Appendix F for the purposes of Policy CE 7B.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 3 - 5 Submission Type: Support
 Further Submitter: Department of Conservation

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Support that CE 7B (d) also excludes such elements where they are provided for in a n adopted reserve management plan.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 5 - 11 Submission Type: Oppose

Further Submitter: NZ Transport Agency

Submission Summary: These planned i.e., consented, zoned or designated activities are already within part of the existing environment and have been each considered on their individual merits and therefore should not be subject to a further 'appropriate/inappropriate test'.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 6 - 13 Submission Type: Support in Part

Further Submitter: Transpower New Zealand Limited

Submission Summary: The inclusion of a reference to the criteria in Appendix G would be useful.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 8 - 13 Submission Type: Support in Part

Further Submitter: Powerco Limited

Submission Summary: Powerco agrees that the inclusion of a reference to the criteria in Appendix G would be useful.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 12 - 17 Submission Type: Support in Part

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: The Oil Companies agree that the inclusion of a reference to the criteria in Appendix G would be useful.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 14 - 7 Submission Type: Oppose

Further Submitter: Te Tumu Landowners Group

Submission Summary: Oppose the proposed amendments to Policy CE 7B as they question the appropriateness of the identified Growth Management Areas in the Western Bay of Plenty that are within the coastal environment.

Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 15 - 7 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Oppose the proposed amendments to Policy CE 7B as they question the appropriateness of the identified Growth Management Areas in the Western Bay of Plenty that are within the coastal environment.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 7 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Oppose the proposed amendments to Policy CE 7B as they question the appropriateness of the identified Growth Management Areas in the Western Bay of Plenty that are within the coastal environment.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 7 Submission Type: Oppose
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Oppose the proposed amendments to Policy CE 7B as they question the appropriateness of the identified Growth Management Areas in the Western Bay of Plenty that are within the coastal environment.

Decision Sought:

Council Decision:	Reject
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Submission Number: 50: 7 Submission Type: Oppose in Part
 Submitter: Ngati Makino Iwi Authority
 Submission Summary: The wording complicates and conflicts. We would rather see paragraph (e) split into two separate paras with Regionally significant surf breaks separated out and with surf breaks at "Maketu and Newdicks beach" added.

Decision Sought: Split (e) into an (e) and (f) and and renumerate the present (f) as (g) viz:
 (e) Avoiding significant adverse effects on:
 "...(f) Avoiding adverse effects "on Regionally significant surf breaks and their swell corridors, including those at Matakana Island the Whakatane Heads and Maketu including Newdicks Beach"
 (g) Encouraging efficient use of occupied space through..."

Council Decision:	Reject
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Section:	Policy CE 9B: Managing adverse effects of land-based activities in the coastal environment m	481
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Council Decision

Retain Policy CE 9B unchanged.

Reasons for Council Decision

Submissions 24-18, 6-14(f), 8-14(f), 10-13(f), 12-18(f), 21-26(f), 25-18, 6-15(f), 8-15(f), 12-19(f), 26-18, 6-16(f), 8-16(f), 12-20(f), 12-21(f), 27-18, 6-17(f), 8-17(f), 12-22(f): Policy CE 9B was not changed by Variation 1. Submissions on this policy are therefore out of scope. Requiring that subdivision not result in a significant contribution to sedimentation may result in cumulative, individually sub-significant, adverse effects.

Submissions

Submission Number: 24: 18 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: Part (a) requires clarity and context around what is covered by "water bodies".

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Decision Sought: Amend Policy CE 9B as follows (the words 'significant natural' added):
"Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:
(a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other significant natural water bodies within the coastal environment;"

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 6 - 14 Submission Type: Oppose
Further Submitter: Transpower New Zealand Limited
Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
Decision Sought: Retain policy as notified.

Council Decision:	Accept
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Further Submission No: 8 - 14 Submission Type: Oppose
Further Submitter: Powerco Limited
Submission Summary: These submissions are outside the scope of the variation.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 10 - 13 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This is not part of the variation.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 18 Submission Type: Oppose
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: This submission is outside the scope of the variation.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 26 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For reasons stated by the submitter.
Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 25: 18 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Part (a) requires clarity and context around what is covered by "water bodies".
 Decision Sought: Amend Policy CE 9B as follows:
 "Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:
 (a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other significant natural water bodies within the coastal environment;"

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 6 - 15 Submission Type: Oppose
 Further Submitter: Transpower New Zealand Limited
 Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
 Decision Sought: Retain policy as notified.

Council Decision:	Accept
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Further Submission No: 8 - 15 Submission Type: Oppose
 Further Submitter: Powerco Limited
 Submission Summary: These submissions are outside the scope of the variation.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 19 Submission Type: Oppose
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: This submission is outside the scope of the variation.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 26: 18 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Part (a) requires clarity and context around what is covered by "water bodies".
 Decision Sought: Amend Policy CE 9B as follows:
 "Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:
 (a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other significant natural water bodies within the coastal environment;"

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 6 - 16 Submission Type: Oppose
 Further Submitter: Transpower New Zealand Limited
 Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
 Decision Sought: Retain policy as notified.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision:	Accept
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Further Submission No: 8 - 16 Submission Type: Oppose

Further Submitter: Powerco Limited

Submission Summary: These submissions are outside the scope of the variation.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 20 Submission Type: Oppose

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: This submission is outside the scope of the variation.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 21 Submission Type: Oppose

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: This submission is outside the scope of the variation.

Decision Sought:

Council Decision:	Accept
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Submission Number: 27: 18 Submission Type: Seek Amendment

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Part (a) requires clarity and context around what is covered by "water bodies".

Decision Sought: Amend Policy CE 9B as follows (the words 'significant natural' added):
 "Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:
 (a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other significant natural water bodies within the coastal environment;"

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 6 - 17 Submission Type: Oppose

Further Submitter: Transpower New Zealand Limited

Submission Summary: Transpower understands these submissions to be outside the scope of the variation.

Decision Sought: Retain policy as notified.

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 8 - 17 Submission Type: Oppose

Further Submitter: Powerco Limited

Submission Summary: These submissions are outside the scope of the variation.

Decision Sought:

Council Decision: Accept

Further Submission No: 12 - 22 Submission Type: Oppose

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: This submission is outside the scope of the variation.

Decision Sought:

Council Decision: Accept

Section: Policy CE 10B: Allocating public space within the coastal marine area 469

Council Decision

Retain Policy CE 10B unchanged.

Reasons for Council Decision

Submissions 24-19, 25-19, 26-19, 27-19, 38-2, 10-25(f), 14-18(f), 15-18(f), 16-18(f), 17-18(f), 38-7, 2-4(f), 10-24(f), 14-19(f), 15-19(f), 16-19(f), 17-19(f): Policy CE 10B is unchanged by Variation 1. Submissions on this policy are therefore out of scope. Additional qualifiers concerning legal rights to access and perceived demand are not required as the policy concerns the allocation of the coastal marine area rather than access across private land.

Submissions

Submission Number: 24: 19 Submission Type: Support

Submitter: Te Tumu Landowners Group

Submission Summary: Policy CE 10B adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 10B as notified.

Council Decision: Accept

Submission Number: 25: 19 Submission Type: Support

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Policy CE 10B adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 10B as notified.

Council Decision: Accept

Submission Number: 26: 19 Submission Type: Support

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Policy CE 10B adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Policy CE 10B as notified.

Council Decision: Accept

Submission Number: 27: 19 Submission Type: Support

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Policy CE 10B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 10B as notified.

Council Decision: Accept

Submission Number: 38: 2 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Two important factors relating to access have been overlooked in the identification of the issue. First there is no legal requirement for public access. Secondly it is inappropriate to facilitate public access to the entire region's coastal marine areas.
Decision Sought: Add to the explanation of Policy CE10B:
a) State there is no legal requirement for public access to areas of privately owned land.
b) Considering the significant costs associated with maintenance it is inappropriate to facilitate public access to the entire region's coastal marine areas. Public access should be determined based on demand in which the public have identified a desire to have access amongst other things.

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 25 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision: Accept

Further Submission No: 14 - 18 Submission Type: Support
Further Submitter: Te Tumu Landowners Group
Submission Summary: Support explanation to this Policy that there is no legal requirement with regard to the provision of public access across private land or to private land.
Decision Sought:

Council Decision: Reject

Further Submission No: 15 - 18 Submission Type: Support
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Support explanation to this Policy that there is no legal requirement with regard to the provision of public access across private land or to private land.
Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 18 Submission Type: Support
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Support explanation to this Policy that there is no legal requirement with regard to the provision of public access across private land or to private land.
Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 17 - 18 Submission Type: Support
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Support explanation to this Policy that there is no legal requirement with regard to the provision of public access across private land or to private land.
Decision Sought:

Council Decision:	Reject
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Submission Number: 38: 7 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Landowners should not be unreasonably impacted or controlled in their farming activities simply because they neighbour a coastal marine area.
Decision Sought: Add the following consideration.
(i) Respect for the rights and wishes of private property owners

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 2 - 4 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: Not required as (h) requires consideration to be given to existing uses.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 10 - 24 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 19 Submission Type: Support
Further Submitter: Te Tumu Landowners Group
Submission Summary: Support acknowledgement of private property rights in this Policy.
Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 19 Submission Type: Support
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Support acknowledgement of private property rights in this Policy.
Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 16 - 19 Submission Type: Support
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Support acknowledgement of private property rights in this Policy.
Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 19 Submission Type: Support
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Support acknowledgement of private property rights in this Policy.
Decision Sought:

Council Decision: Reject

Section: Policy CE 10XB: Discouraging hard protection structures

470

Council Decision

Retain Policy CE10 XB unchanged

Reasons for Council Decision

Submissions 5-2, 13-1(f), 12-5, 2-5(f), 24-20, 10-29(f), 25-20, 26-20, 27-20: Policy CE 10XB is unchanged by Variation 1 and is currently under appeal. Submissions on this policy are therefore out of scope.

Submissions

Submission Number: 5: 2 Submission Type: Support
Submitter: Opotiki District Council
Submission Summary: Council agrees that soft protection is the most appropriate outcome however it is considered important to ensure established communities and infrastructure can be protected and at times this may require hard protection.
Decision Sought: Retain Policy CE 7B as notified.

Council Decision: Accept

Further Submission(s)

Further Submission No: 13 - 1 Submission Type: Support
Further Submitter: Western Bay of Plenty District Council
Submission Summary: Western Bay of Plenty District Council has an outstanding appeal against decisions made on this policy. It is unclear whether or not Policy CE11B is within the scope of this Variation.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 12: 5 Submission Type: Oppose
Submitter: NZ Transport Agency
Submission Summary: NZTA has appealed these provisions.
Decision Sought: Amendments to these provisions consistent with the relief sought by the NZTA in a current appeal to the Environment Court.

Council Decision: Reject

Further Submission(s)

Further Submission No: 2 - 5 Submission Type: Other
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: Support discouraging hard protection structures
Decision Sought:

Council Decision: Accept

Submission Number: 24: 20 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Policy CE 10XB adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 10XB as notified.

Council Decision: Accept

Further Submission(s)

Further Submission No: 10 - 29 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision: Accept

Submission Number: 25: 20 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Policy CE 10XB adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 10XB as notified.

Council Decision: Accept

Submission Number: 26: 20 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Policy CE 10XB adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 10XB as notified.

Council Decision: Accept

Submission Number: 27: 20 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Policy CE 10XB adequately recognises the provisions of the NZCPS 2010.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Decision Sought: Adopt Policy CE 10XB as notified.

Council Decision: Accept

Section: Policy CE 11B: Avoiding inappropriate hard protection structures in the coastal environment

471

Council Decision

Retain Policy CE 11B unchanged.

Reasons for Council Decision

Submissions 24-21, 10-30(f), 13-9(f), 25-21, 26-21, 27-21: Policy CE 11B is unchanged by Variation 1 and is currently under appeal. Submissions on this policy are therefore out of scope.

Submissions

Submission Number: 24: 21 Submission Type: Seek Amendment
Submitter: Te Tumu Landowners Group
Submission Summary: The title text for Policy CE 11B does not adequately reflect the text or provisions of the NZCPS 2010.
Decision Sought: Amend Policy CE 11B as follows (replace 'Avoiding' with 'Managing' and delete the word 'inappropriate'): "Policy CE 11B: Managing hard protection structures in the coastal environment"

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 30 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision: Accept

Further Submission No: 13 - 9 Submission Type: Oppose
Further Submitter: Western Bay of Plenty District Council
Submission Summary: Any changes through this Variation process are opposed. It is unclear whether or not Policy CE11B is within the scope of this Variation.
Decision Sought:

Council Decision: Accept

Submission Number: 25: 21 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: The title text for Policy CE 11B does not adequately reflect the text or provisions of the NZCPS 2010.
Decision Sought: Amend Policy CE 11B as follows (replace 'Avoiding' with 'Managing' and delete the word 'inappropriate'): "Policy CE 11B: Managing hard protection structures in the coastal environment"

Council Decision: Reject

Submission Number: 26: 21 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: The title text for Policy CE 11B does not adequately reflect the text or provisions of the NZCPS 2010.
Decision Sought: Amend Policy CE 11B as follows (replace 'Avoiding' with 'Managing' and delete the word 'inappropriate'): "Policy CE 11B: Managing hard protection structures in the coastal environment"

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision: Reject

Submission Number: 27: 21 Submission Type: Seek Amendment
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: The title text for Policy CE 11B does not adequately reflect the text or provisions of the NZCPS 2010.
Decision Sought: Amend Policy CE 11B as follows (replace 'Avoiding' with 'Managing' and delete the word 'inappropriate'): "Policy CE 11B: Managing hard protection structures in the coastal environment"

Council Decision: Reject

Section: Policy CE 12B: Enabling sustainable aquaculture

472

Council Decision

Retain Policy CE 12B unchanged.

Reasons for Council Decision

Submissions 5-3, 10-32(f), 24-22, 10-31(f), 25-22, 26-22, 27-22, 39-1, 10-36(f): Policy CE 12B is unchanged by Variation 1 and is currently under appeal. Submissions on this policy are therefore out of scope.

Submissions

Submission Number: 5: 3 Submission Type: Support in Part
Submitter: Opotiki District Council
Submission Summary: Support the enabling of sustainable aquaculture and the need to service these developments.
Decision Sought: Amend the explanation to make reference to the consented marine farm at Opotiki along with the oyster farm located within Ohiwa Harbour.

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 32 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision: To Be Advised

Submission Number: 24: 22 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Policy CE 12B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 12B as notified.

Council Decision: Accept

Further Submission(s)

Further Submission No: 10 - 31 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 25: 22 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Policy CE 12B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 12B as notified.

Council Decision: Accept

Submission Number: 26: 22 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Policy CE 12B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 12B as notified.

Council Decision: Accept

Submission Number: 27: 22 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Policy CE 12B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Policy CE 12B as notified.

Council Decision: Accept

Submission Number: 39: 1 Submission Type: Seek Amendment
Submitter: Eastern Sea Farms Limited
Submission Summary: The policy should take into account the land uses and values on the coastal margin beside where the coastal aquaculture activities are taking place.
Uses definition words in RMA of aquaculture activities, ensures land based activities are associated with support to coastal based aquaculture approved through Coastal Plan AMA area. Ensures that the policy relates to matters as already identified in Policy of plans.
Decision Sought: Amend (a) " existing uses and values within the coastal marine area or within the coastal landward area"
Amend (d) to state "ancillary land based facilities and infrastructure associated with aquaculture activities undertaken in identified AMA areas."
Amend (e) to state " .. Adverse effects on marine mammal or identified areas of significant landscape, heritage, cultural and ecological value within any relevant regional or district plan.

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 36 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: This policy is not part of the variation.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

473

Section: Policy CE 13B: Providing for ports

Council Decision

Amend Policy CE13B by reformatting and including the safeguarding of "activities that have a functional need to be located in and around the port and ..." to read:

'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:

- (a) Safeguarding the capacity and efficiency of:
 - 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
- (b) Providing, as appropriate, in the regional coastal plan, for future port operations and capacity; and
- (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
- (d) Avoiding activities in areas that may compromise port operations.'

Insert a new ports Policy CE 13XB under Policy CE 13B with reference to the functional need for ports at Whakatane and Opotiki to locate in the coastal marine area to read:

'Policy CE 13XB: Recognising secondary ports

Recognise the local and regional significance of ports at Whakatane and Opotiki and take into account their social and economic benefits, including the need to maintain navigation channels.

Explanation

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.

Opotiki and Whakatane Ports are located in river estuaries and require ongoing dredging in order to maintain safe vessel access.'

Reasons for Council Decision

Submissions 28-4, 5-4, 7-13, 5-5, 10-34(f), 20-3(f), 7-13, 11-2, 10-35(f), 20-5(f), 23-9, 1-3(f), 20-6(f), 28-4, 1-4(f), 10-37(f), 12-7(f), 18-11(f), 44-5, 20-10(f), 31-5, 20-8(f), 35-9, 20-9(f), 29-2, 2-6(f), 10-2(f), 12-6(f): NZCPS Policy 9 targets major ports. However, there is considerable community interest in providing for lesser ports. The ports of Whakatane and Opotiki either currently contribute significantly to their local communities or are likely to do so in the future. The proposed amendments recognise this but will not eliminate the need for these facilities to undertake detailed assessments prior to their development or expansion. It should be noted that policy 9(b) of the NZCPS requires consideration of where, when and how to provide for port development. Amendments provide that this be a matter for consideration under the RCEP which is currently under development and is better able to address potential development/ protection tensions within its regulatory toolkit.

Submissions 1-2, 12-6, 24-23, 25-23, 26-23, 27-23: Support is noted. Further amendments are recommended to better achieve the intent of Policy 9 of the NZCPS 2010.

Submissions

Submission Number: 1: 2 Submission Type: Support

Submitter: KiwiRail

Submission Summary: The proposed change to this policy provides better direction about the importance of the Port of Tauranga to the region and better provides for the strategic transport connections to the Port (including rail).

Decision Sought: Retain proposed changes to Policy CE 13B.

Council Decision: Accept in Part

Submission Number: 5: 4 Submission Type: Support in Part

Submitter: Opotiki District Council

Submission Summary: The development of the port of Opotiki will also provide a significant economic benefit to the region, particularly the eastern part of the region.

Decision Sought: That this policy be expanded to include provision for secondary ports such as Opotiki and Whakatane.

Council Decision: Accept

Further Submission(s)

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 10 - 33 Submission Type: Support in Part
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: It would be advisable for the RPS to give some guidance for regional plans e.g. avoiding uses that would compromise port functions.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 20 - 2 Submission Type: Support in Part
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port seeks that this relief be assessed and provided through a separate policy and that it be declined so far as it leads to changes to CE 138 as this is framed around recognition of the Port specifically as a port of national significance.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 5: 5 Submission Type: Support in Part
 Submitter: Opotiki District Council
 Submission Summary: Servicing of ports should be allowed for in planning documents to manage the development in the most appropriate and practical location.
 Decision Sought: Add to the policy as follows:
 (d) requiring zones within regional and district plans to support appropriate industries adjacent to ports.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 10 - 34 Submission Type: Support in Part
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: It would be advisable for the RPS to give some guidance for regional plans e.g. avoiding uses that would compromise port functions.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 20 - 3 Submission Type: Other
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port neither supports nor opposes this relief but considers that it should be assessed as a separate policy provision in light of the specific application of Policy CE 13B to the Port.
 Decision Sought:

Council Decision:	Reject
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Submission Number: 7: 13 Submission Type: Oppose
 Submitter: Western Bay of Plenty District Council
 Submission Summary: This policy needs to consider the future of the ports of Whakatane and Opotiki given the potential for aquaculture in these areas.
 Decision Sought: Reword as follows:
 "Recognise the national and regional significance of the port of Tauranga and provide for the functional need of other ports by;"

Council Decision:	Accept in Part
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Submission Number: 11: 2 Submission Type: Support in Part

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submitter: Whakatane District Council

Submission Summary: The contribution that the Port of Whakatane makes to the economic wellbeing of the community, and the need to safeguard the capacity of this could be acknowledged.

Decision Sought: Amend policy and explanation to provide reference to the Port of Whakatane.

Council Decision: Accept

Further Submission(s)

Further Submission No: 10 - 35 Submission Type: Support in Part

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: It would be advisable for the RPS to give some guidance for regional plans e.g. avoiding uses that would compromise port functions.

Decision Sought:

Council Decision: Accept

Further Submission No: 20 - 5 Submission Type: Support in Part

Further Submitter: Port of Tauranga Limited

Submission Summary: The Port seeks that this relief be assessed and provided through a separate policy and that it be declined so far as it leads to changes to CE 13B as this is framed around recognition of the Port specifically as a port of national significance.

Decision Sought:

Council Decision: Accept

Submission Number: 12: 6 Submission Type: Support

Submitter: NZ Transport Agency

Submission Summary: The NZTA supports this policy as it acknowledges the importance of multi modal transport connections.

Decision Sought: Retain as notified.

Council Decision: Accept

Submission Number: 23: 9 Submission Type: Oppose in Part

Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: A lack of information about what "future port operations" might entail makes support for this wording problematical.

Decision Sought: Delete the words "current and future" from (a).

Council Decision: Reject

Further Submission(s)

Further Submission No: 1 - 3 Submission Type: Support

Further Submitter: Basil Graeme

Submission Summary: The port is not a deep water port and further artificial deepening is not sustainable. Maintenance is sufficient provision.

Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 20 - 6 Submission Type: Oppose
 Further Submitter: Port of Tauranga Limited
 Submission Summary: Policy 9 of the New Zealand Coastal Policy Statement 2010 (NZCPS 201 0) is forward looking.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 24: 23 Submission Type: Support
 Submitter: Te Tumu Landowners Group
 Submission Summary: Policy CE 13B adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Policy CE 13B as notified.

Council Decision:	Reject
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Submission Number: 25: 23 Submission Type: Support
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Policy CE 13B adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Policy CE 13B as notified.

Council Decision:	Reject
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Submission Number: 26: 23 Submission Type: Support
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Policy CE 13B adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Policy CE 13B as notified.

Council Decision:	Reject
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Submission Number: 27: 23 Submission Type: Support
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Policy CE 13B adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Policy CE 13B as notified.

Council Decision:	Reject
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Submission Number: 28: 4 Submission Type: Oppose in Part
 Submitter: Port of Tauranga Limited
 Submission Summary: Variation Policy still fails to capture the enabling components of the NZCPS. There is a need to promote increased capacity for shipping as required by the NZCPS.
 Decision Sought: Seek the policy be amended as follows: (add text to (c) and add (d))
 (b) 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
 (c) avoiding activities in areas that may compromise port operations and providing for the functional need of ports to locate in the coastal environment";,;and
 (d) Providing for the development of the Port's infrastructure and capacity for shipping'

Council Decision:	Reject
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Further Submission(s)

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 1 - 4 Submission Type: Oppose
 Further Submitter: Basil Graeme
 Submission Summary: The port is not a deep water port and further artificial deepening is not sustainable. Maintenance is sufficient provision.
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 10 - 37 Submission Type: Oppose
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: The additional wording simply repeats what is already in (a).
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 7 Submission Type: Support in Part
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The Oil Companies support the submission to the extent that it seeks to recognise the function need of port activities to locate in the coastal environment.
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 11 Submission Type: Support
 Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc
 Submission Summary: The port is important infrastructure that needs to be adequately provided for.
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 29: 2 Submission Type: Support in Part
 Submitter: The Sterling Trust
 Submission Summary: The Regional Council is protecting its own business interests, the Ports of Tauranga. It would be reasonable and equitable that all business/industrial zoned sites were afforded the same protection to develop where located in or adjacent to Natural Character areas.
 Decision Sought: Amend policy to include all existing business/industrial zoned sites located in and adjacent to Natural Character areas.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 2 - 6 Submission Type: Oppose
 Further Submitter: Environmental Defence Society Incorporated
 Submission Summary: Port of Tauranga has national and regional significance and must be located in CMA.
 Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 10 - 2 Submission Type: Oppose
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: This policy is implementing NZCPS Policy 9. It is intended to promote business interests per se over matters of national importance.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 6 Submission Type: Support in Part
 Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
 Submission Summary: The submission is supported to the extent that the Oil Companies' own submission seeks to extend the scope of the policy to include activities, such as the bulk storage tanks at the Port of Tauranga, that have a functional need to be located in and around the port.
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 20 - 7 Submission Type: Oppose
 Further Submitter: Port of Tauranga Limited
 Submission Summary: Policy CE 13B recognises the national significance of the Port and reflects Policy 9 of the NZCPS 2010.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 31: 5 Submission Type: Support
 Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
 Submission Summary: Bulk storage tanks at the Port of Tauranga, for example, are not necessarily a port activity per se but have a functional need to be located at the port in order to receive, store and distribute refined petroleum products to the Bay of Plenty region.
 Decision Sought: Expand Policy CE13B as set out below or with wording to the same effect:
 "Recognise the national and regional significance of the Port of Tauranga by:
 (a) Safeguarding the capacity and efficiency of current and future port operations, activities with a functional need to be located in and around the Port and the strategic road, rail and sea routes to the Port; and..."

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 20 - 8 Submission Type: Other
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port supports the intent of the changes sought, but wishes to ensure that the Policy in its final form accommodates the relief in a manner that gives proper effect to the NZCPS 2010, in light of the matters raised in the Port's appeal and submission on the Policy.
 Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 35: 9 Submission Type: Oppose
Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen
Submission Summary: NTST does not support Amended Policy CE13B : Providing for Ports. NTST does however support Alternative 1 of the S32 report.
Decision Sought: No specific remedy sought.

Council Decision: Reject

Further Submission(s)

Further Submission No: 20 - 9 Submission Type: Oppose
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port had, and has, concerns with the s32 report in general, including because it states that the NZCPS 2010 is given effect to.
Decision Sought:

Council Decision: Accept

Submission Number: 44: 5 Submission Type: Support in Part
Submitter: Basil Graeme
Submission Summary: The capacity of future port operations may be unsustainable. Support (b)
Decision Sought: Request delete "capacity"

Council Decision: Reject

Further Submission(s)

Further Submission No: 20 - 10 Submission Type: Oppose
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port seeks that this relief be declined as the development of ports' capacity for shipping is provided for in the NZCPS 2010.
Decision Sought:

Council Decision: Accept

Section: Policy MN 4B: Encouraging ecological restoration

482

Council Decision

Retain Policy MN 4B unchanged.

Reasons for Council Decision

Submissions 24-26, 25-26, 26-26, 27-26: Policy MN 4B was not changed by Variation 1 and is outside scope. Submitters sought no change.

Submissions

Submission Number: 24: 26 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Policy MN 4B is supported.
Decision Sought: Adopt Policy MN 4B as notified.

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 25: 26 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Policy MN 4B is supported.
Decision Sought: Adopt Policy MN 4B as notified.

Council Decision: Accept

Submission Number: 26: 26 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Policy MN 4B is supported.
Decision Sought: Adopt Policy MN 4B as notified.

Council Decision: Accept

Submission Number: 27: 26 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Policy MN 4B is supported.
Decision Sought: Adopt Policy MN 4B as notified.

Council Decision: Accept

Section: Policy MN 6B: Restricting public access to and along the coast, lakes and rivers

483

Council Decision

Amend Policy MN 6B to read:

'Policy MN 6B: Restricting public access to and along the coast, lakes and rivers

Restrict public access to and along the coast, lakes and rivers only where necessary to:

- Protect public health or safety, including a consideration of existing or reasonably foreseeable conflict between uses; or
- Protect dunes, estuaries, areas of sensitive indigenous vegetation and/or habitats of indigenous fauna; or
- Protect threatened indigenous species in the coastal environment; or
- Protect historic heritage and Maori cultural values and activities; or
- Provide for temporary activities, activities for defence purposes or special events within the coastal environment; or
- Provide a level of security consistent with the purpose of a resource consent; or
- Achieve one or more of the objectives of this Policy Statement; or
- Recognise other exceptional circumstances that are sufficient to justify a restriction.

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.

Explanation

In limited situations there are sensitive areas of the coast which would be compromised by unrestricted public access. These need to be recognised and provided for, as do other areas where public access is inappropriate for safety or security reasons. A requirement for an esplanade reserve or strip that would provide public access to or along these areas shall not be waived unless there are exceptional circumstances that mean provision of an esplanade reserve or strip would not be in the public interest. It is recognised that in some parts of the region access to the coast, lakes and rivers requires passage over land that is in private ownership. Public access over such land requires the permission of the landowner.'

Reasons for Council Decision

Submissions 7-15, 22-7, 1-1(f), 38-8, 44-6: Council's decisions on the Proposed RPS (notified on 14 August 2012) made amendments to Policy MN 6B not reflected in Variation 1 at the time of notification in May 2012. Staff recommendations are made in response to submissions received as well as promoting alignment with Council's decisions from August. The policy is sufficiently clear in that it relates to public access to and along the coast, lakes and rivers in order to give effect to section 6(d) of the RMA. The words "access to and along" naturally extend to and from the surface of the adjoining water body whether it's a lake, river or the coastal marine area. Support for the amendments including the addition of paragraph (c) and 'estuaries' in paragraph (b) is noted.

Submissions 23-10, 1-2(f), 1-16(f), 3-7(f), 14-24(f), 15-24(f), 16-24(f), 17-24(f): The reference to "exceptional circumstances" mirrors requirements of the NZCPS2010 (19.3). Paragraph (b) has been amended to replace 'significant' with 'sensitive'. Decision makers must still exercise judgement on the extent to which public access should be restricted. Particularly when considering whether a restriction is justified and necessary to avoid compromising any RPS objectives as well as the appropriateness of any alternative free public access that may be offered as potential mitigation.

Submissions 24-27, 3-6(f), 25-27, 26-27, 27-27: The NZCPS sets limits on public access restrictions in Policy 19.3. Restricting public access only when

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"nationally" threatened species are present is a much "tougher" test than that in the NZCPS.

Submission 38-8, 10-28(f), 14-23(f), 15-23(f), 16-23(f), 17-23(f): Issues of landowner rights are acknowledged. Land ownership issues are provided for by the RMA when considering acquisition for public access. It is not possible for Councils to acquire land without going through either a resource consent (i.e. subdivision which may result in an esplanade reserves) or a public works process. The RMA also forbids rules preventing reasonable use of land.

Most District Plans in the BOP Region provide for public access as prescribed in the RMA. This means that if a lot less than 4 Ha is formed adjacent the coast/ river an esplanade reserve will be required. Some extend this to larger allotments - but this requires compensation - which discourages many Councils. This means reserves (or strips) are only ever established upon subdivision in particular locations, according to specific rules and below certain thresholds. If there is no subdivision there is no acquisition - meaning that for most rural operations the issue never comes up.

It is appropriate that the explanation to policy MN 6B confirm that landowner approval is required where public access is proposed across private land - though this is a matter of law that Council has no influence over.

Submissions

Submission Number: 7: 15 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: The intention of this policy is unclear.
Decision Sought: Clarify whether the conflict is between different public uses with the coastal marine area (including its margins), or between public uses in the coastal marine area and public uses on its margins.

Council Decision: Reject

Submission Number: 22: 7 Submission Type: Support
Submitter: Environmental Defence Society Incorporated
Submission Summary: Paragraphs (b) and (c) make an appropriate balance by restricting public access only where it will compromise indigenous vegetation and/or habitats.
Paragraph [(h)] promotes public access by ensuring any practicable alternative access is considered.
Decision Sought: No change requested.

Council Decision: Accept

Further Submission(s)

Further Submission No: 1 - 1 Submission Type: Support
Further Submitter: Basil Graeme
Submission Summary: Support reasons given.
Decision Sought:

Council Decision: Accept

Submission Number: 23: 10 Submission Type: Oppose in Part
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: (b) should substitute the word "significant" for "sensitive", the latter being used in the NZCPS, (g) potentially is cast more broadly than intended by the NZCPS Policy 19 (3) (j), which refers to "exceptional circumstances".
The reference to mitigation is also misleading as it implies the effect can be mitigated when that might not be possible or appropriate.
Decision Sought: Amend wording for consistency with NZCPS Policy 19 (3).
Delete the words "as mitigation"

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 1 - 2 Submission Type: Support

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Further Submitter: Basil Graeme
Submission Summary: Mitigation not always appropriate.
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 1 - 16 Submission Type: Support
Further Submitter: Basil Graeme
Submission Summary: Mitigation not always appropriate.
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 3 - 7 Submission Type: Support
Further Submitter: Department of Conservation
Submission Summary: Support use of term "sensitive" instead of "significant" to better reflect NZCPS Policy 19 (3).
Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 24 Submission Type: Oppose
Further Submitter: Te Tumu Landowners Group
Submission Summary: The changes proposed alters the intent and interpretation of the policy.
Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 24 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: The changes proposed alters the intent and interpretation of the policy.
Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 24 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: The changes proposed alters the intent and interpretation of the policy.
Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 17 - 24 Submission Type: Oppose
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: The changes proposed alters the intent and interpretation of the policy.
Decision Sought:

Council Decision: Reject

Submission Number: 24: 27 Submission Type: Seek Amendment
Submitter: Te Tumu Landowners Group
Submission Summary: In the context of restricting access the level of threatened indigenous species in the coastal environment requires clarity.
Decision Sought: Amend Policy MN 6B as follows:
"Restrict public access only where public access will compromise:
(c) The protection of nationally threatened indigenous species in the coastal environment; or"

Council Decision: Reject

Further Submission(s)

Further Submission No: 3 - 6 Submission Type: Oppose
Further Submitter: Department of Conservation
Submission Summary: Limiting (c) to only nationally threatened species conflicts with NZCPS Policy 19(3)(a) which refers to "threatened indigenous species" rather than "nationally threatened species",
Decision Sought:

Council Decision: Accept

Submission Number: 25: 27 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: In the context of restricting access the level of threatened indigenous species in the coastal environment requires clarity.
Decision Sought: Amend Policy MN 6B as follows:
"Restrict public access only where public access will compromise:
(c) The protection of nationally threatened indigenous species in the coastal environment; or"

Council Decision: Reject

Submission Number: 26: 27 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: In the context of restricting access the level of threatened indigenous species in the coastal environment requires clarity.
Decision Sought: Amend Policy MN 6B as follows (add the word "nationally"):
"Restrict public access only where public access will compromise:
(c) The protection of nationally threatened indigenous species in the coastal environment; or"

Council Decision: Reject

Submission Number: 27: 27 Submission Type: Seek Amendment
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: In the context of restricting access the level of threatened indigenous species in the coastal environment requires clarity.
Decision Sought: Amend Policy MN 6B as follows (add the word "nationally"):
"Restrict public access only where public access will compromise:
(c) The protection of nationally threatened indigenous species in the coastal environment; or"

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Further Submission No: 17 - 23 Submission Type: Support
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: We support this submission seeking acknowledgement of private property rights in this Policy.
Decision Sought:

Council Decision: Accept

Submission Number: 44: 6 Submission Type: Support
Submitter: Basil Graeme
Submission Summary: Support addition of "estuaries" in (b)
Decision Sought: No change requested

Council Decision: Accept

Section: Policy MN 7B: Using criteria to assess appropriateness of development

493

Council Decision

Retain policy MN7B unchanged.

Reasons for Council Decision

Submissions 24-28, 25-28, 26-28, 27-28: Policy MN7B was not amended by Variation 1 and therefore submissions on this policy are out of scope. Furthermore, policy MN7B only provides criteria for where subdivision, use and development is "appropriate" and does not absolve decision-makers from responsibilities under Pt 2 of the RMA.

Submissions

Submission Number: 24: 28 Submission Type: Oppose
Submitter: Te Tumu Landowners Group
Submission Summary: 1. It reads as a rule,
2. Re-states that Act and
3. It does not allow full consideration of Part 2 of the Act.
Decision Sought: Delete Policy MN 7B
OR in the alternative;
Amend Policy MN 7B as follows: (delete (a)-(f) and amend text)
"Policy MN 7B: Using criteria to assess appropriateness of development
An assessment with regard to whether subdivision, use and development is inappropriate shall include using criteria consistent with those in Appendix G, for areas to be recognised and provided for under section 6 of the Act.

Council Decision: Reject

Further Submission(s)

Further Submission No: 6 - 18 Submission Type: Oppose
Further Submitter: Transpower New Zealand Limited
Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
Decision Sought: Retain policy as notified.

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 8 - 18 Submission Type: Oppose

Further Submitter: Powerco Limited

Submission Summary: These submissions are outside the scope of the variation.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 23 Submission Type: Oppose

Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd

Submission Summary: This submission is outside the scope of the variation.

Decision Sought:

Council Decision:	Accept
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Submission Number: 25: 28 Submission Type: Oppose

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: 1. It reads as a rule,
2. Re-states that Act and
3. It does not allow full consideration of Part 2 of the Act.

Decision Sought: Delete Policy MN 7B
OR in the alternative;
Amend Policy MN 7B as follows:
"Policy MN 7B: Using criteria to assess appropriateness of development
An assessment with regard to whether subdivision, use and development is inappropriate shall include using criteria consistent with those in Appendix G, for areas to be recognised and provided for under section 6 of the Act.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 6 - 19 Submission Type: Oppose

Further Submitter: Transpower New Zealand Limited

Submission Summary: Transpower understands these submissions to be outside the scope of the variation.

Decision Sought: Retain policy as notified.

Council Decision:	Accept
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Further Submission No: 8 - 19 Submission Type: Oppose

Further Submitter: Powerco Limited

Submission Summary: These submissions are outside the scope of the variation.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 12 - 24 Submission Type: Oppose
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: This submission is outside the scope of the variation.
Decision Sought:

Council Decision:	Accept
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Submission Number: 26: 28 Submission Type: Seek Amendment
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: 1. It reads as a rule,
2. Re-states that Act and
3. It does not allow full consideration of Part 2 of the Act.
Decision Sought: Delete Policy MN 7B
OR in the alternative;
Amend Policy MN 7B as follows: (delete (a)-(f) and amend text)
"Policy MN 7B: Using criteria to assess appropriateness of development
An assessment with regard to whether subdivision, use and development is inappropriate shall include using criteria consistent with those in Appendix G, for areas to be recognised and provided for under section 6 of the Act.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 6 - 20 Submission Type: Not Applicable
Further Submitter: Transpower New Zealand Limited
Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
Decision Sought: Retain policy as notified.

Council Decision:	Accept
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Further Submission No: 8 - 20 Submission Type: Oppose
Further Submitter: Powerco Limited
Submission Summary: These submissions are outside the scope of the variation.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 25 Submission Type: Oppose
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: This submission is outside the scope of the variation.
Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 27: 28 Submission Type: Seek Amendment
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: 1. It reads as a rule,
2. Re-states that Act and
3. It does not allow full consideration of Part 2 of the Act.
Decision Sought: Delete Policy MN 7B
OR in the alternative;
Amend Policy MN 7B as follows: (delete (a)-(f) and amend text)
"Policy MN 7B: Using criteria to assess appropriateness of development
An assessment with regard to whether subdivision, use and development is inappropriate shall include using criteria consistent with those in Appendix G, for areas to be recognised and provided for under section 6 of the Act.

Council Decision: Reject

Further Submission(s)

Further Submission No: 6 - 21 Submission Type: Oppose
Further Submitter: Transpower New Zealand Limited
Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
Decision Sought: Retain policy as notified.

Council Decision: Accept

Further Submission No: 8 - 21 Submission Type: Not Applicable
Further Submitter: Powerco Limited
Submission Summary: These submissions are outside the scope of the variation.
Decision Sought:

Council Decision: Accept

Further Submission No: 12 - 26 Submission Type: Oppose
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: This submission is outside the scope of the variation.
Decision Sought:

Council Decision: Accept

Section: Policy MN 8B: Managing effects of subdivision, use and development

484

Council Decision

Amend Policy MN 8B explanation to read:

'Explanation

"Values and places assessed as warranting recognition and provision for as matters of national importance, apart from natural character which is addressed in Policy CE 2B, using criteria consistent with those in the Appendix F shall be prioritised. If avoidance of potential adverse effects isn't achievable as the highest priority then effects should be remedied or mitigated. Nevertheless, any adverse effect of an activity on such values and places needs to be addressed. Schedule 4 to the Act requires an applicant for resource consent to include with their application an assessment of environmental effects that the activity may have. The criteria in Appendix F assist in identifying elements of the environment that may be so affected. An assessment is to be in such detail as corresponds with the scale and significance of the effects. Not all activities will affect matters of national importance, and applicants and decision makers will accordingly have to exercise judgement about what is necessary to include in the assessment of environmental effects."

Reasons for Council Decision

Submissions 22-8, 6-22(f), 8-22(f), 9-1(f), 12-27(f), 14-25(f), 15-25(f), 16-25(f), 17-25(f), 22-5(f), 24-12(f), 24-29, 25-29, 26-29, 27-29: Policy MN 8B "Managing effects of subdivision, use and development" was not changed by Proposed RPS Variation 1. However, the subject matter -natural character (being a matter of national importance) was explicitly dealt with in Variation 1.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Policy CE 2B (previously Policy CE 2A) more specifically addresses "Natural Character". The proposed amendment to the explanation ensures the more specific "natural character" policy is properly considered.

Submissions

Submission Number: 22: 8 Submission Type: Oppose
Submitter: Environmental Defence Society Incorporated
Submission Summary: This policy is inconsistent with policy 13 of the NZCPS 2010, which requires all adverse effects on natural character to be avoided (not remedied or mitigated) in areas of the coastal environment with outstanding natural character.
Decision Sought: Amend as follows:
Avoid adverse effects of subdivision, use and development on matters of national importance assessed in accordance with Policy MN 1B as warranting protection under section 6 of the Act.
Explanation
"...If avoidance of potential adverse effects isn't achievable subdivision use and development should be avoided. Schedule 4 to the Act requires an application for resource consent to..."

Council Decision: Reject

Further Submission(s)

Further Submission No: 6 - 22 Submission Type: Oppose
Further Submitter: Transpower New Zealand Limited
Submission Summary: Transpower understands these submissions to be outside the scope of the variation.
Decision Sought: Retain policy as notified.

Council Decision: Accept in Part

Further Submission No: 8 - 22 Submission Type: Oppose
Further Submitter: Powerco Limited
Submission Summary: Powerco understands this submission is outside the scope of the variation.
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 9 - 1 Submission Type: Oppose
Further Submitter: Lowndes Associates
Submission Summary: The EDS submission is not 'on' the variation (outside scope).
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 12 - 27 Submission Type: Oppose
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: This submission is outside the scope of the variation.
Decision Sought:

Council Decision: Accept in Part

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 14 - 25 Submission Type: Oppose
 Further Submitter: Te Tumu Landowners Group
 Submission Summary: The avoidance (only) of the adverse effects only applies to areas of outstanding natural character.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 25 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: The avoidance (only) of the adverse effects only applies to areas of outstanding natural character.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 25 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: The avoidance (only) of the adverse effects only applies to areas of outstanding natural character.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 25 Submission Type: Oppose
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: The avoidance (only) of the adverse effects only applies to areas of outstanding natural character.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 22 - 5 Submission Type: Oppose
 Further Submitter: TrustPower Limited
 Submission Summary: The Submitter's requested amendment will effectively create a series of veto's, where avoidance is the only option available to an applicant should a section 6 (of the Act) matter be triggered. This would elevate the section 6 considerations to a level that they do not enjoy under the Act.

 The occurrence of residual adverse effects following the implementation of the practicable avoidance, remediation and mitigation strategies is a legitimate part of resource management (even in response to section 6 matters).
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 24 - 12 Submission Type: Support
 Further Submitter: Motiti Rohe Moana Trust (MRMT)
 Submission Summary: Need to avoid adverse effects of subdivision use and development on matters of national importance, particularly heritage sites on Motiti.
 Decision Sought:

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 24: 29 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Policy MN 8B is supported.
Decision Sought: Adopt Policy MN 8B as notified.

Council Decision: Reject

Submission Number: 25: 29 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Policy MN 8B is supported.
Decision Sought: Adopt Policy MN 8B as notified.

Council Decision: Reject

Submission Number: 26: 29 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Policy MN 8B is supported.
Decision Sought: Adopt Policy MN 8B as notified.

Council Decision: Reject

Submission Number: 27: 29 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Policy MN 8B is supported.
Decision Sought: Adopt Policy MN 8B as notified.

Council Decision: Reject

Section: Policy WL 2B: Defining catchments at risk

486

Council Decision

Retain Policy WL 2B as notified.

Reasons for Council Decision

Submissions 7-16, 22-9, 18-15(f), 20-23(f), 21-28(f), 23-11, 20-24(f), 21-29(f), 24-30, 25-30, 26-30, 27-30: The Water and Land Plan manages catchments at risk. The inclusion of new catchments of risk via the Regional Coastal Environment Plan will require further analysis and public input through the submissions process. This policy ensures marine areas are not overlooked in the catchment priority setting process.

Submissions

Submission Number: 7: 16 Submission Type: Oppose
Submitter: Western Bay of Plenty District Council
Submission Summary: The proposed amendment to this method is not supported because it is not known what catchments at risk will be identified in the review of the Regional Coastal Environment Plan.
Decision Sought: Remove the words "...or Regional Coastal Environment Plan."

Council Decision: Reject

Submission Number: 22: 9 Submission Type: Support in Part

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submitter: Environmental Defence Society Incorporated

Submission Summary: The explanation makes reference to areas of coastal waters that are having a significant adverse effect on ecosystems, natural habitats, recreational activities and other matters. These catchments should be identified in the RPS, otherwise if they are identified in the Regional Water and Land Plan or Regional Coastal Environment Plan there will be no mandatory direction for territorial authorities to control contaminants in certain catchments in district plans.

We support the variation endeavouring to give effect to the NZCPS 2010 and the addition of maps identifying the coastal environment and areas of high natural character. We note that objective 2 of the NZCPS requires the RPS to preserve the natural character of the coastal environment and protect natural features and landscape values through "identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities". EDS is of the opinion that this variation focuses on effects and does not acknowledge there are likely to be areas where no development should take place. We suggest specific amendments above.

Decision Sought: Identify areas of degraded coastal water in the RPS

Council Decision: Reject

Further Submission(s)

Further Submission No: 18 - 15 Submission Type: Oppose

Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc

Submission Summary: Any identification of areas of degraded coastal water should be done via a Plan Change process to enable public participation.

Decision Sought:

Council Decision: Accept

Further Submission No: 20 - 23 Submission Type: Oppose

Further Submitter: Port of Tauranga Limited

Submission Summary: The matter is a technical consideration that should be undertaken through planning documents rather the PRPS.

Decision Sought:

Council Decision: Accept

Further Submission No: 21 - 28 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: The explanation section states that at risk catchments are to be identified through the formal plan change process and this is appropriate.

Decision Sought:

Council Decision: Accept

Submission Number: 23: 11 Submission Type: Oppose in Part

Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The amendment to include reference to the Regional Coastal Environment Plan is supported in terms of parity with the Regional Water and Land Plan.

Decision Sought: Include coastal waters in Catchments At Risk.

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 20 - 24 Submission Type: Oppose

Further Submitter: Port of Tauranga Limited

Submission Summary: The identification of open coastal water as High Natural Character is conditionally opposed as it is a matter that would require specific investigation on a case by case basis.

Decision Sought:

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept in Part

Further Submission No: 21 - 29 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: There are processes in place to define catchments at risk and it is appropriate for that process to be undertaken before any additional water bodies are added.

Decision Sought:

Council Decision: Accept in Part

Submission Number: 24: 30 Submission Type: Support

Submitter: Te Tumu Landowners Group

Submission Summary: Policy WL 2B is supported.

Decision Sought: Adopt Policy WL 2B as notified.

Council Decision: Accept

Submission Number: 25: 30 Submission Type: Support

Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Policy WL 2B is supported.

Decision Sought: Adopt Policy WL 2B as notified.

Council Decision: Accept

Submission Number: 26: 30 Submission Type: Support

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Policy WL 2B is supported.

Decision Sought: Adopt Policy WL 2B as notified.

Council Decision: Accept

Submission Number: 27: 30 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Policy WL 2B is supported.

Decision Sought: Adopt Policy WL 2B as notified.

Council Decision: Accept

Section: 3.2 Methods to implement policies

453

Council Decision

Retain Section 3.2 'Methods to implement policies' subject to amendments recommended in the following sections.

Reasons for Council Decision

Submissions 50-3, 50-5: The submissions relates to matters outside the scope of Variation 1 (i.e natural hazards are not the subject of this variation). This change to the RPS does not promote the establishment of marine reserves which are comprehensively administered by DoC (according to relatively rigid criteria (with nothing to do with the RPS) for inclusion of new areas).

Submissions

Submission Number: 50: 3 Submission Type: Support

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submitter: Ngati Makino Iwi Authority

Submission Summary: Wonder why there is no ref to identification of potential hazards like liquefaction as occurred in Christchurch earthquakes.
Unsure of where working with MinFish and DOC should be mentioned as part of integrated management especially in estuaries and other coastal locations.
We are concerned that establishing marine reserves will be alongside Maori owned coastal lands as being the largest single owners of undeveloped lands in the Bay of Plenty.
We do not support marine reserves as the answer to declining fish stocks. Resources would be better applied to restoring estuaries and wetlands for the contribution they make to support the ocean foodchains.

Decision Sought: Add new method; identify areas in Coastal zones which is unsuitable for developments which might be affected by earthquake hazards. E.g. liquefaction.
Consider involving DOC and MINFISH in integrated coastal planning.
Change method 56 to "Advocate to establish marine reserves, whilst avoiding establishing them alongside Maori land or Maori customary fishing locations"

Council Decision: Reject

Submission Number: 50: 5 Submission Type: Support

Submitter: Ngati Makino Iwi Authority

Submission Summary: All methods except for 56, are supported as is.

Decision Sought: Retain all methods (except 56 as above) – no change

Council Decision: Reject

Section: 3.2.1 Directive methods

454

Council Decision

Retain Section 3.2.1 'Directive methods' unchanged.

Reasons for Council Decision

Submissions 8-11, 25-11(f): The submissions relate to a matter outside the scope of Variation 1.

Submissions

Submission Number: 8: 11 Submission Type: Seek Amendment

Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited

Submission Summary: The submitters suggest that the Operative method for the Matakana Island plan is inserted as Method 3A.

Decision Sought: The submitters suggest that the Operative method for the Matakana Island plan is inserted as Method 3A.

Council Decision: Reject

Further Submission(s)

Further Submission No: 25 - 11 Submission Type: Oppose

Further Submitter: Nessie Kuka

Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

457

Section: Method 1: District plan implementation**Council Decision**

Retain method as notified.

Reasons for Council Decision

Submissions 24-31, 25-31, 26-31, 27-31: Support is noted.

Submissions

Submission Number: 24: 31 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Method 1 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 1 as notified.

Council Decision: Accept

Submission Number: 25: 31 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Method 1 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 1 as notified.

Council Decision: Accept

Submission Number: 26: 31 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Method 1 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 1 as notified.

Council Decision: Accept

Submission Number: 27: 31 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Method 1 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 1 as notified.

Council Decision: Accept

458

Section: Method 2: Regional plan implementation**Council Decision**

Retain Method 2 unchanged.

Reasons for Council Decision

Submissions 24-32, 25-32, 26-32, 27-32: Support is noted.

Submissions

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 24: 32 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Method 2 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 2 as notified.

Council Decision: Accept

Submission Number: 25: 32 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Method 2 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 2 as notified.

Council Decision: Accept

Submission Number: 26: 32 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Method 2 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 2 as notified.

Council Decision: Accept

Submission Number: 27: 32 Submission Type: Support
Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Method 2 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 2 as notified.

Council Decision: Accept

Section: Method 3: Resource consents, notices of requirement and when changing, varying or replacing | ⁴⁵⁹

Council Decision

Retain method 3 as notified.

Reasons for Council Decision

Submissions 24-33, 25-33, 26-33, 27-33: Support is noted.

Submissions

Submission Number: 24: 33 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Method 3 adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 3 as notified.

Council Decision: Accept

Submission Number: 25: 33 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Method 3 adequately recognises the provisions of the NZCPS 2010.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Adopt Method 3 as notified.

Council Decision: Accept

Submission Number: 26: 33 Submission Type: Support

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Method 3 adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Method 3 as notified.

Council Decision: Accept

Submission Number: 27: 33 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Method 3 adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Method 3 as notified.

Council Decision: Accept

Section: 3.2.2 Guiding methods

455

Council Decision

Retain 3.2.2 as notified.

Reasons for Council Decision

Submission 44-10: The suggested amendment to Method 53 conflicts with the method's intent of taking into account lawful uses and activities. Natural processes underpin natural character and are reflected in vegetation patterns and change. Natural processes are addressed in Method 53(b).

Submissions

Submission Number: 44: 10 Submission Type: Support in Part

Submitter: Basil Graeme

Submission Summary: Method 53 (a) to (h) is supported, but the method explanation does not recognise natural processes.

Decision Sought: Request the insertion of "natural processes" between "...account" and "the existing...".

Council Decision: Reject

Section: Method 35: Take a whole of catchment approach to the management of natural and physical res

460

Council Decision

Retain Method 35 unchanged.

Reasons for Council Decision

Submissions 36-10, 7-8(f), 38-9, 10-26(f), 14-26(f), 15-26(f), 16-26(f), 17-26(f): Method 35 was not changed by Variation 1. Submissions on this method are therefore not within the scope of matters considered affected by the variation. The Proposed RPS methods are divided into two main groups as either 'guiding' or 'directive' methods to implement the policies. They are not divided according to defined "topics".

Submissions

Submission Number: 36: 10 Submission Type: Oppose

Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: While a whole of catchment approach has merit it is not clear how such an approach could be implemented when not all the catchment is located in the coastal environment. Such a method is better implemented through the land use part of the PRPS.

Decision Sought: Delete Method 35 from the coastal environment and include in land use chapter.

Council Decision: Reject

Further Submission(s)

Further Submission No: 7 - 8 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Ltd

Submission Summary: The Method proposes a "whole of catchment approach" to the management of resources. However, the extent of the Coastal Environment does not include entire catchments. Therefore it is more practical and appropriate that the Method is set out in relation to the land use chapter.

Decision Sought:

Council Decision: Reject

Submission Number: 38: 9 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: This has to be done in partnership with land owners from the very early stages. This needs to be included in method 35.

Decision Sought: a) Amend to Method 35 as follows: (text added)
"...higher in the catchment and the downstream effects that these activities generate lower in the catchment and ultimately in the coastal environment. This needs to be done in partnership with land owners who are effected parties."

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 26 Submission Type: Support in Part

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The intent of the word "partnership" is not clear and should be changed to "collaboration".

Decision Sought:

Council Decision: Reject

Further Submission No: 14 - 26 Submission Type: Support

Further Submitter: Te Tumu Landowners Group

Submission Summary: Catchment based approaches need to be done in partnership with affected land owners.

Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 26 Submission Type: Support
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Catchment based approaches need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 26 Submission Type: Support
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Catchment based approaches need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 26 Submission Type: Support
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Catchment based approaches need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Section: Method 35A: Integrated Catchment Management Plans

461

Council Decision

Retain method 35A as notified.

Reasons for Council Decision

Submissions 38-10, 10-27(f), 14-27(f), 15-27(f), 16-27(f), 17-27(f), 18-7(f): Method 35A was not changed by Variation 1.

Submissions

Submission Number: 38: 10 Submission Type: Support in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Catchment Management Plans have to be developed in partnership with land owners and this needs to be included in method 35A.
Decision Sought: a) Amend Method 35A as follows:
"... discharging into harbours at risk including Tauranga and Ohiwa Harbours. This needs to be done in partnership with land owners who are effected parties."

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 27 Submission Type: Support in Part
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: The intent of the word "partnership" is not clear and should be changed to "collaboration".
Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 14 - 27 Submission Type: Support
Further Submitter: Te Tumu Landowners Group
Submission Summary: Catchment management plans need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Further Submission No: 15 - 27 Submission Type: Support
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Catchment management plans need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 27 Submission Type: Support
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Catchment management plans need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 27 Submission Type: Support
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Catchment management plans need to be done in partnership with affected land owners.
Decision Sought:

Council Decision: Reject

Further Submission No: 18 - 7 Submission Type: Support in Part
Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc
Submission Summary: Inclusion of affected landowners is critical.
Decision Sought:

Council Decision: Reject

Section: Method 36: Provide protocols for managingland and soil disturbance

462

Council Decision

Retain method 36 as notified

Reasons for Council Decision

Submissions 38-11, 18-8(f): Method 36 was not changed by Variation 1.

Submissions

Submission Number: 38: 11 Submission Type: Support in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Protocols are non statutory documents and as such will not be open for consultation and submission from stakeholders.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: a) Amend Method 36 as follows;
"Prepare protocols in consultation with stakeholder groups and land owners to guide changes to district and regional plans to ..."

Council Decision: Reject

Further Submission(s)

Further Submission No: 18 - 8 Submission Type: Support in Part

Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc

Submission Summary: Inclusion of affected landowners is critical.

Decision Sought:

Council Decision: Reject

Section: Method 48: Research and monitor the effects of discharges

463

Council Decision

Retain method 48 as notified.

Reasons for Council Decision

Submissions 50-6, 21-8(f): Method 48 was not changed by Variation 1.

Submissions

Submission Number: 50: 6 Submission Type: Oppose in Part

Submitter: Ngati Makino Iwi Authority

Submission Summary: Method 48 does not go far enough. Sedimentation arising from anthropogenic causes are problematic. Researching and monitoring is not enough.

Decision Sought: Method 48 Change to "Research, monitor and manage runoffs and sedimentation "

Council Decision: Reject

Further Submission(s)

Further Submission No: 21 - 8 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: It is inappropriate to define specific courses of action before the research and monitoring has either been conducted and/or identified the best and most cost effective remedial methods.

Decision Sought:

Council Decision: Accept

Section: Method 49A: Identify areas for restoration or rehabilitation of natural character

464

Council Decision

Amend method 49A to include consideration of a range of other matters including cost, impacts on landowners and future plans for an area as follows:

'Method 49A: Identify areas for restoration or rehabilitation of natural character

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 acknowledge the current contribution of man-made habitats, such as wetlands, that would not otherwise naturally exist in an area and 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) and 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:

- where natural character has been compromised; or
- where the natural character of the area has been identified as important in iwi or hapu management plans; or
- where the restoration of an area has been planned for enhancement through biodiversity strategies; or,

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

- (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.

Implementation responsibility: Regional council.'

Reasons for Council Decision

Submissions 8-12, 13-4(f), 14-29(f), 15-29(f), 16-29(f), 17-29(f), 25-12(f), 9-6, 21-9(f), 12-3, 4-1(f), 6-5(f), 8-5(f), 12-5(f), 14-30(f), 15-30(f), 16-30(f), 17-30(f), 7-17, 8-12, 13-4(f), 15-29, 16-29, 17-29, 25-12, 35-2, 36-11, 38-13, 14-28(f), 15-28(f), 16-28(f), 17-28(f), 40-3, 23-12, 13-8(f), 22-7(f), 24-34, 3-8(f), 21-10(f), 25-34, 26-34, 27-34: Changes are recommended in response to matters raised in the submissions to acknowledge that future restoration prospects may be affected by project cost, landowner concerns, zoning, designations and other formal planning mechanisms. Reserve management plans may also have a bearing on how feasible restoration is.

The priorities listed in Method 49A relate to community concerns and environmental considerations. Developer aspirations are not included because the RMA is enabling and the interests of landowners can only be taken into account after land has been identified (and landowners are therefore known). Designated infrastructure is provided for in its designation and shown on planning maps. It is not lawful to affect a designation which prevails over other planning considerations.

Submissions 44-7, 31-6, 32-5, 33-5, 22-10: Support is noted. While amendments are recommended, these are considered to be in line with and enhance the effectiveness in achieving the original intent of Method 49A.

Submissions

Submission Number: 7: 17 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: Consistent with the approach taken in Policy CE 7B (d) which takes into account planned development.
Decision Sought: Reword as follows:

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 acknowledge the current contribution of man-made habitats, such as wetlands, that would not otherwise naturally exist in an area and whether restoration or rehabilitation of the natural character is practicable and can be sustained given lawfully established use and activities of the area and planned use and activities for the area (consented, zoned, designated, or provided for in a reserve management plan or other local authority strategies such as the Tauranga Harbour Recreation Strategy). Priority restoration or rehabilitation areas include:

Council Decision: Accept

Submission Number: 8: 12 Submission Type: Oppose
Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited
Submission Summary: Method 49A does not specifically include the potential 'drivers' or triggers that may lock in or assist rehabilitation.
Decision Sought: Amend method 49A to read: (delete (b) and add (e))
Priority restoration and rehabilitation areas include:
(a) where natural character has been compromised; or
(b) (Deleted)
(c) where the restoration of an area...
(d) where the restoration of natural character...
(e) where subdivision and development contain enhanced management methods or plans to assist in the natural restoration of an area and in particular through method 3A

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 13 - 4 Submission Type: Support
Further Submitter: Western Bay of Plenty District Council
Submission Summary: Support the deletion of (b) "where the natural character of the area has been identified as important in iwi or hapu management plans". Natural character should be identified by those qualified to do so.
Decision Sought:

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Council Decision:	Reject
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Further Submission No:	14 - 29	Submission Type:	Support
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Further Submitter:	Te Tumu Landowners Group
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Submission Summary:	Prioritising areas for restoration and rehabilitation should be based on an appropriate detailed assessment of natural character values and with the approval of and in conjunction with affected landowners.
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Decision Sought:

Council Decision:	Accept
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Further Submission No:	15 - 29	Submission Type:	Support
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Further Submitter:	Te Tumu Kaituna 14 Trust
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Submission Summary:	Prioritising areas for restoration and rehabilitation should be based on an appropriate detailed assessment of natural character values and with the approval of and in conjunction with affected landowners.
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Decision Sought:

Council Decision:	Accept
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Further Submission No:	16 - 29	Submission Type:	Support
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Further Submitter:	Te Tumu Kaituna 11B2 Trust
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Submission Summary:	Prioritising areas for restoration and rehabilitation should be based on an appropriate detailed assessment of natural character values and with the approval of and in conjunction with affected landowners.
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Decision Sought:

Council Decision:	Accept
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Further Submission No:	17 - 29	Submission Type:	Support
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Further Submitter:	Ford Land Holdings Pty Ltd
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Submission Summary:	Prioritising areas for restoration and rehabilitation should be based on an appropriate detailed assessment of natural character values and with the approval of and in conjunction with affected landowners.
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Decision Sought:

Council Decision:	Accept
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Further Submission No:	25 - 12	Submission Type:	Oppose
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Further Submitter:	Nessie Kuka
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Submission Summary:	Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.
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Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 9: 6 Submission Type: Support
Submitter: Fonterra Co-operative Group Ltd
Submission Summary: The inclusion of recognition that restoration and rehabilitation needs to be practicable having regard to lawfully established uses and activities is important.
Decision Sought: No specific remedy stated.

Council Decision: Accept

Further Submission(s)

Further Submission No: 21 - 9 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For reasons stated by the submitter.
Decision Sought:

Council Decision: Accept

Submission Number: 12: 3 Submission Type: Seek Amendment
Submitter: NZ Transport Agency
Submission Summary: The Method should acknowledge the contribution of infrastructure to man made habitats and identify that infrastructure providers will be consulted when identifying areas to be restored/enhanced. This will ensure that existing, consented or designated infrastructure is recognised, managed and protected.
Decision Sought: That Method 49A is amended to state that existing, consented and designated infrastructure will be recognised and provided for when identifying areas to restore and enhance.
That Method 49A also state that infrastructure providers will be consulted in the process of identifying areas to be restored and enhanced.

Council Decision: Accept

Further Submission(s)

Further Submission No: 4 - 1 Submission Type: Support
Further Submitter: G Parry Trust
Submission Summary: The presence of built (or planned) infrastructure innately alters (or will alter) the natural character of the environment in which it is located or near, but is often a critical part of the region's build and social environment. The management and protection of this infrastructure is as important to achieve the broad purposes of the RMA.
Decision Sought:

Council Decision: Accept

Further Submission No: 6 - 5 Submission Type: Support in Part
Further Submitter: Transpower New Zealand Limited
Submission Summary: The intent of the submission is supported to recognise the presence of existing infrastructure when identifying areas to restore and enhance.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 8 - 5 Submission Type: Support in Part
Further Submitter: Powerco Limited
Submission Summary: The intent of the submission is supported to recognise the presence of existing infrastructure.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 12 - 5 Submission Type: Support in Part
Further Submitter: Z Energy Ltd, Mobil Oil NZ Ltd and BP NZ Ltd
Submission Summary: The intent of the submission is supported to recognise the presence of existing infrastructure when identifying areas to restore and enhance.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 30 Submission Type: Support
Further Submitter: Te Tumu Landowners Group
Submission Summary: Support seeking that existing, consented and designated infrastructure is recognised and provided for.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 30 Submission Type: Support
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Support seeking that existing, consented and designated infrastructure is recognised and provided for.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 30 Submission Type: Support
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: Support seeking that existing, consented and designated infrastructure is recognised and provided for.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 30 Submission Type: Support
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Support seeking that existing, consented and designated infrastructure is recognised and provided for.
Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 22: 10 Submission Type: Support
Submitter: Environmental Defence Society Incorporated
Submission Summary: This method gives effect to policy 14(a) of the NZCPS 2010.
Decision Sought: No change requested.

Council Decision: Accept

Submission Number: 23: 12 Submission Type: Support in Part
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: Not all of the elements in NZCPS Policy 14 are included. The reference to manmade wetlands in the introduction of Method 49A is confusing.
Decision Sought: Remove the reference to man-made wetlands in method 49A.

Council Decision: Accept

Further Submission(s)

Further Submission No: 13 - 8 Submission Type: Oppose
Further Submitter: Western Bay of Plenty District Council
Submission Summary: Oppose the deletion of the reference to man-made wetlands so long as this wording is intended to recognise that restoration and rehabilitation should not be required for areas of natural character which are man-made. For instance, Western Bay of Plenty District Council has a number of man-made wetlands for the purposes of stormwater management and these should not be subject to restoration and rehabilitation provisions.
Decision Sought:

Council Decision: Reject

Further Submission No: 22 - 7 Submission Type: Oppose
Further Submitter: TrustPower Limited
Submission Summary: The suggested deletion of the passage from Method 49A serves no resource management purpose.
Decision Sought:

Council Decision: Reject

Submission Number: 24: 34 Submission Type: Seek Amendment
Submitter: Te Tumu Landowners Group
Submission Summary: The potential impact on land in private ownership requires recognition in Method 49A.
Decision Sought: Amend Method 49A as follows (text added):
"Method 49A: Identify areas for restoration or rehabilitation of natural character
"...and can be sustained given lawfully established use, the activities of the area and where in private ownership recognition of the impact on landowners and the need for financial assistance. Priority restoration or rehabilitation areas include:"

Council Decision: Reject

Further Submission(s)

Further Submission No: 3 - 8 Submission Type: Oppose
Further Submitter: Department of Conservation
Submission Summary: Suggested reference to "financial assistance for landowners affected by the enhancement of natural character" is not provided for in NZCPS Policy 14.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 21 - 10 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For reasons stated by the submitter.
 Decision Sought:

Council Decision:	Reject
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Submission Number: 25: 34 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 49A.
 Decision Sought: Amend Method 49A as follows (text added):
 "Method 49A: Identify areas for restoration or rehabilitation of natural character
 "...and can be sustained given lawfully established use, the activities of the area and where in private ownership recognition of the impact on landowners and the need for financial assistance. Priority restoration or rehabilitation areas include:"

Council Decision:	Reject
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Submission Number: 26: 34 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 49A.
 Decision Sought: Amend Method 49A as follows:
 "...and can be sustained given lawfully established use, the activities of the area and where in private ownership recognition of the impact on landowners and the need for financial assistance. Priority restoration or rehabilitation areas include:"

Council Decision:	Reject
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Submission Number: 27: 34 Submission Type: Seek Amendment
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 49A.
 Decision Sought: Amend Method 49A as follows (text added):
 "Method 49A: Identify areas for restoration or rehabilitation of natural character
 "...and can be sustained given lawfully established use, the activities of the area and where in private ownership recognition of the impact on landowners and the need for financial assistance. Priority restoration or rehabilitation areas include:"

Council Decision:	Reject
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Submission Number: 31: 6 Submission Type: Support
 Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
 Submission Summary: This will provide certainty around the locations where there is an expectation for restoration or rehabilitation and also recognises that restoration or rehabilitation will not always be practicable.
 Decision Sought: Retain without modification

Council Decision:	Reject
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Submission Number: 32: 5 Submission Type: Support
 Submitter: Powerco Limited
 Submission Summary: Powerco supports Method 49A.
 Decision Sought: Retain Method 49A

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 33: 5 Submission Type: Support
Submitter: Transpower New Zealand Limited
Submission Summary: Transpower supports Method 49A.
Decision Sought: Retain Method 49A

Council Decision: Reject

Submission Number: 35: 2 Submission Type: Oppose
Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen
Submission Summary: NTST does not support New Method XX: Identify areas for restoration or rehabilitation of natural character.
Decision Sought: No specific remedy stated.

Council Decision: Reject

Submission Number: 36: 11 Submission Type: Support in Part
Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated
Submission Summary: Method 49A should specifically relate to the coastal environment.
Decision Sought: Amend Method 49A to "Identify areas for restoration or rehabilitation of natural character in the coastal environment.
Add an additional point to Method 49A: Areas identified for restoration that are on private land in the coastal environment will only be identified in consultation with the affected landowners.

Council Decision: Accept in Part

Submission Number: 38: 13 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers has concerns with the ramifications of this method on private land owners.
Decision Sought: Amend Method 49A to include the following:
(e) All Restoration and rehabilitation work is to be consulted on and developed in conjunction with the land owners that are effected parties.

Council Decision: Accept

Further Submission(s)

Further Submission No: 14 - 28 Submission Type: Support
Further Submitter: Te Tumu Landowners Group
Submission Summary: Restoration and rehabilitation work needs to be consulted on and developed in conjunction with affected land owners.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

- (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 redundant land where it is practicable and ill restore the natural character and resources of the coastal marine area and/ or provide more public open space or public access;
- (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.

Implementation responsibility: Regional council and city and district councils.

Reasons for Council Decision

Submissions 38-14, 2-2(f), 14-31(f), 15-31(f), 16-31(f), 17-31(f), 18-10(f), 24-35, 21-14(f), 25-35, 26-35, 27-35: It is appropriate to consult any potentially affected landowners in relation to opportunities to restore or enhance natural character on their land. Financial assistance is better addressed in plan provisions in relation to specific rules affecting existing land uses or outside the statutory plan process altogether.

Submissions 7-18, 5-5(f), 18-9(f): Future plans for an area have a significant bearing on whether restoration will be effective long-term.

Submissions 7-19, 5-6(f), 21-11(f), 7-20, 5-7(f), 21-12(f): The terms "unnecessary" and "redundant" are uncertain and are recommended to be replaced with clearer terminology.

Submissions 7-21, 3-9(f), 5-8(f): De-reclamation "offset" additions belong in policy rather than this method.

Submissions 8-13, 13-5(f), 25-13(f): The plan for Matakana Island is being considered in another process. It would be inappropriate to reference the outcomes of that process until that process is complete.

Submissions 23-13, 2-1(f), 21-13(f): The amendments suggested are consistent with Policy 14 of the NZCPS 2010.

Submissions 31-7, 32-6, 33-6, 36-12: Support is noted. Further amendments are recommended to align better with the intent of Method 53 and Policy 14 of the NZCPS 2010.

Submissions 40-4, 2-3(f), 24-13(f), 35-8: Method 53, as recommended to be amended, is considered a more efficient and effective means of promoting the achievement of Objective 2.

Submissions

Submission Number:	7: 18	Submission Type:	Support in Part
Submitter:	Western Bay of Plenty District Council		
Submission Summary:	Consistent with the approach taken in Policy CE 7B (d) which takes into account planned development.		
Decision Sought:	Reword as follows; Consider opportunities to restore or enhance the natural character of the coastal environment where it has been compromised, and is practicable when taking into account the existing lawful uses and activities occurring in the area and planned uses and activities for the area (consented, zoned, designated, or provided for in a reserve management plan or other local authority strategies such as the Tauranga Harbour Recreation Strategy) or where it is identified for restoration through Method 49A, including:		

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No:	5 - 5	Submission Type:	Support
Further Submitter:	NZ Transport Agency		
Submission Summary:	Submission points seek to recognise and protect existing, consented or designated infrastructure.		
Decision Sought:			

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 21 - 12 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For reasons stated by the submitter.
Decision Sought:

Council Decision: Accept

Submission Number: 7: 21 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: De-reclamation is recognised in the Variation as having the potential to restore natural character and the resources of the coastal marine area. Therefore this should be encouraged and one way of doing this is to allow the reclamation of land in other locations where this is needed to provide for the public use of the coastal environment.
Provisions for 'offsets' or 'environmental compensation' are included within the National Policy Statement for Biodiversity and are recognised as a way of addressing adverse effects that have not been avoided, remedied or mitigated in the usual way.
Decision Sought: Add a new clause as follows;

Encouraging the de-reclamation of land in a location where there is an opportunity to restore natural character and/or resources of the coastal marine area, by allowing, as an offset, the reclamation of land in another location to the same or similar size as the location that has been restored.

Council Decision: Reject

Further Submission(s)

Further Submission No: 3 - 9 Submission Type: Oppose
Further Submitter: Department of Conservation
Submission Summary: NZCPS Policy 9 seeks to avoid reclamation of land in the coastal marine area, not encourage it.
Decision Sought:

Council Decision: Accept

Further Submission No: 5 - 8 Submission Type: Support
Further Submitter: NZ Transport Agency
Submission Summary: Submission points seek to recognise and protect existing, consented or designated infrastructure.
Decision Sought:

Council Decision: Reject

Submission Number: 8: 13 Submission Type: Seek Amendment
Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited
Submission Summary: Adding reference to the Matakana Island plan to method 53.
Decision Sought: Amend method 53 to read:

Consider opportunities to restore or enhance the natural character of the coastal environment where it has been compromised, and is practicable when taking into account the existing lawful uses and activities occurring in the area or where it is identified for restoration through Method 49A including:
(i) through appropriate subdivision, use, and development considered in the Plan for Matakana Island prepared in relation to directive method 3A.

Council Decision: Reject

Further Submission(s)

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 13 - 5 Submission Type: Oppose
Further Submitter: Western Bay of Plenty District Council
Submission Summary: The suggested wording from the submitter is pre-empting the outcomes of the Whole of Island Plan.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 25 - 13 Submission Type: Oppose
Further Submitter: Nessie Kuka
Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.
Decision Sought:

Council Decision:	Accept
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Submission Number: 23: 13 Submission Type: Support in Part
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: Method 53 (f) should specifically refer to contaminated sites e.g in Whakatane harbour contaminated sites on the harbour edge are eroding and require remediation as envisaged by NZCPS Policy 14 (c) (ix).
Decision Sought: Add the words "including conditions on resource consents or designations" after the words "Consider opportunities" in method 53.
Add to method 53(b) "riparian margins"
Add to method 53 (f) "remediation of contaminated sites"
Amend Method 53 (g) "and to minimise adverse effects on ecosystem processes."

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 2 - 1 Submission Type: Support
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: Consistent with policy 14 of NZCPS.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 13 Submission Type: Oppose
Further Submitter: Federated Farmers of New Zealand
Submission Summary: The relief has the potential to incur significant compliance cost on affected landowners and undermine existing lawful activities.
Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 24: 35 Submission Type: Seek Amendment
 Submitter: Te Tumu Landowners Group
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 53.
 Decision Sought: Amend Method 53 as follows:
 "Method 53: Enhance the natural character of the coastal environment, where compromised "...existing lawful uses, the activities occurring in the area and where in private ownership recognition of the impact on landowners and the need for financial assistance or where it is identified for restoration through Method 49A, including:"

Council Decision: Accept in Part

Further Submission(s)

Further Submission No: 21 - 14 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For reasons stated by the submitter.
 Decision Sought:

Council Decision: Accept

Submission Number: 25: 35 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 53.
 Decision Sought: Amend Method 53 as follows:
 "Method 53: Enhance the natural character of the coastal environment, where compromised "...uses, the activities occurring in the area and where in private ownership recognition of the impact on landowners and the need for financial assistance or where it is identified for restoration through Method 49A, including:"

Council Decision: Accept in Part

Submission Number: 26: 35 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 53.
 Decision Sought: Amend Method 53 as follows: (text added)
 "Method 53: Enhance the natural character of the coastal environment, where compromised "...uses, the activities occurring in the area and where in private ownership recognition of the impact on landowners and the need for financial assistance or where it is identified for restoration through Method 49A, including:"

Council Decision: Accept in Part

Submission Number: 27: 35 Submission Type: Seek Amendment
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: The potential impact on land in private ownership requires recognition in Method 53.
 Decision Sought: Amend Method 53 as follows: (text added)
 "Method 53: Enhance the natural character of the coastal environment, where compromised "...uses, the activities occurring in the area and where in private ownership recognition of the impact on landowners and the need for financial assistance or where it is identified for restoration through Method 49A, including:"

Council Decision: Accept in Part

Submission Number: 31: 7 Submission Type: Support

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
Submission Summary: Support Method 53 particularly to the extent that it recognises the need to take existing lawfully established activities into account when considering whether an environment has been 'compromised'.
Decision Sought: Retain Method 53 without modification

Council Decision: Reject

Submission Number: 32: 6 Submission Type: Support
Submitter: Powerco Limited
Submission Summary: Powerco supports Method 53.
Decision Sought: Retain Method 53

Council Decision: Accept

Submission Number: 33: 6 Submission Type: Support
Submitter: Transpower New Zealand Limited
Submission Summary: Transpower supports Method 53
Decision Sought: Retain Method 53

Council Decision: Accept

Submission Number: 35: 8 Submission Type: Oppose
Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen
Submission Summary: NTST does not support Amended Method 53 : Enhance the natural character of the coastal environment, where compromised. NTST does however support Alternative 1 of the S32 report.
Decision Sought: No specific remedy stated

Council Decision: Reject

Submission Number: 36: 12 Submission Type: Support
Submitter: Horticulture NZ and NZ Kiwifruit Growers Incorporated
Submission Summary: Method 53 takes into account existing lawful uses and activities occurring in the area.
Decision Sought: Retain consideration of existing lawful uses and activities in Method 53.

Council Decision: Accept

Submission Number: 38: 14 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: The amendments in this variation to method 53 with the inclusion of terms such as 'restore' raise the question of restore to what? Council should also give consideration to the past, present and future use of the land in question and the ability of the landholder to meet their present and future needs. Some activities without careful design and/or siting may cause adverse change to a landscape. Council should recognise that in some cases, a change of this nature may be required to ensure the future viability of the land in question
Decision Sought: a) Retain consideration of existing lawful uses and ensure this includes future uses and development which are necessary for the future viability of farming businesses.
b) Add the following consideration:
(i) All Restoration and enhancement work is to be consulted on and developed in conjunction with the land owners that are affected parties.

Council Decision: Accept in Part

Further Submission(s)

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 2 - 2 Submission Type: Oppose

Further Submitter: Environmental Defence Society Incorporated

Submission Summary: Existing uses should not include "future uses" as this will restrict consideration of opportunities to restore and enhance the natural character of the coastal environment as required by policy 14 of the NZCPS.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 14 - 31 Submission Type: Support

Further Submitter: Te Tumu Landowners Group

Submission Summary: Support recognition that restoration and enhancement work needs to be consulted on and developed in conjunction with affected land owners.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 31 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Support recognition that restoration and enhancement work needs to be consulted on and developed in conjunction with affected land owners.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 31 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Support recognition that restoration and enhancement work needs to be consulted on and developed in conjunction with affected land owners.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 31 Submission Type: Support

Further Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Support recognition that restoration and enhancement work needs to be consulted on and developed in conjunction with affected land owners.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 10 Submission Type: Support in Part

Further Submitter: Horticulture NZ and NZ Kiwifruit Growers Inc

Submission Summary: Existing uses must be taken into account.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 40: 4 Submission Type: Oppose

Submitter: Lowndes Associates

Submission Summary: A pragmatic or practicable approach to restoration of the natural character of the coastal environment is required taking into account considerations such as the state of technical knowledge, the likelihood restoration or rehabilitation options can successfully and safely be applied, the financial implications of restoration or rehabilitation, and provision for offset mitigation or compensation. There is a need to recognise the effect on the environment of requiring restoration or rehabilitation. Identification of areas for restoration or rehabilitation is required where identified by all of the community, not specific sections of the community as proposed at method 49A sub paragraph (b); and recognise that the value of man-made habitats may extend beyond the current contribution as a place of habitat, but also provide for potential future habitat.

Decision Sought: Delete method 53.
Alternatively, amend method 49A (identify areas for restoration or rehabilitation of natural character), and method 53 (enhance the natural character' of the coastal environment) where compromised) to reflect the considerations in paragraph 7 above.

Council Decision: Reject

Further Submission(s)

Further Submission No: 2 - 3 Submission Type: Oppose

Further Submitter: Environmental Defence Society Incorporated

Submission Summary: Method 53 is appropriate for giving effect to policy 14 of the NZCPS.

Decision Sought:

Council Decision: Accept

Further Submission No: 24 - 13 Submission Type: Oppose

Further Submitter: Motiti Rohe Moana Trust (MRMT)

Submission Summary: Natural character of coastal environment needs to be identified, assessed and classified for protection and restoration.

Decision Sought:

Council Decision: Accept

Section: Method 53A: Assess and classify areas of indigenous biodiversity

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Council Decision

Amend Method 53A to provide for the involvement of affected landowners and other parties to read:

Method 53A: Assess and classify areas of indigenous biodiversity
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 and ensure subsequent consultation with affected parties.
Implementation responsibility: Regional council.

Reasons for Council Decision

The amendment to incorporate provision for the involvement of landowners and other affected parties is a consequential amendment arising from submission 38-5 (on Policy CE 6A). Policy CE 6A relates directly to Method 53A which should acknowledge the considerable private interest in coastal biodiversity. Unless landowners are engaged and understand the reasons for and outcomes of assessments and have an opportunity to present their values and interests on-going protection will not be easy.

Submissions 22-11, 21-15(f), 24-8(f), 35-3: Mapping significant features is being undertaken in parallel with this variation in the RCEP.

Submissions 38-15, 3-10(f), 7-9(f), 14-32(f), 15-32(f), 16-32(f), 17-32(f): The Proposed RPS does not need to restate a legal principle that existing uses have existing use rights. Furthermore, this is not appropriate for a method.

Submissions 44-8, 33-7, 32-7, 31-8, 27-36, 26-36, 25-36, 24-36, 23-14: Support is noted. Method 53A, as recommended to be amended, is considered a more efficient and effective means of promoting the achievement of Objective 2.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 22: 11 Submission Type: Support in Part
Submitter: Environmental Defence Society Incorporated
Submission Summary: We support the assessment and classification of areas of indigenous biodiversity. This is in line with section 6(c) of the RMA and policy 11 of the NZCPS, however it would be preferable for these areas to be identified in the RPS.
Decision Sought: Identify areas of indigenous biodiversity in the RPS.

Council Decision: Reject

Further Submission(s)

Further Submission No: 21 - 15 Submission Type: Oppose
Further Submitter: Federated Farmers of New Zealand
Submission Summary: Whilst it may be appropriate to include the assessment criteria within the RPS it is not appropriate to include the actual maps.
Decision Sought:

Council Decision: Accept

Further Submission No: 24 - 8 Submission Type: Support
Further Submitter: Motiti Rohe Moana Trust (MRMT)
Submission Summary: Need to identify areas of biodiversity in RPS, including marine biodiversity in the rohemoaana.
Decision Sought:

Council Decision: Reject

Submission Number: 23: 14 Submission Type: Support
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: The method is supported to assist with a regionally consistent implementation of NZCPS Policy 11.
Decision Sought: Retain method

Council Decision: Accept

Submission Number: 24: 36 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Method 53A adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 53A as notified.

Council Decision: Reject

Submission Number: 25: 36 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Method 53A adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 53A as notified.

Council Decision: Reject

Submission Number: 26: 36 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Method 53A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Method 53A as notified.

Council Decision:	Reject
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Submission Number: 27: 36 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Method 53A adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Method 53A as notified.

Council Decision:	Reject
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Submission Number: 31: 8 Submission Type: Support

Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: The identification of such areas will provide certainty as to which areas meet the criteria set out in Policy 11 of the NZCPS and enable a consistent approach to be taken in considering plan changes.

Decision Sought: Retain Method 53A without modification.

Council Decision:	Reject
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Submission Number: 32: 7 Submission Type: Support

Submitter: Powerco Limited

Submission Summary: Powerco supports Method 53A.

Decision Sought: Retain Method 53A

Council Decision:	Accept
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Submission Number: 33: 7 Submission Type: Support

Submitter: Transpower New Zealand Limited

Submission Summary: Transpower supports Method 53A

Decision Sought: Retain Method 53A

Council Decision:	Accept
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Submission Number: 35: 3 Submission Type: Oppose

Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen

Submission Summary: NTST does not support New Method XXX: Protect Indigenous Biodiversity; as identified as being most appropriate for achieving Objectives 2 & 4, and Policy 11 of the NZCPS 2010

Decision Sought: No specific remedy stated.

Council Decision:	Reject
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Submission Number: 38: 15 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Federated Farmers has concerns at what will be done with this indigenous biodiversity information once assessments have been done and the areas have been classified.

Decision Sought: Add as a second paragraph the following text to Method 53A as follows:
Where a lawfully established land use or activity is present then that current land use or activity takes precedent over the new indigenous biodiversity classification.

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission(s)

Further Submission No: 3 - 10 Submission Type: Oppose
 Further Submitter: Department of Conservation
 Submission Summary: The term could apply to areas both in pasture and in indigenous vegetation intended to be developed. Developed pasture should generally not attract an indigenous biodiversity rating, and only in unusual circumstances trigger NZCPS Policy 11(a) or (b) concerns.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 7 - 9 Submission Type: Support
 Further Submitter: Fonterra Co-operative Group Ltd
 Submission Summary: While other Methods refer to the need to take account of existing lawful activities this is absent from Method 53A. In identifying and classifying areas it would be appropriate to take account of existing land use activities.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 14 - 32 Submission Type: Support
 Further Submitter: Te Tumu Landowners Group
 Submission Summary: Support that lawfully established landuse or activity takes precedence over the classification of indigenous biodiversity.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 32 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Support that lawfully established landuse or activity takes precedence over the classification of indigenous biodiversity.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 32 Submission Type: Support
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Support that lawfully established landuse or activity takes precedence over the classification of indigenous biodiversity.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 32 Submission Type: Support
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Support that lawfully established landuse or activity takes precedence over the classification of indigenous biodiversity.

Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 44: 8 Submission Type: Support
Submitter: Basil Graeme
Submission Summary: Support method 53A
Decision Sought: No change requested

Council Decision: Accept

Section: Method 53B: Identify coastal waters having an adverse effect

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Council Decision

Reword the method title to "Identify coastal waters having a significant adverse effect".

Reasons for Council Decision

Submissions 22-12, 23-15, 24-37, 25-37, 26-37, 27-37, 44-9, 35-5: Support is noted. The proposed title rewording is consistent with the RMA and NZCPS and better reflects the method content.

Submissions

Submission Number: 22: 12 Submission Type: Support in Part
Submitter: Environmental Defence Society Incorporated
Submission Summary: We support the identification of areas of coastal water that are having a significant adverse effect.
Decision Sought: No change requested.

Council Decision: Accept

Submission Number: 23: 15 Submission Type: Support in Part
Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: The wording of this method should be amended for clarity and correctness to refer to water quality.
Decision Sought: Reword to Identify areas where coastal water quality is having significant adverse effects.

Council Decision: Accept

Submission Number: 24: 37 Submission Type: Support
Submitter: Te Tumu Landowners Group
Submission Summary: Method 53B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 53B as notified.

Council Decision: Accept

Submission Number: 25: 37 Submission Type: Support
Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: Method 53B adequately recognises the provisions of the NZCPS 2010.
Decision Sought: Adopt Method 53B as notified.

Council Decision: Accept

Submission Number: 26: 37 Submission Type: Support
Submitter: Te Tumu Kaituna 11B2 Trust

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Method 53B adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Method 53B as notified.

Council Decision: Accept

Submission Number: 27: 37 Submission Type: Support

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Method 53B adequately recognises the provisions of the NZCPS 2010.

Decision Sought: Adopt Method 53B as notified.

Council Decision: Accept

Submission Number: 35: 5 Submission Type: Support

Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen

Submission Summary: NTST does support New Method XX: Identify coastal waters have an adverse effect; as identified as being most appropriate for achieving Objectives 2 & 27, and Policy 21 of the NZCPS 2010

Decision Sought: No specific remedy stated

Council Decision: Accept

Submission Number: 44: 9 Submission Type: Support

Submitter: Basil Graeme

Submission Summary: Support method 53B

Decision Sought: No change requested

Council Decision: Accept

Section: Method 61: Identify vehicle access locations and situations 468

Council Decision

Retain Method 61 with detail specifying requirements for collaboration to read as follows:

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.

Reasons for Council Decision

Submissions 5-6, 13-2(f), 7-22, 12-7, 21-1, 22-13, 23-6, 23-16, 3-11(f), 14-33(f), 15-33(f), 16-33(f), 17-33(f), 24-38, 25-38, 26-38, 27-38, 35-4: The Proposed RPS is required to give effect to the New Zealand Coastal Policy statement (NZCPS) 2010. The NZCPS requires the control of vehicle access, identification of boat access locations and management of beach use. These are usually controlled by city and district councils through their management of esplanade reserves, setting bylaws and investment in infrastructure (which have limited RMA relevance). Although it would appear to make better sense for those with greater control of the problem to manage it the Proposed RPS could be seen to not be giving effect to the NZCPS if Method 61 were deleted entirely.

Submissions

Submission Number: 5: 6 Submission Type: Oppose

Submitter: Opotiki District Council

Submission Summary: The identification of locations and the maintenance of vehicle access onto beaches is an operational matter which is addressed by individual councils in partnership with their communities and regional council.

Decision Sought: Delete Method 61: Identify vehicle access locations and situations

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Reject

Further Submission(s)

Further Submission No: 13 - 2 Submission Type: Support

Further Submitter: Western Bay of Plenty District Council

Submission Summary: Bylaws are sufficient for addressing vehicle access.

Decision Sought:

Council Decision: Reject

Submission Number: 7: 22 Submission Type: Support in Part

Submitter: Western Bay of Plenty District Council

Submission Summary: Method is vague.

Decision Sought: Expand on this method to include mention of what areas are to be accessed e.g. beaches, and whether vehicle access points are to be considered on both public and private land.

Council Decision: Reject

Submission Number: 12: 7 Submission Type: Support

Submitter: NZ Transport Agency

Submission Summary: It is important that the road controlling authorities are consulted to ensure the ongoing operation and maintenance of a safe and efficient transport network.

Decision Sought: Amend Method 61 as follows:

Identify appropriate vehicle access locations and situations in collaboration with the regional council and road controlling authorities.

Council Decision: Reject

Submission Number: 21: 1 Submission Type: Support in Part

Submitter: L A Sisam Holdings Limited

Submission Summary: Vehicles with and without boat trailers park on the north ie Whakatane end of West End Ohope Beach in contravention of the Whakatane District Council's bylaws which are sign posted at the 62 West End (Reserve) vehicle access point. Vehicles on such a beach area very significantly reduce the natural character of the environment.

Decision Sought: Provisions enabling the parties responsible for controlling vehicles to exercise those responsibilities.

Council Decision: Reject

Submission Number: 22: 13 Submission Type: Support

Submitter: Environmental Defence Society Incorporated

Submission Summary: We support the identification of areas of coastal water that are having a significant adverse effect.

Decision Sought: No change requested.

Council Decision: Accept

Submission Number: 23: 6 Submission Type: Oppose in Part

Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: Method 61 does not fit readily under Policy CE 3A and there is a policy gap for the implementation of NZCPS Policy 20.
Method 61 could result in diverse approaches across the region.

Decision Sought: Review the approach taken for implementing NZCPS Policy 20

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 17 - 33 Submission Type: Oppose
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Identification of vehicle access is more appropriately managed at a City and District level as for the notified Method.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 24: 38 Submission Type: Support
 Submitter: Te Tumu Landowners Group
 Submission Summary: Method 61 adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Method 61 as notified.

Council Decision:	Accept
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Submission Number: 25: 38 Submission Type: Support
 Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: Method 61 adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Method 61 as notified.

Council Decision:	Accept
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Submission Number: 26: 38 Submission Type: Support
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Method 61 adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Method 61 as notified.

Council Decision:	Accept
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Submission Number: 27: 38 Submission Type: Support
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Method 61 adequately recognises the provisions of the NZCPS 2010.
 Decision Sought: Adopt Method 61 as notified.

Council Decision:	Accept
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Submission Number: 35: 4 Submission Type: Support
 Submitter: Ngati Tuwharetoa (BOP) Settlement Trust - Anthony Olsen
 Submission Summary: NTST fully supports New Method XX: Identify vehicle access locations and situations; as identified as being most appropriate for achieving Objectives 2, 3 and 4 and Policy 20 of the NZCPS 2010
 Decision Sought: No specific remedy stated.

Council Decision:	Accept
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Chapter: Appendix A – Definitions

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Section: Appendix A – Definitions

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Council Decision

Amend the definition for 'Coastal Environment' to read: 'Includes all of the coastal marine area, land inland to the point defined in Maps 17-35 in

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Appendix I, the natural and physical resources within it, and the atmosphere above it.

Retain the definition for 'Mean High Water Springs' unchanged.

Amend the definition of 'Natural character' to refer to its "spectrum" of values to read as follows: 'The qualities of the environment that give New Zealand recognisable character. Natural character exists on a spectrum of values from low to outstanding with areas of high, very high and outstanding natural character being mapped and shown in Appendix I.'

Reasons for Council Decision

Submissions 7-24, 23-5(f), 22-15, 31-9, 32-8, 33-8, 51-1, 6-23(f), 8-23(f), 10-40(f), 12-28(f), 21-30(f): Although retained further amendments are recommended to the definition for Submissions 7-24, 23-5(f), 22-15, 31-9, 32-8, 33-8, 51-1, 6-23(f), 8-23(f), 10-40(f), 12-28(f), 21-30(f): Although retained further amendments are recommended to the definition for 'Coastal environment' to include linkages to Policy CE 1A to provide clarity around the process to define natural character. Natural character is a continuous quality that many people find difficult to understand. These amendments provide consistency with policy and are intended to help with understanding. There is no value added by listing the various elements listed in Policy 1 of the NZCPS 2010 as these were included in the evaluation and identification of the coastal environment in Maps 17-35 of Appendix I.

Submissions 8-14, 3-13(f), 25-14(f), 24-39, 25-39, 26-39, 27-39: The definition of Mean High Water Springs was not changed and is outside the scope of Variation 1.

Submissions

Submission Number:	7: 24	Submission Type:	Support
Submitter:	Western Bay of Plenty District Council		
Submission Summary:	Support the inclusion of physical resources in this definition as this acknowledges that man-made elements such as jetties, wharfs, car parks, public toilets, boat ramps and hard protection structures have a functional need to be located in the coastal environment and also contribute to the character of the coastal environment.		
Decision Sought:	Retain the definition as notified.		
Council Decision:	Accept in Part		

Further Submission(s)

Further Submission No:	23 - 5	Submission Type:	Support in Part
Further Submitter:	Andrew Buttle, Peter Buttle and James Buttle		
Submission Summary:	The Coastal Environment definition is not supported by the maps as their scale is inadequate. There is no clear indication of the extent of the coastal environment particularly for Whakaari/White Island. There is no measure of the existing physical environment.		
Decision Sought:			
Council Decision:	Reject		

Submission Number:	8: 14	Submission Type:	Oppose in Part
Submitter:	Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited		
Submission Summary:	Mean high water springs (MHWS) is a term best determined at the time of undertaking survey work and it is not effective to have it within the RPS.		
Decision Sought:	No specific decision requested.		
Council Decision:	Reject		

Further Submission(s)

Further Submission No:	3 - 13	Submission Type:	Support
Further Submitter:	Department of Conservation		
Submission Summary:	Proposed definition of MHWS appears to be from the LINZ website but is out of context. Definition of mHWS is a task for experts who would probably be guided by current survey profession best practice rather than by RPS definition.		

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

questionable benefits of the exercise. A default "high" classification is given in policy recognising the need to avoid, remedy or mitigate significant adverse effects.

Submissions 23-18, F24-40, 44-11, F14-34, F15-34, F16-34, F17-34: While specific ecological features (such as roosting sites) may be present in an area, the overall setting and other considerations are relevant to the natural character "score".

Submissions 24-40, 25-40, 26-40, 27-40: The precise boundary of the coastal environment at Te Tumu has elements of arbitrariness due to the complex interrelationship of river (marine) and terrestrial environments. The adjustment provides logic as to the precise location of the boundary which is unlikely to impact upon future development in this area. The dynamic nature of the natural (river) processes were a key consideration for the Te Tumu High Natural Character Area ranking. Attributes in this area with "high" ratings included water, land cover and land use and terrestrial biotic systems, with the abiotic system and landform and perceptual attributes as being "moderate".

Submissions 20-1, 22-16, 23-1, 31-10, 32-9, 33-9, 48-2, 11-2: Support for mapping the coastal environment is noted. The purpose of natural character lines is not to prevent use or development or even "protect" land. The boundary denotes a set of attributes that the NZCPS and RMA consider important. The only impact is that features that were generally known are now specifically located. Farmed land can have high natural character and has not been excluded by virtue of this land use.

Natural character is assessed as it currently found. However, in the case of the Rena shipwreck, assessment has been deferred while the fate of the remaining ship structure is determined.

Motiti Island: The island natural character is below the "High" threshold used to map features. However, the cliffs, coastline and surrounding waters have high natural character. It is not possible to map to sufficient detail to exclude all coastal structures. Policy CE 7B (and the "high" ranking generally) ensures that authorised development such as a barge facility can continue to operate and are not inadvertently penalised.

Changes to Policy CE 7B seek to clarify that existing developed areas such as on White Island should be able to be further appropriately developed. Policy CE2B explains how "attributes" are to be used and, in respect of White Island, recognise development and the large number of visitors and scientific structures provided. Accordingly, the Island is considered to have considerable absorption capacity. In particular, the prominence of extreme geology dwarfs other natural character considerations to the point it is difficult to imagine sensible, tourist oriented structures, sensitively located being considered to have any adverse effects on natural character at large. Concerns of an inability to continue to operate the Island for tourism purposes and accommodate small structures are considered to be unfounded. Should the submitter require further evidence he should contact Council staff.

Submissions 41-2: The submitters' concerns are noted, however no specific relief has been identified. The Proposed RPS includes policy provisions to recognise and provide for the protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development.

Submission: 7-25, F5-4, F23-6, 40-6, 2-30, 21-31: The purpose of an RPS is to promote sustainable management and to promote/ achieve integration. The RCEP, Regional and District Plans must give effect to the RPS. It would be inappropriate for the RPS to include overly precise maps as these would lock TAs into detail they are better equipped to consider in light of their particular circumstances. As noted elsewhere in recommendations, there is a practical limit to the level details able to be included in an RPS.

Submissions 29-3, F10-4: A "reverse" buffer as suggested by the submitter would be contrary to the Act's purpose, requirements of the NZCPS and would not achieve objectives of the proposed RPS - all of which include the protection of natural character from inappropriate subdivision, use and development.

Submission 50-1, F14-36, 15-36, 16-36, 17-36: The land in question is "compromised" by the presence of pinus and other exotic species and considered sufficiently modified to fall just outside the "high" ranking. This is not to say that this land does not have other (landscape/ amenity) qualities, just that it does not rank sufficiently when tested against the narrow "natural character" criteria.

Submission 38-16, F2-28, 38-17, F2-29, F10-7, 21-32: The drafting and development of Variation 1 included extensive mailouts and press releases, including to parties considered "affected". Parties within the "Coastal Environment" were not directly written to because they are currently affected and the line simply confines/ narrows consideration of this matter. A similar approach could have been taken with natural character. However, in this case because there is an element of "classification" it was thought appropriate to be more direct and write to parties considered "affected". As noted elsewhere in recommendations, "natural character" or "coastal environment" notations will have no impact on current rural activities and will provide greater certainty should owners wish to change land-use. As noted in submissions, mapping is considered an important precursor to giving effect to the NZCPS and in its own right is considered an efficient tool to guide decision-making.

Submission 42-3, F2-31, 24-4: The shoreline of Motiti has been ranked as having high natural character. Recommendations elsewhere seek to provide certainty that existing uses and consented activities are "appropriate". Existing uses are well protected by existing use rights.

Submissions 2-1, 2-2, 3-1, 6-1, 7-26, F1-17, F10-22, F23-7, 8-18, F25-18, 10-1, 14-1, 12-8, 15-1, 16-1, 17-1, 18-1, 19-1, 28-5, 29-3, F10-4, 34-1, 37-1, 37-2, 45-1, F14-36, F15-36, F16-36, F17-36, 46-1, 48-2, F11-2, 52-2, 53-2, 54-1, 24-40, 25-40, 26-40, 27-40, 45-1, F14-35, F15-35, F16-35, F17-35, 49-1: A number of changes to maps have been made to better align the natural character and coastal environment lines to ground-based features. In particular, the maps have been amended to exclude urban properties where these are on the edge of "lines" and to down-rate residential zoned land consistent with its baseline of permitted uses.

Submissions

Submission Number:	2: 1	Submission Type:	Oppose
Submitter:	R & S Russell		
Submission Summary:	Opposed to inclusion of already developed farmland (Lot 9 DP 357453, Wainui Road) into natural character area. Removal of additional areas will create economic difficulties. Support inclusion of already fenced off wetlands.		

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Decision Sought: No remedy specific to this property stated.

Council Decision: Accept in Part

Submission Number: 2: 2 Submission Type: Oppose

Submitter: R & S Russell

Submission Summary: The property (Lot 1 DP 27638, Lot 3 DP 27638, Lot 2 DP 27638) has no natural character left as a result of slips/washout.

Decision Sought: Remove property from any further blanket zoning or changes.

Council Decision: Accept

Submission Number: 3: 1 Submission Type: Oppose

Submitter: Ineke Marr

Submission Summary: Oppose any interference with submitter's property [Lots 1 and 2 being subdivision of part lot 63D7A Matata Psh].

Decision Sought: No specific remedy stated.

Council Decision: Reject

Submission Number: 6: 1 Submission Type: Oppose

Submitter: Gerrit Jan Eggink

Submission Summary: Opposed to the identification of land (Property parcel ID 7118520) as having outstanding natural character. It is just grazing land not adjacent to beach and dunes.

Decision Sought: Remove from natural character area.

Council Decision: Accept in Part

Submission Number: 7: 25 Submission Type: Oppose

Submitter: Western Bay of Plenty District Council

Submission Summary: The maps are at such a small scale that it is often difficult to determine the exact areas affected and therefore whether certain maps are supported or opposed.

Decision Sought: Re-produce the maps (provided within the notified Variation 1 document) at a larger scale so that is it clear what areas have been identified as having natural character.

Council Decision: Reject

Further Submission(s)

Further Submission No: 5 - 4 Submission Type: Support

Further Submitter: NZ Transport Agency

Submission Summary: The NZTA supports the request for larger scale maps.

Decision Sought:

Council Decision: Reject

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 23 - 6 Submission Type: Support

Further Submitter: Andrew Buttle, Peter Buttle and James Buttle

Submission Summary: The submitters request that scale maps are produced in a larger scale and that there is specific identification of areas in relation to their natural character at Whakaari/White island.

Whilst reference is made to high resolution images this is not the case for Whakaari/White Island. With higher resolution it would be possible to see the modifications and thus determine areas for classification. The submitters are able to provide such an image.

Decision Sought:

Council Decision:	Reject
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Submission Number: 7: 26 Submission Type: Oppose

Submitter: Western Bay of Plenty District Council

Submission Summary: The existing natural character is most often confined to the seaward face of the stop-banks due to the saline influence on that side,

The Port of Tauranga (map 20) has been excluded from the natural character areas due to the modification. Many of the same man-made elements are found in other parts of the Tauranga Harbour particularly adjoining urban settlements and therefore should also be excluded from the natural character areas.

There are a number of reserves within the Western Bay of Plenty District identified as having "very high" or "high" natural character but which have already been highly modified by man-made elements. For instance some portions of Pohutakawa Park (north of Waihi Beach) are identified as having high natural character however are developed with park furniture, long-standing baches, formed access-ways and mown grass. The balance of the reserve which is of high or very high natural character is not opposed. Likewise, Bowentown Reserve has been modified by large areas of mown grass and similar man-made elements so it is questionable whether this area is still of "high" natural character.

Decision Sought:

Remove the following areas from the identified 'high' and 'very high' natural character areas;

1. The landward face of the Uretara River stop-banks and other identified stop-banks.
2. The parts of the Tauranga Harbour adjoining Omokoroa, Tanners Point, Taupiro Point, Bowentown and other similar areas, which have been highly modified by the presence of man-made elements such as wharfs, jetties, boat ramps and boat mooring areas.
3. Areas within reserves that have already been highly modified by the presence of man-made elements such as toilets, mowed lawns, car parks and park furniture.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 1 - 17 Submission Type: Oppose

Further Submitter: Basil Graeme

Submission Summary: Inconsistent with 7.24 and case law recognised that high natural character can include a degree of character that is modified from nature.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 10 - 22 Submission Type: Oppose
 Further Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: Natural character is a continuum and areas with man-made elements can still have overall high natural character. It is important that the overall quality of the environment is considered. Site characteristics can still be taken into account.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 23 - 7 Submission Type: Support
 Further Submitter: Andrew Buttle, Peter Buttle and James Buttle
 Submission Summary: Areas within the reserve have been highly modified. A number of activities and man-made structures that require development are on the island. Further appropriate development such as research facilities or tourist shelters for safety purposes might be required.

Remove from "Outstanding", "High" or "Very High" classification the following:

- a) Foreshore of crater and that area within crater walls of Reserve at Whakaari / White Island
- b) Area known as "Bungalow Beach" on Whakaari / White Island.
- c) Areas suitable for use in siting, monitoring and communications equipment.

Decision Sought:

Council Decision:	Reject
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Submission Number: 8: 18 Submission Type: Oppose
 Submitter: Blakely Pacific Limited, Scorpians Limited & TKC Holdings Limited
 Submission Summary: The Submitters oppose the maps and listing of any part of Matakana Island because of the inconsistency of the two appendices and because the notations appear to be inconsistent with reports already completed as part of the Environment Court directed Whole of Island Plan.

Decision Sought: The submitters request that the High and Very High Map notation are deleted from Matakana Island, and that reference MAT is deleted from Appendix I.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 25 - 18 Submission Type: Oppose
 Further Submitter: Nessie Kuka
 Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.

Decision Sought:

Council Decision:	Accept
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Submission Number: 10: 1 Submission Type: Oppose
 Submitter: Alister Campbell Arcus
 Submission Summary: The land in question (Waikawa Pahaoa No 1G No 2 SHWAY 35) has been cropped for many years and is no different to many farmed blocks in the area. This will severely restrict the ability for whanau and future generations to live and enjoy their cultural and historic whenua. Many land owners may not be able to afford to build on their land and have to live in sub-standard housing such as caravans, buses, garages or sheds. Why are some areas not included in this proposal.

Decision Sought: Move high natural character line shown affecting (Waikawa Pahaoa No 1G No 2 SHWAY 35) to within 5m of edge of bank or restrict zone to within the "Queens chain" area.

Council Decision:	Accept in Part
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

future generations to live and enjoy their cultural and historic whenua. Many land owners may not be able to afford to build on their land and have to live in sub-standard housing such as caravans, buses, garages or sheds. Why are some areas not included in this proposal.

Decision Sought: Move high natural character line shown affecting (Waikawa Pahaoa No 1G No 2 SHWAY 35) to within 5m of edge of bank or restrict zone to within the "Queens chain" area.

Council Decision:	Accept in Part
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Submission Number: 20: 1 Submission Type: Support

Submitter: Maresca Family Trust

Submission Summary: We support the council identifying and mapping the extent of the coastal environment in the regional policy statement.

Decision Sought: No relief sought.

Council Decision:	Accept
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Submission Number: 22: 16 Submission Type: Support

Submitter: Environmental Defence Society Incorporated

Submission Summary: We support the mapping of areas of high natural character to the extent that the maps accurately identify the required areas.

Decision Sought: No change requested.

Council Decision:	Accept
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Submission Number: 23: 1 Submission Type: Support

Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The mapping of the coastal environment as depicted in Appendix I is supported.

Decision Sought: Retain the identified coastal environment.

Council Decision:	Accept
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Submission Number: 23: 17 Submission Type: Oppose in Part

Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: Open Coastal water is identified in the Boffa Miskell report p11 as High. This does not seem to be indicated on the Maps or in the text of the variation.

Decision Sought: Clarify open coastal water is to be assessed as being of High natural character.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 20 - 25 Submission Type: Oppose

Further Submitter: Port of Tauranga Limited

Submission Summary: The identification of open coastal water as High Natural Character is conditionally opposed as it is a matter that would require specific investigation on a case by case basis.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Map 23 of 35

1. The inland extent of the Coastal Environment line for the 'Te Tumu' area appears arbitrary and doesn't seem to correlate with the surrounding areas.
2. The inland extent of the High Natural Character area along the 'Te Tumu' coastline should be consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
3. The area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River is not consistent with the other areas of High Natural Character in the surrounding area in that this area is partially pasture and an SEA Category 2 Area (in the Tauranga City Plan) all of which have low to moderate Natural Character values.

Decision Sought: Map 23 of 35

1. The inland extent of the Coastal Environment line for the 'Te Tumu' area appears arbitrary and doesn't seem to correlate with the surrounding areas.
2. The inland extent of the High Natural Character area along the 'Te Tumu' coastline should be consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
3. The area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River is not consistent with the other areas of High Natural Character in the surrounding area in that this area is partially pasture and an SEA Category 2 Area (in the Tauranga City Plan) all of which have low to moderate Natural Character values.

Council Decision: Accept in Part

Submission Number: 27: 40 Submission Type: Seek Amendment

Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Map 23 of 35

1. The inland extent of the Coastal Environment line for the 'Te Tumu' area appears arbitrary and doesn't seem to correlate with the surrounding areas.
2. The inland extent of the High Natural Character area along the 'Te Tumu' coastline should be consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
3. The area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River is not consistent with the other areas of High Natural Character in the surrounding area in that this area is partially pasture and an SEA Category 2 Area (in the Tauranga City Plan) all of which have low to moderate Natural Character values.

Decision Sought: Map 23 of 35

1. The inland extent of the Coastal Environment line for the 'Te Tumu' area appears arbitrary and doesn't seem to correlate with the surrounding areas.
2. The inland extent of the High Natural Character area along the 'Te Tumu' coastline should be consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
3. The area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River is not consistent with the other areas of High Natural Character in the surrounding area in that this area is partially pasture and an SEA Category 2 Area (in the Tauranga City Plan) all of which have low to moderate Natural Character values.

Council Decision: Accept in Part

Submission Number: 28: 5 Submission Type: Oppose in Part

Submitter: Port of Tauranga Limited

Submission Summary: Map 20 classifies the water around the southern Tauranga harbour entrance as high natural character, despite the Boffa Miskell natural character assessment noting that water to be of moderate natural character due to the modification that had occurred.

Decision Sought: Amend map 20 to remove the high natural character classification in the water surrounding Mauao or, alternatively, that provision is made elsewhere in the Proposed RPS to make clear that as a consented and zoned activity, the natural character assessment will not be relevant to future dredging applications.

Council Decision: Accept in Part

Submission Number: 29: 3 Submission Type: Oppose in Part

Submitter: The Sterling Trust

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Summary: Safeguard the capacity and efficiency of current and future business operations to ensure that there are no adverse effects on the use of adjacent/adjoining land thereby decimating future sustainable growth for the region.

Decision Sought: Map 27 - Modify the boundaries of the proposed areas of High Natural Character to exclude the area outlined in white on Attachment 1. Amend all maps to provide a buffer zone between the area of High Natural Character and adjacent/adjoining land and locate the buffer zone within the proposed areas of High Natural Character.

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 4 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society NZ Inc

Submission Summary: The concept of a buffer zone has merit but to include it within the high natural character area defeats the purpose of the provision.

Decision Sought:

Council Decision: Accept

Submission Number: 31: 10 Submission Type: Support

Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: The Oil Companies support and seek the retention of the Coastal Environment and Natural Character Maps in Appendix I.

Decision Sought: Retain the Coastal Environment and Natural Character Maps

Council Decision: Accept

Submission Number: 32: 9 Submission Type: Support

Submitter: Powerco Limited

Submission Summary: Powerco supports and seeks the retention of the Coastal Environment and Natural Character Maps in Appendix I.

Decision Sought: Retain the Coastal Environment and Natural Character Maps in Appendix I

Council Decision: Accept

Submission Number: 33: 9 Submission Type: Support

Submitter: Transpower New Zealand Limited

Submission Summary: Transpower supports and seeks the retention of the Coastal Environment and Natural Character Maps in Appendix I

Decision Sought: Retain the Coastal Environment and Natural Character Maps in Appendix I.

Council Decision: Accept

Submission Number: 34: 1 Submission Type: Oppose in Part

Submitter: Stratum Enterprises

Submission Summary: Map 27 RPS Coastal Environment & Natural Character - Council staff have advised that this property is only clipped with the proposed natural character schedule. The placing of the Natural Character schedule may place in future unreasonable burdens on the landowners.

Decision Sought: Modify the boundaries of the proposed areas of High Natural Character to exclude the infringement of the proposed Natural Character on 27 Wairaka Road, Whakatane, a residential site.

Council Decision: Accept in Part

Submission Number: 37: 1 Submission Type: Oppose

Submitter: Sam Ruha

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Our forefathers settled in this area hundreds of years ago. This land is close to our hearts. It concerns us immensely to know that the Council is proposing to introduce rules and regulations that could prevent us, or our descendents, from continuing to use our land for the benefit, welfare and economic security and advancement, of present and future generations. We have been quite capable of looking after our land for multiple generations already.

Many locals, who are mostly Maori, would feel that this is just another form of control exerted by a bureaucratic power over a minority group. Why should we locals have to sacrifice 100% of our economic well being, for a difficult to identify minority group that spends a minority amount of time in the area? There is NO equity in this at all. Period.

Our land, is situated relatively close to the main settlement of Te Kaha (less than 4 km to the shop It is natural therefore that this land will eventually be developed into housing given its close proximity to the primary settlement in the area

Decision Sought: The whole of the Pahaoa area should be excluded from the Natural Character definition because ultimately it will logically be used by our growing family, and the families in the Pahaoa area, and our/their descendents.

Council Decision:	Accept in Part
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Submission Number:	37: 2	Submission Type:	Not Applicable
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Submitter: Sam Ruha

Submission Summary: There is a question regarding a block of land which appears to have been excluded from natural character.

Decision Sought: No specific remedy sought.

Council Decision:	Reject
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Submission Number:	38: 16	Submission Type:	Oppose
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Submitter: Federated Farmers of New Zealand

Submission Summary: Federated Farmers is disappointed with the lack of affected landowner involvement in the development of Appendices I & J. Federated Farmers expects that when there are lines drawn on maps to protect identified areas and values that those changes will mean to them prior to the notification of the variation.

Decision Sought: a) Delete Appendix I and J
b) Federated Farmers submits that consultation with landowners to ensure the accuracy of the relevant coastal areas is required.

Council Decision:	Reject
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Further Submission(s)

Further Submission No:	2 - 28	Submission Type:	Oppose
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Further Submitter: Environmental Defence Society Incorporated

Submission Summary: Mapping of the coastal environment and natural character is an essential precursor to deliver a RPS which meets the statutory requirements of the RMA and gives effect to the NZCPS 2010. Mapping also provides certainty and ensures consistent management by local authorities. We support the areas mapped.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 38: 17 Submission Type: Support in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers is generally supportive of the rationale of this policy. However we have concerns over some of the areas that have been identified as "very high natural character" and "high natural character" in Appendix J as this does include land that is farmed. These are: Ohiwa Harbour (High), Opotiki to Opape (High), Opape to Pokohinu Point Very High), Whanarua Bay to Waihou Bay (High), Waihou Bay to Cape Runaway (High), Cape Runaway to Pokikirua Point (High).
Decision Sought: Remove and Delete the following land areas from the Natural Character Attribute table in Appendix J and all associated maps in Appendix I: Ohiwa Harbour (OH), Opotiki to Opape (OOp), Opape to Pokohinu Point (Opo), Whanarua Bay to Waihou Bay (Whan), Waihou Bay to Cape Runaway (WC), Cape Runaway to Pokikirua Point (Run).

Council Decision: Reject

Further Submission(s)

Further Submission No: 2 - 29 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: Mapping of the coastal environment and natural character is an essential precursor to deliver a RPS which meets the statutory requirements of the RMA and gives effect to the NZCPS 2010. Mapping also provides certainty and ensures consistent management by local authorities. We support the areas mapped.
Decision Sought:

Council Decision: Accept

Further Submission No: 10 - 7 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: Land should not be excluded from natural character classification simply because it is farm land. There is substantial case law reflecting that some farm land has high natural character.
Decision Sought:

Council Decision: Reject

Submission Number: 40: 6 Submission Type: Oppose
Submitter: Lowndes Associates
Submission Summary: Amend the mapping throughout the region at Appendix I and Appendix J - natural character attributes to reflect the scope and extent of the natural character elements as found.
Decision Sought: Without limitation to para 10, amend, delete, limit or exclude:
(a) Motiti Island, and Astrolabe Reef from the outstanding natural character classification at Map 21 in Appendix I;
(b) The natural character attributes for Motiti Island, and Astrolabe Reef, and related narrative and description at Appendix J; and

Council Decision: Reject

Further Submission(s)

Further Submission No: 2 - 30 Submission Type: Oppose
Further Submitter: Environmental Defence Society Incorporated
Submission Summary: These are areas of outstanding natural character and should not be removed from Appendix I and J.
Decision Sought:

Council Decision: Accept

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 21 - 31 Submission Type: Support in Part
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: Support the relief sought to ensure the natural character attributes also reflect the scope and extent of the natural character elements found.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 41: 2 Submission Type: Support
 Submitter: Bayway Initiatives
 Submission Summary: Much damage has been done to Pa sites and buildings of colonial times. Much desecration has occurred. Many areas of outstanding scenic beauty and tourist potential have been spoilt through lack of planning. The Regional Council is doing an excellent job in enforcing water pollution laws. They could easily support coastal preservation and prevent unlawful deviation.
 Decision Sought: No specific remedy sought.

Council Decision:	Accept
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Submission Number: 42: 3 Submission Type: Oppose in Part
 Submitter: Motiti Avocados Limited
 Submission Summary: Motiti Avocados Limited is concerned that the entire shoreline being ONC will potentially impact on primary production on the Island. The Motiti Barge Landing in particular is shown as ONC despite the clear modification of the natural environment this represents (although this is recognised in Appendix J to a limited extent). The Barge Landing is vital to the operation of Motiti Avocados Limited's orchard. The present classification could inappropriately prevent the use of this physical resource.
 Decision Sought: Amend Map 21 to remove the ONC classification for the Island's shoreline. Areas where significant modification to the natural character of the coastline has occurred should have no natural character classification. This should occur, at the least, for those indicative landing areas shown in the Motiti District Plan Planning Map 1, and the Motiti Barge Landing in particular. A classification appropriate to the remaining areas needs to be adopted. If areas of the coastline are retained as ONC, Motiti Avocados Limited seek detailed locational descriptions for these areas as well recognition in Appendix J of the areas which are modified so it is clear what is being protected.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 2 - 31 Submission Type: Oppose
 Further Submitter: Environmental Defence Society Incorporated
 Submission Summary: This is an area of outstanding natural character and should not be removed from Appendix I and J.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 24 - 4 Submission Type: Oppose
 Further Submitter: Motiti Rohe Moana Trust (MRMT)
 Submission Summary: Retain Motiti Rohemoana as outstanding natural character in RPS Coastal variation.
 Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 44: 11 Submission Type: Support in Part
Submitter: Basil Graeme
Submission Summary: Map 23 does not recognise the high natural character of the land west of the Kaituna cut. It is the only remaining extensive remnant of flat, former swamp land with remnant dune lake, major river, adjacent wildlife management reserve and vegetated dunes, all within the coastal environment. This representative landscape is not found between Pukehina Beach Road and Athenree.
Decision Sought: Request this area is identified as having high natural character.

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 14 - 34 Submission Type: Oppose
Further Submitter: Te Tumu Landowners Group
Submission Summary: The identification of additional areas of high natural character is not supported by the natural character mapping in Appendix I.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 34 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 14 Trust
Submission Summary: The identification of additional areas of high natural character is not supported by the natural character mapping in Appendix I.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 34 Submission Type: Oppose
Further Submitter: Te Tumu Kaituna 11B2 Trust
Submission Summary: The identification of additional areas of high natural character is not supported by the natural character mapping in Appendix I.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 34 Submission Type: Oppose
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: The identification of additional areas of high natural character is not supported by the natural character mapping in Appendix I.
Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 32 Submission Type: Oppose
Further Submitter: Federated Farmers of New Zealand
Submission Summary: No areas should be marked on maps as having high natural character without evidence to support and landowner involvement and acceptance.
Decision Sought:

Council Decision:	Reject
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 45: 1 Submission Type: Oppose

Submitter: Bay of Plenty Regional Council

Submission Summary: Amendments to maps are needed to correct minor irregularities. Minor amendments are likely required to Appendix I maps to regularise polygon boundaries. Minor amendments will promote administrative efficiency to ensure the natural character areas do not protrude into adjacent (often urban) land areas.

Decision Sought: Amend map 17 by adjusting the "TH" "Very High" Natural Character area to exclude Lot 3 DPS 74534 Blk II Katikati SO (65 Athenree Road, Katikati). Amend map 29 by adjusting the "OOp" "High" Natural Character area to exclude 983 State Highway 35 (Allot 314 Waioeka Psh Blk 1V Op6tikiki SO). Amend definition of the Coastal Environment shown on map 28 to include the portion of the Otara River (shown in Appendix 3) known to be important for whitebait spawning. Make minor adjustments to Appendix I to correct mapping irregularities to ensure natural character and the landward extent of the coastal environment line are consistent with property boundaries. Adjustments should not exceed a lateral movement of 10m.

Council Decision:	Accept
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Further Submission(s)

Further Submission No: 14 - 35 Submission Type: Oppose

Further Submitter: Te Tumu Landowners Group

Submission Summary: Oppose proposed minor adjustments to the Appendix I maps subject to the extent they impact on the Te Tumu lands on Map 23.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 35 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Oppose proposed minor adjustments to the Appendix I maps subject to the extent they impact on the Te Tumu lands on Map 23.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 35 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Oppose proposed minor adjustments to the Appendix I maps subject to the extent they impact on the Te Tumu lands on Map 23.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 35 Submission Type: Oppose

Further Submitter: Ford Land Holdings Pty Ltd

Submission Summary: Oppose proposed minor adjustments to the Appendix I maps subject to the extent they impact on the Te Tumu lands on Map 23.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 46: 1 Submission Type: Oppose

Submitter: Joy Turner and Geoffrey Turner

Submission Summary: The proposal removes our right to develop almost the entire property (PT Allot 207.50.488 BLK VI Aongatete SD). We own the riparian land to the harbour's edge. This proposal will curtail any ability we have to earn a living from our land. The effect of your proposal means our farm becomes impossible to farm or develop in any way and therefore economically unviable.

Decision Sought: If the Council wishes to do this then it is clear that full and ongoing compensation must be provided to compensate us for the property rights you intend to deprive us of. As an alternative we suggest you seriously consider maintaining the current Judicial Coastal Environment boundary i.e., esplanade strips or reserves.

Council Decision:	Reject
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Submission Number: 48: 2 Submission Type: Support

Submitter: Te Runanga O Ngati Awa

Submission Summary: Ngati Awa supports the proposed variation and all of the sites in the Whakatane district that have been identified as outstanding, very high or high value. The following sites also have cultural values:

- Koohi Point
- Lookout for fishing, and ocean going activities
- Lookout and Communications location - particularly in times of emergency
- A place of escape, congregation and observation of natural events

Piripai Spit, including Opihiwhanaungakore Urupa

- Place of interment

Motiti Island

- Multiply owned Maori Freehold land used for residences and farming activities
- Location of two Ngati Awa marae and associated events

Matata Straights

- Historic battleground and place of interment of those fallen

Rurima Islands

- Multiply owned Maori Freehold land

Rangitaiki River mouth - Eastern Bank Lagoon

- Fish breeding and spawning ground - particularly mullet and whitebait

Port Ohope

- Camping ground or Nohoanga

Ohiwa Harbour

- Fishing, shell-fishing, diving, waka ama, kaitiakitanga activities

The rocks at the Whakatane River Mouth form part of a cultural landscape of tremendous significance to Ngati Awa and all other Mataatua iwi. Ngati Awa owns title to these rocks and requests they be identified as being of a very high natural character category to protect the rocks from inappropriate activity,

Decision Sought: Retain the proposed instruments for each of the sites identified in maps relating to the Whakatane district. Add the rocks in the river mouth to the very high natural character category, Add all of the retired lands in riparian margins of the Ohiwa Harbour that have been covenanted for protection or are subject to an Environmental programme.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 11 - 2 Submission Type: Support

Further Submitter: Trustees of Ophi Whanaunga Kore Urupa

Submission Summary: Support submission to retain the identification of Piripai Spit. This need is particularly important given the cultural and historic heritage value of Ophi urupa and Piripai Spit for local marae and Ngati Awa hapu and iwi. Traditional custom continues to be practiced on the urupa.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submission Number: 49: 1 Submission Type: Oppose

Submitter: R C Brosnahan

Submission Summary: Inappropriate due to farmland. Very intruding on our land. Unable to comment on rules as they are not available at present. Would like to meet someone for discussion on this matter.

Decision Sought: Withdraw line on:
 1. 93B Maraetotara Road Valuation Reference 0715 23900
 2. 270 Pohutukawa Ave valuation reference 0715124200 A & B
 3. Waimana 246B 2C 2B2 Trust Valuation reference 07151 24300A

Council Decision:	Reject
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Submission Number: 50: 1 Submission Type: Oppose

Submitter: Ngati Makino Iwi Authority

Submission Summary: Whilst not all the Te Tumu blacks might qualify as "High Natural Character" the ocean beach fronts would and this should be indicated on the map. The Okurei point beach has never been modified, therefore we cannot understand why this area is not designated as "High Natural Character". The Waitahanui river mouth has not been classified as being "High Natural Character"

Decision Sought: Parts of the Te Tumu blocks oceanbeach fronts, be designated "high natural character", rather than have no designation.
 Designate as "High natural character" and seek from the café shop to Little Waihi around Okurei point and out to sea.
 Designate an appropriate area around the Waitahanui river mouth as "high natural character".

Council Decision:	Reject
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Further Submission(s)

Further Submission No: 14 - 36 Submission Type: Oppose

Further Submitter: Te Tumu Landowners Group

Submission Summary: Oppose the identification of additional areas of high natural character on Map 23 with on the Te Tumu lands.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 36 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Oppose the identification of additional areas of high natural character on Map 23 with on the Te Tumu lands.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 36 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Oppose the identification of additional areas of high natural character on Map 23 with on the Te Tumu lands.

Decision Sought:

Council Decision:	Accept
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Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Further Submission No: 17 - 36 Submission Type: Oppose
Further Submitter: Ford Land Holdings Pty Ltd
Submission Summary: Oppose the identification of additional areas of high natural character on Map 23 with on the Te Tumu lands.
Decision Sought:

Council Decision: Accept

Submission Number: 52: 2 Submission Type: Oppose
Submitter: JB & HA Brosnahan
Submission Summary: We have inserted in an orange colour on the map attached the least-damaging positioning for those lines. However, these lines are only advanced on the explicit understanding that the presence of such a line will have no adverse effects on uses of our private land that adjoins them.
Decision Sought: Remove line from property as shown on attached drawing/map.

Council Decision: Accept in Part

Submission Number: 53: 2 Submission Type: Oppose
Submitter: H Hei Junior Trust & Hamiora Hei (Estate)
Submission Summary: Refute any government legislative (BOPRC) review and/or changes of authority over all Maraehako lands, rivers and seas that lie within its traditional boundaries. The Resource Management Act recognises and provides for the special relationship of Tangata Whenua (Pt2, Section 7) with their land.
Decision Sought: That BOPRC remove our Taonga (8563B SH35, RD 3, Opotiki) from the "High Natural Character" zoning plan.

Council Decision: Accept in Part

Submission Number: 54: 1 Submission Type: Oppose
Submitter: G Parry Trust
Submission Summary: We have a special bond as guardians and trustees of our land, and accordingly respect and conserve the beach, foreshore and the land around our property.
Decision Sought: We wish our title (G Parry Trust, RD 6, Te Puke) to be specifically excluded from your natural character zone.

Council Decision: Reject

Section: Map 32

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Council Decision

That natural character and the Coastal Environment lines be corrected seaward to match property boundaries where very minor amendments will achieve this.

Reasons for Council Decision

Submissions: 20-2, F23-9: Minor corrections will provide TAs and others using this data with greater certainty and will minimise the number of properties affected by either line. See also recommendations concerning map resolution.

Submissions

Submission Number: 20: 2 Submission Type: Oppose
Submitter: Maresca Family Trust
Submission Summary: Map 32 of 35 appears to be defined at a very broad scale and as a result seems arbitrary when relating it to the land.
Decision Sought: For council to accurately identify and map the coastal environment at a more detailed scale and for those responsible for identifying the coastal environment to undertake a detailed site assessment of our land to accurately identify the extent of the coastal environment.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept

Further Submission(s)

Further Submission No: 23 - 9 Submission Type: Support
Further Submitter: Andrew Buttle, Peter Buttle and James Buttle
Submission Summary: As owners of Whakaari/White Island, the submitters have never been approached in relation to a determination of what parts of the Island should be classified.
Decision Sought:

Council Decision: Accept

Chapter: Appendix J – Natural Character Attributes

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Section: Appendix J – Natural Character Attributes

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Council Decision

Amend Appendix J by rewriting and including missing attributes and further detail.

Retain those parts of Matakana Island with High or Very High " designations".

Include better explanation of the attributes in Policy CE 2B as follows:

"For example, the attributes for Tauranga Harbour include channel markers (scattered throughout the harbour and visible during the night time) and commercial areas. These features are recognised and detract from Natural Character but comprise the harbour at the time it was ranked. Features comprising natural character include low modification below MHWS and extensive areas of seagrass, saltmarsh around the margins. Accordingly, commercial use and development (in the right location) and protection of the aquatic habitats are unlikely to compromise natural character.

Make no specific mention of National Power grids in attributes table.

Retain rural land natural character, subject to minor amendments as noted elsewhere. Do not delete Appendix I and J.

Reasons for Council Decision

Submissions 7-27, F20-26, 20-3, 22-17, 24-41, 25-41, 26-41, 27-41, 32-10, F20-28: The attributes tables have been significantly rewritten with many sub-sectors now standing alone (i.e. aggregate areas have been split into their component parts). This has enabled greater resolution with the delineation of features now more closely matching ground-based elements. As a result naming conventions have changed.

Submission 31-11: Support is noted.

Submission 8-15, F25-15: The rankings given to Matakana Island are considered appropriate having regard of all the information available at this time.

Submissions 23-5, F7-7, F10-41, F14-22, F15-22, F16-22, F17-22, F20-27, F21-33, 23-9, 18-16, 23-10, 38-18, F10-8: Support for the attributes table is acknowledged. The attributes table has been refined with extraneous text removed and positive attributes clearly defined. Further explanatory text "explains" the purpose. Most rural land noted as having natural character is likely to remain in rural use for some time. The "designation" does not hinder (in any way) rural activities and provides considerable certainty as to where natural values exist.

Submission 33-10: The presence of regionally significant infrastructure (or for that matter any other specific feature) is acknowledged but need not be specifically included in attributes. The attributes are intended to provide a "flavour" that will help gauge the appropriateness of activities. By specifying positive attributes, decision-makers are able to better discern the impact of activities on Natural Character, but this does not mean they should not consider other matters. Existing infrastructure and the general preference for utility development within its corridor are givens.

Submission 38-19: Consultation has been undertaken and there was considerable media exposure for this issue. Variation 1 defines, on a map, what is otherwise unclear for many people. The impact of variation 1 is primarily on administrative efficiency. Any "effects" on people arise because matters that were previously unclear are now more clear. However, in developing variation 1, every effort has been expended trying to minimise the amount of land impacted.

Submission 40-2, F19-7: Astrolabe reef was previously included in a large area (including Motiti) considered to have "outstanding" natural character. However, a number of considerations make this previous approach untenable. In particular, the dearth of information pertaining to the ocean-floor in general, "high" status of Motiti and acknowledgement that "outstanding" only relates to the other offshore islands means that so large and general a classification cannot be supported.

Submission 40-7, F19-8, 42-4, F24-5: Motiti Island itself is not ranked "Outstanding", its "edge" is classified "high".

Amendments to Policy CE 7B provide for existing consented uses. Therefore it is not necessary to remove the Motiti Coastline which has considerable natural character value. The "high" natural character ranking requires avoidance, remediation or mitigation of significant adverse effects - the default RMA decision-making requirement.

Proposed Regional Policy Statement Variation 1 (Co Council Decisions on Provisions with Submissions and Further Submissions)

Submissions

Submission Number: 7: 27 Submission Type: Support in Part
Submitter: Western Bay of Plenty District Council
Submission Summary: BK, MM and MO do not appear to be provided for in the attribute tables.
Decision Sought: Add BK, MM and MO to the attribute tables.

Council Decision: Accept

Further Submission(s)

Further Submission No: 20 - 26 Submission Type: Other
Further Submitter: Port of Tauranga Limited
Submission Summary: The Port neither supports or opposes the relief. It is not clear why only certain areas have been included in Appendix J.
Decision Sought:

Council Decision: Accept in Part

Submission Number: 8: 15 Submission Type: Oppose
Submitter: Blakely Pacific Limited, Scorpions Limited & TKC Holdings Limited
Submission Summary: The Submitters oppose the maps and listing of any part of Matakana Island because of the inconsistency of the two appendices and because the notations appear to be inconsistent with reports already completed as part of the Environment Court directed Whole of Island Plan.
Decision Sought: The submitters request that the High and Very High Map notation are deleted from Matakana Island, and that reference MAT is deleted from Appendix J.

Council Decision: Reject

Further Submission(s)

Further Submission No: 25 - 15 Submission Type: Oppose
Further Submitter: Nessie Kuka
Submission Summary: Oppose this submission due to the aggressive developmental context that is being sought by developers upon what's known as a nationally recognised coastal landscape of Matakana Island.
Decision Sought:

Council Decision: Accept

Submission Number: 11: 1 Submission Type: Support
Submitter: Whakatane District Council
Submission Summary: The implementation of this policy will rely on assessing the effects of activities on 'attributes' and making a distinction between the effects of activities on 'very high' and 'high' natural character values. As such the inclusion in the RPS of the attributes that make up natural character is supported.
Decision Sought: Retain Appendix J.

Council Decision: Accept

Submission Number: 20: 3 Submission Type: Support in Part
Submitter: Maresca Family Trust
Submission Summary: Map 32 of 35 lists the coastal environment area as "Pok", but we cannot find the corresponding description of the natural character attributes listed in Appendix J
Decision Sought: Council to include the natural character attributes of coastal environment "Pok" in the proposed variation Appendix J.

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Further Submission No: 15 - 22 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 14 Trust
 Submission Summary: The NZCPS has been given effect to (implemented) through the Natural Character mapping in Appendix I.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 22 Submission Type: Oppose
 Further Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: The NZCPS has been given effect to (implemented) through the Natural Character mapping in Appendix I.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 22 Submission Type: Oppose
 Further Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: The NZCPS has been given effect to (implemented) through the Natural Character mapping in Appendix I.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 20 - 27 Submission Type: Oppose
 Further Submitter: Port of Tauranga Limited
 Submission Summary: The Port conditionally opposes the relief to give effect to Policy 13 of the NZCPS 2010 and clarify the status of attributes as it is not clear how the relief will affect the overall application of Policy CE 2A and its interactions with the natural character maps and Appendices.
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 21 - 33 Submission Type: Support in Part
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: Federated Farmers supports the clarification of the status of the attributes that compromise natural character but opposes the request to introduce a new policy to implement NZCPS Policy 13(d). If this is deemed to be necessary a full plan change/variation process would be required.
 Decision Sought:

Council Decision:	Accept
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Submission Number: 23: 19 Submission Type: Oppose in Part
 Submitter: Royal Forest and Bird Protection Society NZ Inc
 Submission Summary: The Society has reservations about the focus on attributes, particularly those that relate to perception. Appendix J seems to over-summarize the underlying report by Boffa Miskell e.g. pp32-3. it also appears that the assessment has not used the Land Typing approach as referenced in the NZCPS.
 There doesn't seem to be any clear justification for how Outstanding sites have been chosen.
 Kohi Point which has been confirmed as an Outstanding Natural feature and Landscape by the Environment Court in two hearings yet it is not even included in Appendix J. Orokawa Bay is another questionable omission. Is it justified to say that only offshore islands will qualify as "outstanding" when Moutuhora, for example, has been completely cleared in the past?
 Ohiwa harbour is not disputed. However apart from a few discrete areas, none of the surrounding land

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area is denoted as having high natural character. There are areas of native bush e.g in Paparoa Rd and Cheddar Valley not mentioned in BM p35 that should at least be shown as having high natural character.

Decision Sought: Review the assessments of "outstanding" natural character.
 Include Kohi Point in Appendix J
 Review the assessments of the coastal environment of Ohiwa harbour.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No:	18 - 16	Submission Type:	Oppose
Further Submitter:	Horticulture NZ and NZ Kiwifruit Growers Inc		
Submission Summary:	Any reassessment of Ohiwa Harbour should be done via a Plan Change process to enable public participation.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	23 - 10	Submission Type:	Support in Part
Further Submitter:	Andrew Buttle, Peter Buttle and James Buttle		
Submission Summary:	<p>A number of the attributes applied to Whakaari/White Island are incorrect. The major one being perception as it is very low in human and automotive activity. It may be remote from the mainland but there are 15,000 visitors per year on average and associated boats and helicopters to transport them.</p> <p>The Island has had significant and extensive mining operations and ruins or other such commercial operations are still present in the crater area. There are also dwellings at Bungalow Beach.</p> <p>The Institute of Geological and Nuclear Science maintains the monitoring equipment.</p> <p>The BOP Coastal Natural Character Study 2012 indicates that the island only achieves "outstanding" in the area of terrestrial biotic systems.</p> <p>Remove the blanket classification of Whakaari/White island as "Outstanding Natural Landscape".</p>		
Decision Sought:			

Council Decision:	Reject
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Submission Number:	24: 41	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group		
Submission Summary:	Appendix J does not provide any Natural Character attributes for the "MM" area (Mount Maunganui?).		
Decision Sought:	<p>Amend Appendix J to provide Natural Character attributes for the "MM" area including:</p> <ol style="list-style-type: none"> 1. The refinement and reduction of the inland extent of the High Natural Character area along the 'Te Tumu' coastline so it is consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan. 2. The removal area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River. 		

Council Decision:	Accept in Part
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Submission Number:	25: 41	Submission Type:	Seek Amendment
Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Appendix J does not provide any Natural Character attributes for the "MM" area (Mount Maunganui?).		

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Decision Sought: Amend Appendix J to provide Natural Character attributes for the "MM" area including:
 1. The refinement and reduction of the inland extent of the High Natural Character area along the 'Te Tumu' coastline so it is consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
 2. The removal area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River.

Council Decision:	Accept in Part
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Submission Number: 26: 41 Submission Type: Seek Amendment
 Submitter: Te Tumu Kaituna 11B2 Trust
 Submission Summary: Appendix J does not provide any Natural Character attributes for the "MM" area (Mount Maunganui?).
 Decision Sought: Amend Appendix J to provide Natural Character attributes for the "MM" area including:
 1. The refinement and reduction of the inland extent of the High Natural Character area along the 'Te Tumu' coastline so it is consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
 2. The removal area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River.

Council Decision:	Accept in Part
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Submission Number: 27: 41 Submission Type: Seek Amendment
 Submitter: Ford Land Holdings Pty Ltd
 Submission Summary: Appendix J does not provide any Natural Character attributes for the "MM" area (Mount Maunganui?).
 Decision Sought: Amend Appendix J to provide Natural Character attributes for the "MM" area including:
 1. The refinement and reduction of the inland extent of the High Natural Character area along the 'Te Tumu' coastline so it is consistent with the inland extent of the Outstanding Natural Features and Landscapes area as detailed in the Tauranga City Plan.
 2. The removal area of High Natural Character along the 'Te Tumu' (north) side of the Kaituna River.

Council Decision:	Accept in Part
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Submission Number: 31: 11 Submission Type: Support
 Submitter: Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
 Submission Summary: Support the recognition of situations where natural character has been modified by human activity including settlements, farming activities, buildings, roads and boat ramps.
 Decision Sought: Retain the description of the natural character attributes of the Tauranga Harbour.

Council Decision:	Accept
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Submission Number: 32: 10 Submission Type: Support in Part
 Submitter: Powerco Limited
 Submission Summary: Only some of the areas identified on the maps as having high or very high natural character have corresponding descriptions in the attributes table in Appendix J. The Powerco network traverses areas identified on the maps as 'Ora, WB, TH, Mat, BK and MM'. However, there is no corresponding description in Appendix J for areas WB, BK or MM. As such, Powerco requests clarification as to what natural character attributes are considered to apply in these areas.
 Decision Sought: Include a description of, or otherwise clarify, the natural character attributes of the areas identified as WB, BK and MM on maps 17, 18, 19, 20, 22 and 23 in Appendix I. Ensure that any such description acknowledges the presence of existing regionally significant infrastructure.

Council Decision:	Accept in Part
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Further Submission(s)

Further Submission No: 20 - 28 Submission Type: Support in Part
 Further Submitter: Port of Tauranga Limited
 Submission Summary: It is appropriate that regionally significant infrastructure is recognised.
 Decision Sought:

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Council Decision: Accept in Part

Submission Number: 33: 10 Submission Type: Support
Submitter: Transpower New Zealand Limited
Submission Summary: Maps 30 and 31 show that parts of the line extend into areas of high and very high natural character in the Opape to Pokohinu area and in an area identified as 'Pok'. Appendix J contains a description of the natural character of the Opape to Pokohinu area but there is no corresponding description for the area identified on map 31 as 'Pok'.
Transpower requests that the description of the natural character attributes of the Opape to Pokohinu Point area is expanded to acknowledge the presence of existing National Grid lines, or on a more general basis, the presence of regionally significant infrastructure.
Decision Sought: Expand the description of the natural character attributes of the Opape to Pokohinu area definition of 'coastal environment' to acknowledge the presence of existing National Grid lines, or on a more general basis, the presence of regionally significant infrastructure in this area.
2. Include a description of, or otherwise clarify, the natural character attributes of the area identified as 'Pok' on Map 31, in Appendix I. Ensure that any such description acknowledges the presence of existing regionally significant infrastructure.

Council Decision: Accept in Part

Submission Number: 38: 18 Submission Type: Support in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers is generally supportive of the rationale of this policy. However we have concerns over some of the areas that have been identified as "very high natural character" and "high natural character" in Appendix J as this does include land that is farmed. These are: Ohiwa Harbour (High), Opotiki to Opape (High), Opape to Pokohinu Point Very High), Whanarua Bay to Waihau Bay (High), Waihau Bay to Cape Runaway (High), Cape Runaway to Pokikirua Point (High).
Decision Sought: Remove and Delete the following land areas from the Natural Character Attribute table in Appendix J and all associated maps in Appendix I: Ohiwa Harbour (OH), Opotiki to Opape (OOp), Opape to Pokohinu Point (Opo), Whanarua Bay to Waihau Bay (Whan), Waihau Bay to Cape Runaway (WC), Cape Runaway to Pokikirua Point (Run).

Council Decision: Reject

Further Submission(s)

Further Submission No: 10 - 8 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society NZ Inc
Submission Summary: Land should not be excluded from natural character classification simply because it is farm land. There is substantial case law reflecting that some farm land has high natural character.
Decision Sought:

Council Decision: Accept

Submission Number: 38: 19 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: Federated Farmers is disappointed with the lack of affected landowner involvement in the development of Appendices I & J. Federated Farmers expects that when there are lines drawn on maps to protect identified areas and values that those changes will mean to them prior to the notification of the variation.
Decision Sought: a) Delete Appendix I and J
b) Federated Farmers submits that consultation with landowners to ensure the accuracy of the relevant coastal areas is required.

Council Decision: Reject

Submission Number: 40: 2 Submission Type: Oppose

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Further Submitter:	Motiti Rohe Moana Trust (MRMT)
Submission Summary:	Retain Motiti Rohemoana and shoreline as outstanding natural character and protect from further subdivision use and development.
Decision Sought:	
Council Decision:	Accept in Part