



PROPOSED BAY OF PLENTY REGIONAL COASTAL ENVIRONMENT PLAN

SECTION 32 REPORT

Bay of Plenty Regional Council
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1 Introduction

1.1 Purpose of Report

This report documents the Regional Council's consideration of alternatives, benefits and costs associated with the Proposed Regional Coastal Environment Plan (Proposed RCEP). In doing so, it addresses the requirements of section 32 of the Resource Management Act 1991 (RMA).

This report also records the process that has been used to develop the Proposed RCEP.

1.2 Requirements of Section 32 of the Resource Management Act 1991

Under section 32 of the RMA, a proposed plan must be accompanied by an evaluation report at the time of public notification. The evaluation report must:

- Assess the extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Assess the efficiency and effectiveness of the policies, rules and other methods contained in the proposed plan at achieving the objectives;
- Consider alternative options for achieving the objectives;
- Assess the risk of taking or not taking action if there is uncertain or insufficient information about the identified issues; and
- Contain a level of detail that corresponds to the scale and significance of the effects anticipated from implementing the proposed plan.

Section 32(2) requires that the benefits and costs of implementing provisions be assessed in terms of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practical, these benefits and costs should be quantified.

This report has been prepared in accordance with the requirements of section 32 of the RMA and the interim guidance on section 32 produced by the Ministry for the Environment¹.

1.3 Other relevant documentation

This section 32 report should be read in conjunction with the following documents:

- Proposed Regional Coastal Environment Plan 2014
- Operative Regional Coastal Environment Plan 2003
- Review of the Operative Regional Coastal Environment Plan 2012.

1.4 Policy and Regulatory Context

Section 64 of the RMA requires there to be a regional coastal plan that covers all the coastal marine area of a region. A regional coastal plan may be part of a wider regional plan if appropriate.

¹ 2013. *A guide to section 32 of the Resource Management Act 1991 Incorporating changes as a result of the Resource Management Amendment Act 2013, Interim guidance.* Wellington: Ministry for the Environment.

The broad policy and regulatory context for the Proposed RCEP is outlined below. This context provides a framework for selection of options.

1.4.1 **Regulatory framework – what type of rules can the Regional Coastal Environment Plan contain?**

Section 12 of the RMA sets out restrictions on use of the coastal marine area. Sections 14 and 15 are also relevant; these provisions control the taking, damming, diverting and use of water and the discharge of contaminants. More specific provisions regarding discharges and dumping in the coastal marine are contained in sections 15A-15C RMA.

In general, these provisions of the RMA restrict activities occurring unless expressly provided for as a permitted activity (rule) in a plan or national environmental standard (NES), or provided for in a resource consent.

There are some exceptions to this restrictive presumption. These activities are allowed for directly under the RMA:

- The take and use of geothermal water in accordance with tikanga Māori.
- The take and use of coastal water (other than open coastal water) for an individual's reasonable domestic or recreational needs.
- The discharge of a harmful substance or contaminant from a ship or offshore installation into water that meets the requirements set out in s15B(1)(b).
- The discharge of a harmful substance or contaminant from a ship or offshore installation into air that meets the requirements set out in s15B(1)(c).
- The discharge of a water from a ship or offshore installation into water that meets the requirements set out in s15B(2)(b).

Section 16 of the RMA places an obligation on those occupying space or carrying out activities in the coastal marine area to avoid the emission of unreasonable noise.

Section 30 of the RMA sets out the functions of the Regional Council. Section 30(d) lists those matters over which the regional council has control in the coastal marine area. Rules can only be set in a regional plan (in accordance with s68 RMA) if they are for the purpose of carrying out the functions listed in section 30. In summary, the activities in the coastal marine area that may be subject to a regulatory framework in the Regional Coastal Environment Plan are:

- Use of land and associated natural and physical structures – including:
 - Structures.
 - Reclamation.
 - Disturbance of the foreshore and seabed – including activities that may affect historic heritage values.
 - Deposition of material on the foreshore and seabed.
 - Removal of indigenous vegetation.
 - Introduction of plants.
- Occupation of space in the common coastal marine area.
- Removal (extraction) of sand, shingle, shell from the common coastal marine area.
- Take and use of coastal water.
- Damming and diverting coastal water.
- Discharges of contaminants to air, land and coastal water.
- Discharges of water into coastal water.

- Dumping and incineration of waste; dumping ships, aircraft and offshore installations.
- Avoidance and mitigation of natural hazards.
- Noise in the coastal marine area.
- Activities on the surface of water.
- Aquaculture.

Control of fishing activities (apart from aquaculture) and the movement of vessels do not fall under the RMA. The discharge of contaminants to air in the coastal marine area is managed under the Bay of Plenty Regional Air Plan.

Regional council functions under the RMA also allow the inclusion of policies, objectives and methods in the RCEP in order to achieve integrated management of the natural and physical resources of the region (s30(1)(a)); manage the effects of activities on land of regional significance (s30(1)(b)); and integrate infrastructure with land use (s30(1)(gb)).

1.4.2 National Policy Statements

The RMA provides for Government to prepare National Policy Statements. Regional Plans must give effect to any National Policy Statement (s67(3)(a) and (b) RMA).

New Zealand Coastal Policy Statement 2010

The RMA requires the Minister of Conservation to prepare a New Zealand Coastal Policy Statement (NZCPS) to guide local authorities in their day to day management of the coastal environment.

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

Policies in the NZCPS address:

- Protection of the coastal environment and its ecosystems.
- Preservation of natural character and outstanding natural features and landscapes.
- The role of tangata whenua as kaitiaki and tangata whenua involvement in management of the coastal environment.
- Maintenance and enhancement of public open space and recreation opportunities.
- Management of coastal hazard risks.
- The balance between enabling subdivision, use, and development; and managing potential adverse effects.
- Implementation of New Zealand's international obligations.

National Policy Statement for Renewable Energy Generation 2011 (NPS REG)

The NPS REG sets out the objective and policies for renewable electricity generation. It came into effect on 13 May 2011.

Policy E1 requires regional plans to include objectives, policies and methods (including rules) that provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities using solar, biomass, tidal, wave and ocean current energy resources to the extent applicable to the region. There are similar policies for wind resources (Policy E3) and geothermal resources (Policy E4).

National Policy Statement for Electricity Transmission 2008 (NPS ET)

The NPS ET sets out the objective and policies for managing the electricity transmission network. Regional plans are required to include appropriate provisions to aid or assist in the “operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources”, while managing adverse effects of and on the network.

Proposed National Policy Statement on Indigenous Biodiversity 2011

The proposed NPS for Indigenous Biodiversity provides direction to local authorities on their responsibilities for managing indigenous biodiversity. It outlines policies and decision-making frameworks for identifying and managing indigenous biodiversity found outside the public conservation estate.

The proposed NPS contains a list of criteria for identifying areas of indigenous vegetation and habitats of indigenous animals that have been recognised as being rare and/or threatened at a national level.

1.4.3 National Environmental Standards

The RMA provides for Government to prepare National Environmental Standards (NES). Regional Plans must implement any requirements of national environmental standards.

The NES that have effect in the coastal marine area are the NES for Electricity Transmission Activities (NESTA), which applies to National Grid assets existing as at 14 June 2010, and the NES for Air Quality.

National Environmental Standard for Electricity Transmission Activities

The NESTA applies to existing high voltage electricity transmission lines (i.e. the national grid). It sets out consent requirements for the operation, maintenance and upgrade of existing electricity transmission lines.

Activities are generally permitted, subject to terms and conditions. The NESTA also specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

National Environmental Standard for Air Quality

The NES for Air Quality is implemented in the coastal marine area through the Regional Air Plan.

1.4.4 Regional Policy Statement

The Proposed RCEP must also give effect to the operative Bay of Plenty Regional Policy Statement (RPS) and have regard to the Proposed RPS. The provisions of the Proposed RPS are now largely beyond appeal, and ‘technically’ operative. Accordingly, the Proposed RCEP has been developed using the direction provided by the Proposed RPS.

The policies of the Proposed RPS that are most relevant to the Proposed RCEP are those relating to the:

- Coastal Environment.
- Energy and Infrastructure.
- Geothermal Resources.
- Integrated Resource Management.

- Iwi Resource Management.
- Matters of National Importance.
- Natural Hazards.

1.4.5 Other Regional Plans

The Regional Council has other regional plans that relate to matters addressed in the Proposed Plan. Integration between regional plans is important in terms of overall efficiency and effectiveness. The other relevant regional plans are the Regional Air Plan and the Regional Water and Land Plan.

1.4.6 Iwi and Hapū Resource Management Plans

When a regional council is preparing a regional plan it must take into account any relevant planning document recognised by an iwi authority.

A review of Iwi and Hapū Resource Management Plans was undertaken in 2013 during development of the Proposed RCEP. Twenty-seven plans (listed in Table 1) contained provisions that were directly relevant to the coastal environment. Key findings were that although many of the issues specified in the iwi and hapū management plans are referred to in the operative RCEP the following issues are not adequately covered:

- Tangata whenua as kaitiaki.
- Communication with regional and district councils, in terms of governance of an area.
- Scattering of human ashes in the coastal area.
- Rules and policies for storm water outlets, and discharges of any waste to coastal waters.
- Strategies and procedures for sedimentation of estuaries and wetlands.
- Defined zoning of wāhi tapu and culturally significant sites identified in iwi and hapū management plans.
- Restrictions, policies and implementation on recreational use within the coastal environment (boating, ski lanes). This also includes shipping lane guidelines and restrictions wanted by iwi and hapū.
- Monitoring and management of the coastal area being carried out without the input of iwi and hapū.

Mauāo Iwi & Hapū Management Plans

- Ko te tiroirohi a mua a Ngāti Ranginui
- Matakana and Rangiwāea islands Hapū Management Plan (October 2012)
- Mōtītī Island Native/Cultural Policy Management & Administration Plan (August 2012)
- Nga Aukati Taonga o Tapuika me Waitaha
- Nga Kōrero Whakahirahira o Ngaiterangi me Ngāti Pūkenga²
- Nga Potiki Environmental Management Plan (2001)
- Nga Taonga Tuku Iho: Pirirakau Hapū Environmental Management Plan (2004)
- Ngāti Mākino Heritage Trust Iwi Environmental Management Plan – Stage 1 scoping plan (2010)
- Ngāti Pūkenga Resource Management Plan (1993)
- Ngāti Ranginui: The tribal position on Iwi Management Plan; The District Scheme; The Resource Management Act; Landfill Disposal

² Note that this plan is not supported/accepted by Ngāti Pūkenga

<ul style="list-style-type: none"> • Ngāti Whakaue ki Maketū Iwi Resource Management Plan Phase 2 (2011) • Ngaiterangi Resource Management Plan (1995) • Tapuika Iwi Authority Environmental Management Plan 2009 Draft • Te Awanui Tauranga Harbour Iwi Management Plan (2008) • Te Awaroa: Ngāti Kahu Hapū Environmental Management Plan (2011) • Te Mahere a Rohe mo Ngāti Rangitahi (October 2012) • Te Whatu: Natural Resource Environment Management Manual – Ngaiterangi te Iwi Inc. (2004-2009) • Wahaia te Mahere Taiao a Hauraki: Hauraki Iwi Environmental Plan (2004)
Kohi Iwi & Hapū Management Plan Summaries
<ul style="list-style-type: none"> • Ngāi Tai Iwi Management Plan (Revised edition 1999) • Ngāti Manawa Environmental Scoping Report (April 2007) • Ngati Umutahi whenua management plan (2003) • Ngāti Whare Iwi Management Plan (19 March 2011) • Tawharau o Nga Hapū o Whakatōhea (1993) • Wāhi tapu sites of Ngāti Awa
Ōkurei Iwi & Hapū Management Plan Summaries
<ul style="list-style-type: none"> • Ngāti Rangiwewehi Iwi Management Plan (2008) • Nga Tikanga Whakahaere Taonga o Ngāti Pīkiao Whanui (1997) • Te Arawa Māori Trust: Iwi Resource Management Strategy Plan (1993)

2 Development of the Proposed Regional Coastal Environment Plan

The Bay of Plenty Regional Council Strategy, Policy and Planning Committee approved development of a new RCEP on 1 May 2012. At this meeting, the Committee also established a RCEP Subcommittee, comprising Councillors Bennett (Chair), Thurston, Owens, Whitaker and Noble, to work with staff on development of a new plan.

The Subcommittee oversaw and provided input to development of the new RCEP through a series of workshops. In addition, a workshop for all councillors was held on 14 June 2012 to identify and prioritise key issues for the new Plan.

A draft RCEP was released for public consultation on Tuesday, 14 May 2013. In total, 68 pieces of feedback were received from a variety of sources, including central and local government organisations; infrastructure providers (including Port of Tauranga); developers/land owners; environmental groups; recreation and community organisations; iwi and hapū groups; and individuals.

The topics commented on most frequently (mentioned by 20 respondents or more) were:

- Natural heritage.
- Coastal hazards.
- Recreation, public access and open space.
- Structures.
- Coastal discharges.

Meetings were held with many of the parties that responded to the draft RCEP to discuss the feedback made.

2.1 Overview of the Proposed Regional Coastal Environment Plan 2014

Key additions or changes included in the Proposed RCEP are:

- 1 A new Integrated Management section of the Plan that covers matters such as water quality, natural heritage and coastal hazards where effects often cross the land/water divide.
- 2 New policies and rules for mangrove management, aquaculture and the discharge of sewage from vessels. These are activities that can have significant adverse effects on the coastal environment and are not specifically addressed by the current Plan.
- 3 Updated biodiversity assessments that are consistent with the New Zealand Coastal Policy Statement 2010, and clearer guidance on how to manage natural heritage.
- 4 Revised Harbour Development Zone (HDZ) provisions that include specific policies for each of the Harbour Development Zone areas, and an expanded HDZ at Ōpōtiki to reflect the consented harbour entrance redevelopment and facilities required to service the offshore marine farm.
- 5 Four new Harbour Development Zone areas at Bowentown, Tanners Point, Opureora and Ōmokoroa Beach.
- 6 Identification of regionally significant surf-breaks and historic heritage sites in the coastal marine area.
- 7 A revised section on Iwi Resource Management that incorporates the feedback received during consultation and issues raised in Iwi and Hapū Management Plans.
- 8 New policies regarding management of tsunami hazard risk.

3 Evaluation of the Proposed Regional Coastal Environment Plan 2014

3.1 Objectives

This report assesses the extent to which each objective is the most appropriate way to achieve the purpose of the RMA, this is evaluated by looking at the relevance, usefulness, and reasonableness and achievability of a proposed objective (as required by section 32(3)(a) RMA).

3.2 Policies, Rules and Other Methods

The appropriateness of the policies, rules and other methods to achieve each objective are evaluated by looking at the efficiency (costs and benefits), effectiveness, and the risks of acting or not acting (as required by section 32(3)(b) RMA).

The evaluation of options to achieve the objectives is based on a series of questions covering the following:

Efficiency:

Efficiency is an evaluation of the benefits and costs of implementing an option. The most efficient option will achieve the relevant objective(s) with the greatest benefit and at the least cost. Costs and benefits are considered in terms of social, economic, cultural and environmental factors, and effects on councils, resource users and the community. This includes the opportunities or reduction of employment and economic growth.

Efficiency is given an overall ranking of low, medium or high.

Effectiveness:

The effectiveness of an option is assessed against the following criteria:

- Relevance - the extent to which the option achieves the relevant objective(s).
- Usefulness – will the option effectively guide decision-making?
- Achievability - how certain it is that the option can and will be implemented.
- Whether the option provides for Maori values in accordance with tikanga.

Effectiveness is given a ranking of low, medium or high.

4 Integrated Management

4.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Method
Integrated management: Issues 1, 2	Objective 1	HH 2, CH 1, CH 3	Method 20
Water quality: Issues 8, 11 and 12	Objectives 1, 5 and 6	WQ 1, WQ 2, WQ 3, WQ 4, WQ 6,	Methods 6, 7, 8

4.2 Evaluation of Objective 1

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision	Objective 1 Achieve integrated management of the coastal environment by: <ul style="list-style-type: none"> (a) Providing a consistent, efficient and integrated management framework; (b) Adopting a whole of catchment approach to management of the coastal environment; and (c) Recognising and managing the effects of land uses and freshwater-based activities (including discharges) on the coastal marine area; and (d) Enabling kaitiakitanga. 	There is not an equivalent objective in the existing RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – addresses key aspects of issues 1 and 2, which identify that a lack of integrated and comprehensive management of the coastal environment may increase adverse effects on the environment and limit the ability to restore degraded sites or coastal waters; and that there is a need for integrated management of activities in the coastal environment that have components on land and within the coastal marine area, to ensure such activities are well-designed and environmentally sustainable.	N/A

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Achieves s7(b) and s7(f) of the RMA: the efficient use and development of natural and physical resources; and maintenance and enhancement of the quality of the environment.	No
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	A common theme during engagement with iwi and hapū was the need for a 'mountain-to-sea' approach to be taken to management of the coastal environment.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – the Regional Council is able to establish objectives to achieve integrated management of natural and physical resources under s30(1)(a) of the RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to NZCPS Policy 4 and Proposed RPS Policy IR 6B.	No
Usefulness		
Will effectively guide decision-making?	Yes – the objective provides direction on the overall intent of the RCEP and also provides direction to other regional plans and decision-making processes.	No
Meets sound principles for writing objectives?	Yes – the objective relates to identified issues and sets out a desired outcome.	N/A
Consistent with other relevant objectives?	Yes – this objective provides an over-arching objective for the RCEP. The other objectives are all consistent with Objective 1.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No	No
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	The objective can be achieved through resource consent processes; regional and district plan reviews, submissions and provision of comment on district plan changes and consent applications; and through working with iwi and Hapū on restoration to facilitate their involvement in resource management.	N/A
Overall assessment	An appropriate object to include in the RCEP.	Does not meet requirements for a good objective.

4.3 Evaluation of Objectives 5 and 6

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision	<p>Objective 5 Development and implementation of a framework for enhancement of coastal water quality where is has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses (including cultural activities).</p> <p>Objective 6 Sediment accumulation in harbours and estuaries resulting from land use and accelerated erosion is minimised and progressively reduced compared to current level.</p>	There is not an equivalent objective in the existing RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – addresses key aspects of issues 8, 11 and 12, which identify that land uses and land-based activities are having an adverse effect on water quality in harbours and estuaries in the region – including the effects of sedimentation.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	<p>Contributes to sustaining the potential of natural resources (s5(2)(a) RMA) and safeguarding the life-supporting capacity of water and ecosystems (s5(2)(b) RMA).</p> <p>Contributes to 6(a), 6(c) and 6(e) – preservation of natural character; [protection of indigenous vegetation and fauna and providing for the relationship of Māori and their culture and traditions with water, wāhi tapu and other taonga.</p> <p>Achieves s7(f) of the RMA: the maintenance and enhancement of the quality of the environment.</p>	No

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	A common theme during engagement with iwi and hapū was the need for a 'mountain-to-sea' approach to be taken to management of the coastal environment. Review of the relevant iwi and hapū management plans identified the following concerns: <ul style="list-style-type: none"> • More rules/policies needed for storm water outlets, and discharges of any waste to coastal waters. • Strategies and procedures needed for sedimentation of estuaries and wetlands. 	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – the Regional Council is able to establish objectives to achieve integrated management of natural and physical resources under s30(1)(a) of the RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Yes – gives partial effect to NZCPS Policy 21 and Policy 22 (recognising that additional land-based policies and rules are required to fully give effect to these policies) and Proposed RPS Policy IR 6B.	No
Usefulness		
Will effectively guide decision-making?	Yes – the objectives provide direction on work required to fully give effect to Policy 21 of the NZCPS and give clear direction to decision-makers when considering the effects of sedimentation of harbours and estuaries.	No
Meets sound principles for writing objectives?	Yes – the objectives relate to identified issues and sets out desired outcomes.	N/A
Consistent with other relevant objectives?	Yes – this, particularly with Objective 1.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No	No

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	<p>Yes – the objective can be achieved through: The policies and methods can be given effect to through:</p> <ul style="list-style-type: none"> • Resource consent decision making within and external to the coastal environment. • Provisions of advice and financial support for sustainable land management. • Development and implementation of non-statutory plans. • Implementation of the Water Management Programme (which is addressing the requirements of the National Policy Statement for Freshwater). • Future Regional Plan Changes to address water quality. • Submissions and provision of comment on district plan changes and consent applications. 	N/A
Overall assessment	An appropriate object to include in the RCEP	Does not meet requirements for a good objective.

4.4 Policies, Methods and Rules to achieve Objectives 1, 5 and 6

The policies and methods relating to historic heritage and coastal hazards are assessed in sections 8 and 9 of this report and this assessment is not repeated here. Accordingly the following assessment focusses on policies WQ 1, WQ 2, WQ 3, WQ 4 and WQ 6 and methods 6, 7 and 8.

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies WQ 1, WQ 2, WQ 3, WQ 4 and WQ 6. Methods 6, 7, 8, 20.	Existing policy 9.2.3(a) To integrate the management of water quality in the coastal marine area with the management of land use and freshwater. Existing policy 9.3.2(d) – relates to urban land use and stormwater. Method 9.2.5(f) Continue to use erosion control and soil conservation programmes for the direct and indirect protection of water quality.

4.4.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Quality and functioning of the coastal environment.	Water quality underpins the functioning of many of the ecosystems in the coastal environment. Maintenance, and where necessary, improvement to water quality will preserve and enhance the functioning of the coastal environment.	Less efficient than Option 1. Option 2 seeks integrated management but provides little guidance on how this can be achieved.
Water quality or quantity.	Implementation of the policies and methods in Option 1 will result in an integrated framework for managing, and identifying and improving degraded coastal and estuarine water quality. This gives effect to NZCPS Policy 21.	As above.
Risk of hazardous substances and contaminated sites.	Implementation of Policy WQ 3, which is specific to stormwater management, will reduce the risk of hazardous substances entering estuaries and harbours via stormwater and causing contamination.	As per Option 1 – the exiting RCEP contains a similar policy 9.2.3(d).

Economic Benefits		
Opportunities for employment and economic growth.	No direct benefits identified; however good water quality is necessary to support and grow tourism, recreation related businesses and aquaculture.	As per Option 1.
Reduced compliance costs (to resource users).	No benefits identified.	No benefits identified.
Reduced fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No benefits identified.	No benefits identified.
Social Benefits		
Recreational use of the coastal environment and resources.	<p>Improving water quality and reducing sedimentation of harbours and estuaries can have significant recreational benefits.</p> <p>Improved water quality means that water is safe for contact recreation and reduces limits imposed on collecting shellfish.</p> <p>Reducing sedimentation will have a positive effect on the ability to access and move along the coastal marine area. Currently areas historically used for recreation are being impacted by sedimentation – particularly in Tauranga Harbour.</p>	Less efficient than Option 1 as no specific guidance provided on sedimentation or how to achieve integrated management of water quality.
Navigation.	Reducing the effects of sedimentation in harbours and estuaries will provide for safe navigation of vessels, and reduce the frequency and/or extent of dredging required to keep navigation channels operational.	Less efficient than Option 1 as no specific guidance is provided on sedimentation.
Cultural Benefits		
Mauri of coastal waters.	Improving water quality is one means of restoring the mauri of waters in areas where it is degraded.	Less efficient than Option 1 as no specific guidance is provided on sedimentation.
Cultural well-being of people and communities.	Improved water quality (especially with regard to faecal microbial contamination) will reduce contamination of kaimoana, which is an important resource for tangata whenua and essential to customary activities.	As per Option 1.

Ability to meet Principles of Treaty of Waitangi.	The policies specifically refer to iwi and hapū management plans and other iwi planning documents that should be considered using decision-making on land and water resources. This is consistent with the duty to act reasonably and in good faith and the need for informed decision-making.	No benefits identified.
Legislative requirements (e.g. MACAA, Treaty settlements).	Policy WQ 2 specifically recognises that planning documents may be developed as a result of Treaty of Waitangi Settlements or recognitions made under the Marine and Coastal Area Act 2011 (MACAA).	No benefits identified.
Costs		
Environmental Costs		
	No environmental costs identified.	As per Option 1.
Economic Costs		
Opportunities for employment and economic growth reduced.	Ultimately, implementation of the steps needed to improve water quality where it is degraded (in terms of the criteria listed in NZCPS Policy 21) are likely to have an adverse impact on some activities that currently provide employment and contribute positively to the economy. These effects will require careful consideration.	As per Option 1.
Compliance costs (to resource users).	No direct costs, although as planning develops costs may be experienced (however, any new provisions will be subject to a separate s32 analysis).	No costs identified.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Cost of developing and implementing catchment plans and waterbody plans – noting that money has already been budgeted for the water management programme. Costs of continuing to provide advice and financial assistance with regard to sustainable land management. Costs of researching and developing models of assimilative capacity for sub-catchments in the Tauranga Harbour (and other areas).	Costs of continuing to provide advice and financial assistance with regard to sustainable land management.
Social Costs		
	No social costs identified.	No social costs identified.

Cultural Costs		
	No cultural costs identified.	No cultural costs identified.
Overall assessment	<i>Medium.</i>	<i>Low.</i>

4.4.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – directed at achieving integrated management of the coastal environment with regard to water quality, and providing direction on how the effects of land uses and freshwater uses on coastal and estuarine water quality can be managed.	Yes – directed at achieving integrated management of the coastal environment with regard to water quality.
Will clearly achieve, or partly achieve the objective.	Partly achieve – fully achieving the objective will require implementation via other regional plans. The policies and methods in Option 1 set out a framework for this to occur.	Uncertain – little guidance provided on how the objective is expected to be achieved.
Usefulness		
Will effectively guide decision-making?	Effectively guides decision-making in relation to stormwater discharges and the use of methods in harbours and estuaries to reverse the effects of sedimentation; also provides clear direction that certain non-statutory documents should be taken into account during decision-making.	Only with regard to stormwater management.
Meets sound principles for writing policies and rules?	Yes - The policies set out a framework of action for achieving Objective 1 and address key aspects of issues 1, 11 and 12.	Yes.
Assumptions made.	The Water Management programme will incorporate coastal and estuarine water quality. There are areas of coastal water and water bodies that require enhancement in order to give effect to NZCPS Policy 21.	No specific guidance is required on how to give effect to Policy 21 of the NZCPS or achievement of integrated management with regard to coastal and estuarine water quality.
Risk involved.	No specific risks identified.	No specific risks identified.

Achievability		
Within BOPRC's functions and powers.	Yes – development of provisions to achieve integrated management are a Regional Council function under s30(1)(a) of the RMA; the control of use of land to maintain or enhance coastal water and water is provided for under s30(1)(c)(ii); and the control of discharges of contaminants to the coastal marine area is provided for under s30(d)(iv).	As per Option 1.
Within the scope of BOPRC's available tools and resources.	The policies and methods can be given effect to through: <ul style="list-style-type: none"> • Resource consent decision making within and external to the coastal environment. • Provisions of advice and financial support for sustainable land management. • Development and implementation of non-statutory plans. • Implementation of the Water Management Programme (which is addressing the requirements of the National Policy Statement for Freshwater). • Future Regional Plan Changes to address water quality. 	As per Option 1.
Rules can be complied with and enforced.	N/A	N/A
Degree of uncertainty in the ability to achieve.	Medium – ultimately achieving the objective is dependent on other planning processes.	High.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – especially when considered in conjunction with the iwi resource management policies.	Not directly.
Overall assessment	<i>Medium.</i>	<i>Low.</i>

4.4.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is extensive information on the effects of land and water based activities on water quality. The depth of regionally specific information varies depending on the location. Further research has been identified as a requirement to underpin a more detailed policy and regulatory framework.	
Is the topic of high significance or complexity?	Maintaining and enhancing coastal and estuarine water quality is of high significance to iwi and hapū, recreational users of the coastal marine area and many of the communities and individuals living on and visiting the coast.	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	Ultimately management of coastal water quality and the effects of land use are likely to be addressed via implementation of the NPS for Freshwater. However, including a high-level policy direction in the Proposed RCEP increases certainty that this will occur.	

4.4.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

4.4.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	Medium.	Medium.	Yes.	Option 1 sets out a framework for giving effect to Policy 21 of the NZCPS and in the interim provides guidance on matters that decision-makers need to consider when making decisions on management of land and water resources that affect the coastal environment.
Option 2.	Low.	Low.	No.	

4.4.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future. In addition, the Plan is a 'Coastal' plan rather than a 'coastal environment' plan so does not address the issue of integration to a great extent.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne Regional Coastal Plan a 'Coastal' plan rather than a 'coastal environment' plan so does not address the issue of integration to a great extent.

4.4.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy WQ 1: To manage land and water resources, including coastal waters, in the Bay of Plenty within an integrated catchment management framework that is consistent with Policy 21 of the Bay of Plenty Regional Water and Land Plan, Policies CE 9B, WL 2B, 3B, 4B, 5B, 7B and 8B of the proposed RPS and gives effect to Policies 4, 21, 22, 23 and 24 of the NZCPS.	Replaces and expands on existing Policy 9.2.3(a) to provide clearer direction. Gives effect to Objective 1 and identifies the linkages between the various national and regional planning instruments.
Policy WQ 2: To take into account the objectives and policies of the following documents when making decisions on the management of land and water resources, including coastal waters, in the Bay of Plenty region: (a) Tauranga Harbour Integrated Management Strategy; (b) Ōhiwa Harbour Strategy; (c) Kaituna River to Ōngātoto/Maketū Estuary Strategy; (d) Any relevant planning document that is developed as a result of Treaty of Waitangi Settlement agreements or recognitions made under the Marine and Coastal Area Act 2011; and (e) Any relevant Iwi Management Plan recognised by an iwi authority and lodged with the Regional Council.	Gives effect to NZCPS Policy 2(e) and NZCPS Policy 4.

<p>Policy WQ 3: Manage stormwater in coastal catchments so that stormwater discharges do not cause estuarine and harbour water quality to fail the standards set in Schedule 10, or cause accumulation of contaminants in harbour or estuary sediment at levels which have significant adverse effects on marine life. The following techniques should be considered and applied where appropriate:</p> <ul style="list-style-type: none"> (a) Source control; (b) Integrated management of whole stormwater catchments; (c) Minimising the total area of impermeable catchment surfaces; (d) Maximising, to the extent practicable, disposal of stormwater to ground, except where this would cause flooding, instability or groundwater contamination; (e) Minimising the possibility of cross contamination of stormwater systems with sewage; (f) The installation of stormwater treatment devices in new or upgraded stormwater systems; (g) Ensuring that the layout of subdivision and services facilitates the retention and enhancement of riparian margins and wetlands; and (h) Development of new wetlands to assist with management of stormwater run-off. 	<p>Replaces and updates exiting Policy 9.2.3(d). Gives effect to NZCPS Policy 23(4).</p>
<p>Policy WQ 4: The use of catchment based solutions to prevent or mitigate sediment runoff and increasing sedimentation of harbours and estuaries is preferred to the use of reversal methods in harbours and estuaries, such as mangrove removal and dredging. However, the use of methods to reverse the effects of sedimentation may be appropriate when undertaken as part of a catchment based management plan and where necessary to:</p> <ul style="list-style-type: none"> (a) Provide for maintenance of existing navigation channels; (b) Provide for the ecological integrity of existing indigenous habitats; (c) Provide for restoration of existing indigenous habitats, amenity or cultural values; or (d) Provide for existing surface water flow paths. 	<p>Addresses issues 8 and 11. Gives partial effect to NZCPS Policy 22.</p>
<p>Policy WQ 6: Where reasonable to do so, activities that contribute additional sediment load to Tauranga and Ōhiwa Harbour will be subject to a requirement to offset the effect by undertaking catchment based sediment mitigation controls if adverse effects of increased sedimentation in the coastal marine area cannot be avoided.</p>	<p>Addresses issues 8 and 11. Gives partial effect to NZCPS Policy 22.</p>

<p>Method 6: Support further research to model sub-catchments in the Tauranga Harbour, and other catchments where urban or industrial areas discharge stormwater to the coastal environment, to determine assimilative capacity for stormwater. This will include the assimilative capacity for sediment-contaminated stormwater from land disturbance activities, and residually accumulative contaminants (e.g. heavy metals). The results of the modelling will be used to manage cumulative effects and loading of contaminants from stormwater discharges.</p> <p>Implementation responsibility: Regional Council.</p>	<p>Assists in implementing Policy WQ 4.</p>
<p>Method 7: Incorporate consideration of coastal and estuarine waters during implementation of the National Policy Statement for Freshwater Management Implementation Programme. In particular with regard to development of:</p> <p>(a) Catchment Plans with specific targets focusing on particular communities and whole water systems.</p> <p>(b) Waterbody plans for specific degraded, outstanding or valued waterbodies.</p> <p>Implementation responsibility: Regional Council.</p>	<p>Consistent with the NPS for Freshwater Management.</p>
<p>Method 8: Continue to research and support the use of effective catchment management practices and use its land management programmes for the direct or indirect protection of water quality in the coastal marine area, primarily by way of catchment, riparian and biodiversity management plans and the provisions of information and advice to landowners and the community.</p> <p>Implementation responsibility: Regional Council.</p>	<p>Assists in implementing Policy WQ 4.</p>

5 Natural Heritage

5.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Natural heritage degradation: Issues 3, 4, 5.	Objectives 2, 3.	NH 2.	HD 1- HD 10, PZ 1- PZ 13.		
		NH 3.	Considered when a consent is needed for an activity in the coastal environment.		
		NH 4.	SO 1, 2, 7, 9, DD 1, DD7. SO 14, DD 17, RM 5.	Method 3.	Schedule 2. Schedule 3.
		NH 6.	Considered when a consent is needed for an activity in the coastal environment.		Schedule 2.
		NH 7.		Method 4.	
		NH 8.			
		NH 9.			
		NH 10.			
		NH 13.			Schedule 4.
		NH 14.			
		NH 15.	BS 6.		Schedule 2.
		NH 17.	Considered when a consent is needed for an activity in the coastal environment.		Schedule 3.
		SO 5.	SO 12.		
		DD 3.	DD 3.		
		DD 7.	Considered when a consent is needed for disturbance of the foreshore and seabed.		
		DD 8.	Considered when a consent is required for mineral extraction.		
DD 9(d).					
DD 12.	Considered when a consent is required for deposition.				

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
		AQ 6.	AQ 4.		Schedule 2.
		BS 4.	BS 6.		Schedule 2.
Enabling restoration of natural character: Issues 6, 7.	Objective 4.	NH 1.	SO 10, DD 15, CD 1, BS 1, DD 5, DD 6.	Methods 2, 13, 14, 15.	
		NH 18.			
		SO 4(c).	SO 9.		
		RM 6.	RM 1.	Method 5	
Adverse effects of development in CMA: Issue 33.	Objectives 25, 26.	NH 1.	SO 10, 12, 14, DD 15, DD 17, RM 3, RM 5.		Schedule 2. Schedule 3. Schedule 13.
		NH 5.			
		NH 11.			
		NH 12.			
		NH 16.			Schedule 11.

5.2 Evaluation of Objectives 2, 3 and 4

Objectives 25 and 26 are discussed in section 9 Structures and Occupation of Space in the Coastal Marine Area

5.2.1 Objective 2

	Option 1 (selected option)	Option 2 Status Quo (existing Objectives in RCEP)
Plan Provision(s)	Objective 2. Protect, and where necessary restore: (a) The visual quality and the physical and ecological integrity of the outstanding natural features and landscapes of the coastal environment; (b) Indigenous biological diversity areas; and (c) Areas of high, very high and outstanding natural character.	Retain current objective 4.2.2 – requires preservation of natural character; current objective 5.2.2 – requires maintenance of outstanding and regionally significant landscape features; and objective 6.2.2 – requires protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – the objective addresses the protection of natural heritage resources in the coastal environment. In particular, the objective addresses major aspects of Issues 3, 4 and 5. It recognises that the values associated with natural character, biodiversity and natural features and landscapes are often interlinked and difficult to manage in isolation.	Yes – the objectives address the need to protect various aspects of natural heritage; however they do not address areas that are identified as requiring restoration.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective manages the protection of natural resources in a way that is consistent with s6(a),s6(b) and s6(c) of the RMA.	As per Option 1.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Assessment and identification of Outstanding Natural Features and Landscapes includes consideration of cultural values relevant to 6(e) of the RMA.	As per Option 1.

Relevant to BOPRC's statutory functions and powers under the RMA.	Protection of natural heritage in the coastal environment falls under the regional council in the coastal marine area and the district and city councils (along with the regional council) in the wider coastal environment. The Regional Council also has a function to manage the effects of activities on land of regional significance in the wider coastal environment.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS policies 11, 13, 14 and 15 and Proposed RPS policies MN 1B, MN 2B and MN 4B. The proposed national policy statement on indigenous biodiversity directs the protection of significant indigenous biodiversity, and Objective 2 reinforces this requirement. (Note that the NPS does not apply to the coastal marine area, the direction for which is in the NZCPS.)	Option 2 gives effect to the New Zealand Coastal Policy Statement 2010 policies 11, 13 and 15; however it does not give effect to Policy 14 (restoration of natural character). Similarly, option 2 gives effect to Proposed RPS policies MN 1B and MN 2B, but does not give effect to Policy MN 4B, which seeks to promote ecological restoration.
Usefulness		
Will effectively guide decision-making?	Yes - the objective gives clear direction on how to manage natural heritage values in the coastal environment at a regional level.	No – the objectives are written at a high level (echoing s6 of the RMA) and do not provide regional direction.
Meets sound principles for writing objectives?	Yes - the objective directly relates to sites of significance that have been identified either in the RCEP or the proposed RPS. Restricting the objective to defined areas of known value means it is measurable and provides certainty to the community and resource users.	No – the objectives are essentially repetition of Part 2 of the RMA and do not provide additional guidance on decision-making.
Consistent with other relevant Objectives?	Objective 2 is consistent with the Objectives 3 and 4, which also relate to natural heritage in the coastal environment.	As per Option 1.

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Communities in the region value the natural environment. Eighty-nine percent of respondents to the Bay of Plenty Perception Survey 2010 stated that the natural environment is very important or important to their reasons for living in the Bay of Plenty. The protection and restoration of biodiversity is expected by many groups within the region, and significant volunteer effort contributes to managing the natural environment. The extent to which protection is required and appropriate will generally be determined through the resource consent process. It is not unreasonable to expect resource users to consider and manage the adverse effects that activities may have on the values and attributes of areas that have been identified as having significant natural heritage values.	As per Option 1.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	The objective can be achieved through resource consent processes and through working with the community, iwi and hapū on restoration projects.	The objectives can be achieved through resource consent processes.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP and is narrower in scope.

5.2.2 Objective 3

Plan Provision(s)	Objective 3 Prevent the further loss of the quality and extent of rare and threatened habitats in the coastal environment of the region. These include coastal forest, seagrass beds, saltmarsh wetlands, intertidal flats and sand dunes.	Retain current objective 6.2.2 – requires protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	The objective addresses major aspects of Issues 3, 4 and 5.	Yes – the objective addresses the need to protect significant indigenous vegetation and significant habitats of indigenous fauna.

Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective manages the protection of indigenous fauna and flora in a way that is consistent with s6(c) of the RMA, and in a way that considers the cumulative effects of habitat loss and the impact that this has on the life-supporting capacity of rare and threatened habitats.	The objective is consistent with s6(c) of the RMA, but does not specifically address the impact of the cumulative loss of habitat types and the effect that this has on the life-supporting capacity of rare and threatened habitat.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Not directly relevant to Māori environmental issues; however achieving this objective may contribute to kaitiakitanga and the restoration of kaimoana habitats.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Protection of indigenous biodiversity in the coastal environment falls under the regional council in the coastal marine area and the district and city councils (along with the regional council) in the wider coastal environment.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 11 and Policy 7(2) which directs regional plans to identify resources that are under threat or at significant risk from cumulative adverse effects.	Option 2 gives effect to NZCPS Policy 11, but does not give effect to Policy 7(2).
Usefulness		
Will effectively guide decision-making?	Yes - the objective directly relates to types of indigenous habitat that are rare or threatened in this region. Restricting the objective to defined habitat types means it is achievable and provides certainty to the community.	No - the objective is written at a high level (echoing s6 of the RMA) and does not provide regional direction or address cumulative impacts.
Meets sound principles for writing objectives?	Yes - the objective identifies habitat types in the Bay of Plenty region that are rare or threatened in the coastal environment. This means that the objective is measurable and provides certainty to the community and resource users.	No – the objective is essentially repetition of Part 2 of the RMA and does not provide additional guidance on decision-making.
Consistent with other relevant Objectives?	Objective 3 is consistent with Objectives 2 and 4, which also relate to natural heritage.	Yes it is consistent but it is not as comprehensive as Option 1.

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	<p>The objective does not impose a greater burden than that already imposed by the NZCPS Policy 11. The extent to which protection of a specific site is required and appropriate will generally be determined through the resource consent process.</p> <p>It is not unreasonable to expect resource users to consider and manage the adverse effects that activities may have on the values and attributes of areas that contain rare or threatened habitat types.</p> <p>The objective and associated policies will not override the legal rights conferred by existing resource consents or designations. Similarly, existing use rights available under s10 of the RMA on land outside the coastal marine area will still apply.</p>	As per Option 1.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through resource consent processes and through working with the community, iwi and hapū on restoration projects.	Achieving the objectives can be achieved through resource consent processes.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP and is less comprehensive.

5.2.3 Objective 4

Plan Provision(s)	Objective 4: Enable the restoration and rehabilitation of the natural heritage of the coastal environment, including kaimoana resources.	The status quo option is equivalent to doing nothing as the current RCEP does not include an objective that relates to restoration or rehabilitation.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	The objective addresses major aspects of Issues 6 and 7.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Restoration and rehabilitation of natural heritage contributes to sustaining the potential of natural resources to meet the needs of future generations (s5(2)(a) RMA) and safeguarding the life-supporting capacity of air, water, soil and ecosystems (s5(2)(b) RMA).	N/A

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Restoration and rehabilitation of kaimoana resources and outstanding natural features and landscapes is consistent with s6(e) and s7(a) of the RMA.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Protection of natural and physical resources in the coastal marine area is the responsibility of the Regional Council under s30 of the RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 14(b) which directs regional plans to include provisions directed at restoration or rehabilitation of natural character.	No
Usefulness		
Will effectively guide decision-making?	Yes - the objective provides certainty that activities that contribute to the restoration or rehabilitation of natural heritage are appropriate in the coastal environment.	N/A
Meets sound principles for writing objectives?	Yes - the objective addresses issues 6 and 7, and is specific to restoration and rehabilitation.	N/A
Consistent with other relevant Objectives?	The objective is consistent with Objectives 2 and 4, which relate to natural heritage in the coastal environment.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	The objective does not place a burden on people and communities.	Not including an objective fails to recognise that currently activities with minor adverse effects that seek to restore or rehabilitate natural heritage are required to obtain resource consent, and that often restoration works are carried out by community and/or iwi and hapū groups working in a voluntary capacity.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC	The objective can be achieved through the use of permitted activities, resource consent processes and through working with the community, iwi and Hapū on restoration projects.	N/A
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP. The lack of a specific objective covering restoration is not consistent with the Proposed RPS, NZCPS or the RMA.

5.2.4 Other options considered

Option	Reason(s) why option rejected
Have separate objectives for biodiversity, natural character and outstanding natural features and landscapes.	This approach does not recognise the interrelationship between the different aspects that comprise natural heritage and creates unnecessary repetition.
Broaden objectives to encompass ALL areas of natural heritage.	Preservation of all areas of indigenous biodiversity is not feasible if any subdivision, use and development is to occur in the coastal environment. This would be an unachievable objective and is not 'effects' based.
Remove objectives altogether.	This option would rely on provisions of Resource Management Act 1991 and NZCPS 2010. In the absence of action by Council there is no guidance provided at a regional level about the threats to indigenous biodiversity in the coastal environment. Biodiversity values may deteriorate as a result of the effects of use, development and subdivision and will not necessarily meet the requirements of the Resource Management Act 1991.

5.3 Policies, Methods and Rules to achieve Objectives 2, 3 and 4

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policies NH 1 to NH 18.</p> <p>Rules SO 10, 12 and 14; DD 15 and 17; RM 3 and 5.</p> <p>Methods 2, 3, 4, 5, 13, 14 and 15.</p> <p>Schedules 2, 3, 11 and 13.</p>	<p>Natural Character policies 4.2.3(a)-4.2.3(j) and methods 4.2.4, 4.2.5(b) and 4.2.6.</p> <p>Natural Features and Landscapes policies 5.2.3(a)-5.2.3(i) and methods 5.2.4(a)-(d).</p> <p>Significant Areas of Flora and Fauna policies 6.2.3(a)-6.2.3(h) and methods. 6.2.4(a),6.2.4(b),6.2.5(a)-(f) and 6.2.6.</p> <p>Rules specific to the Coastal Habitat Preservation Zone.</p> <p>Third Schedule.</p> <p>Fourth Schedule.</p> <p>Fifth Schedule.</p> <p>Sixth Schedule.</p> <p>Seventh Schedule.</p>

5.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
<p>Coastal ecosystems and biodiversity.</p>	<p>One of the key benefits of this policy approach is the protection and restoration of coastal ecosystems and biodiversity.</p> <p>Schedule 2 provides current information on the biodiversity values for sites in the coastal environment that is consistent with the direction the NZCPS and the Regional Policy Statement. The sites that are identified as Indigenous Biodiversity Areas (IBDA) all meet the criteria contained in Appendix F Set 3 Indigenous vegetation and habitats of indigenous fauna of the operative and proposed RPS. These criteria are used to identify which areas of significant indigenous vegetation and habitats of indigenous fauna warrant recognition and protection as a matter of national importance under s6 RMA.</p> <p>The policy direction seeks to protect those attributes that contribute to the biodiversity value of identified Indigenous Biodiversity Areas (IBDA). However, the policy approach also recognises that some use and development may be appropriate in high value areas and introduces a hierarchy for managing adverse effects on indigenous biodiversity that prioritises avoidance of adverse effects but still provides for effects to be remedied or mitigated. Where biodiversity values are particularly high, the policy directs that residual significant adverse effects should be offset. Schedule 13 provides guidance on how this mechanism should be applied.</p>	<p>As per Option 1; however less guidance is provided on how adverse effects should be managed and restoration is not specifically addressed.</p>

Quality and functioning of the coastal environment.	Protection and restoration of indigenous biodiversity, natural character and outstanding natural landscapes and features contributes to maintaining and enhancing the quality and functioning of the coastal environment. A Department of Conservation review ³ of ecosystem services found that: <i>'Land protection is the conservation activity that has the biggest documented impact on ecosystem services as, almost without exception, intact, natural ecosystems provide the best ecosystem services.'</i>	As per Option 1, except restoration is not specifically provided for.
Natural character and outstanding landscape features.	Another key benefit of this policy approach is the protection and restoration of natural character and outstanding natural landscapes and features. The policy direction provides specific direction on when use and development is appropriate in relation to natural heritage.	As per Option 1, except restoration is not specifically provided for.
Historic sites.	Historical and heritage associations are one of the components that contribute to the identification and assessment of natural features and landscapes. Protection and restoration of ONFLs will also contribute to the protection and restoration of historic heritage.	The 1993 landscape assessment work did not take into account historic heritage.
Economic Benefits		
Opportunities for employment and economic growth.	The policy direction and associated rules specifically provide for regionally significant infrastructure to be located in areas of high natural heritage value (in particular policy NH 5). The policy also provides for other activities that have demonstrable and regionally significant economic benefits to be located in such areas.	As per Option 1; however, Option 2 provides little direction on the appropriateness of locating regionally significant infrastructure or proposals with significant economic benefits in high value natural heritage areas.

³ Department of Conservation, Conservation and the delivery of ecosystem services: A literature review. Department of Conservation 2009.

	<p>Economic benefits also include those arising from the ecosystem services afforded by indigenous biodiversity, such as improved water quality, carbon sequestration, erosion mitigation and improved landscape, character and amenity values. Ecosystem services are the renewable and non-renewable stocks of natural resources and processes that support life and economic activities. Examples relevant to New Zealand and the coastal environment include reduced soil erosion; preservation of soil fertility, water retention (which can help mitigate floods and droughts), water quality enhancement, provision of seafood and natural hazard protection.</p> <p>Ecosystem services can be of direct economic benefit, as 'green infrastructure', as well as improving the value of land through improved amenity, landscape and character values.</p> <p>'Ecosystem services' for the coastal environment in the region have not been monetised, but are potentially significant. An evaluation of the ecosystem service value of Protected areas and Ecological Corridors within the Kaimai-Tauranga Catchments indicated that ecosystem services could amount to \$NZ 195 million per annum and could contribute about 5% of the sub-region's GDP annually.⁴</p>	
<p>Reduced compliance costs (to resource users).</p>	<p>Identifying and mapping the area of indigenous biodiversity and outstanding natural features and landscapes in the coastal environment that meet the criteria contained in Appendix F of the RPS and policies 11 and 15 of the NZCPS provides certainty to resource users.</p>	<p>None identified.</p>

⁴ Wildland Consultants Ltd, Ecosystem Services of Protected areas and Ecological Corridors within the Kaimai-Tauranga Catchments Technical Report Series 2. 2010 Department of Conservation.

Reduced fiscal costs (to BOPRC and other local authorities – implementation, monitoring and enforcement).	Identifying and mapping the area of indigenous biodiversity and outstanding natural feature sand landscapes in the coastal environment that meet the criteria contained in Appendix F of the RPS and policies 11 and 15 of the NZCPS provides district and city councils with information that they can use within their own land use planning frameworks. Identification of IBDA helps provide a focus for ecological restoration efforts in the coastal environment.	None identified.
Social Benefits		
General.	Natural heritage values contribute to people's appreciation of amenity values. A lack of protection of these areas would be a cost to the wider community generally.	As per Option 1.
Cultural Benefits		
Cultural well-being of people and communities.	Tangata whenua have a strong connection with indigenous biodiversity and generally wish to see it protected and enhanced, including its importance as a food and cultural resource.	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Cultural and spiritual values are one of the components that contribute to the identification and assessment of natural features and landscapes. Protection and restoration of ONFLs will also contribute to the protection of the relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.	The 1993 landscape assessment work did not take into account cultural and spiritual values.

Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	The policy framework provides for appropriate activities to be undertaken in areas of high biodiversity value. Activities in such areas can have an adverse effect on their attributes. These effects cannot always be fully avoided, remedied or mitigated and a biodiversity offset may not always be able to be applied.	No new natural heritage sites or changes to existing sites would be made under Option 2. This means that some areas of known natural heritage value will not be included and therefore would not be protected and more likely to be damaged. In addition, areas which have decreased in value since the technical work was undertaken in the mid-1990s to support the operative RCEP will be subject to a higher level of protection than may be warranted.
Quality and functioning of the coastal environment.	As above.	As per above, and Option 2 does not provide direction on restoration of natural heritage in the coastal environment.
Natural character and outstanding landscape features.	The policy framework does provide for appropriate activities to be undertaken in areas of high natural character and within outstanding natural landscapes and features. Activities in such areas can have an adverse effect on their values.	The three new ONFLs (under Option 1) would not be added under Option 2. In addition, it would not be clear that all the sites currently identified in the operative RCEP as having landscape value should be treated as ONFL as they are of at least regional significance. This means that some areas of outstanding natural feature and landscape value will not be formally protected and are more likely to be damaged or subject to inappropriate subdivision, use and development.
Economic Costs		
Opportunities for employment and economic growth reduced.	The policy direction to avoid adverse effects on areas of particularly high natural heritage value in the coastal environment and avoid significant adverse effects in other areas has the potential to limit economic development options in some areas, particularly in towns/cities that have a coastal location, although many IBDA are on land that is difficult and expensive to develop and/or is not suitable for rural activities.	The restrictive nature of the policies and rules applied to the existing Coastal Habitat Preservation Zone has the potential to limit economic development options in some areas, particularly in towns/cities that have a coastal location.

Compliance costs (to resource users).	Costs associated with developing appropriate mechanisms for avoiding, remedying, mitigating or offsetting adverse effects.	As per Option 1. In addition, assessments are required to determine whether areas are consistent with the criteria contained in Appendix F of the RPs and the NZCPS. The cost of such an assessment for an individual area will vary depending on the location and availability of existing information, but is likely to be in the order of \$1,000 - \$10,000 (if both landscape and biodiversity values require assessment).
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Cost of implementing non-regulatory methods, which include sustainable land management and biodiversity programmes, supporting community, iwi and hapū groups to undertake projects that protect and restore natural heritage (for example through incentive schemes such as the Environmental Enhancement Fund), Coast Care and Estuary Care and other programmes which support landowners and the community who wish to engage in active conservation of natural heritage.	As per Option 1.
Social Costs		
Recreational use of the coastal environment and resources.	Activities may be restricted in sensitive areas (for example use of vehicles over sand dunes or within important bird nesting areas).	
Public access to and along the coastal marine areas.	Public access may be restricted in sensitive areas to protect biodiversity or natural character values.	As per Option 1.
Cultural Costs		
	No direct cultural costs identified. There is the potential for tribal land to be disproportionately represented as land that has high natural heritage values (due to lack of recent development). This could be a disadvantage to tangata whenua who wish to provide housing and create employment for their people, but are limited in location to tribal whenua.	As per Option 1.
Overall assessment	High.	Low.

5.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes the policies, rules and methods are directed at achieving Objectives 2, 3, 4 and 25.	No – the policies are directed at achieving the high level outcomes stated in Part 2 of the RMA.
Will clearly achieve, or partly achieve the objective.	Option 1 will clearly achieve the objectives.	Option 2 will partly achieve the objectives, as the focus is on protection of identified areas.
Usefulness		
Will effectively guide decision-making?	Yes – the policies provide clear direction on what values require protection in the coastal environment; how adverse effects of activities can be avoided, remedied, mitigated or offset; what activities may be appropriate in high natural heritage areas and guidance on restoration of natural heritage.	The policies do provide clear direction on protection of high value areas, but are less effective at directing how adverse effects can be appropriately managed; the application of offsetting; what activities may be appropriate in high natural heritage areas; and restoration of natural heritage.
Meets sound principles for writing policies and rules?	Yes.	Yes.
Assumptions made.	In certain circumstances, use and development is appropriate in the highest value natural heritage sites even when adverse effects cannot be avoided. Some activities are inappropriate in the highest value natural heritage areas.	Some activities are inappropriate in the highest value natural heritage areas.
Risk involved.	Option 1 amends the current biodiversity and landscape overlays applied to the coastal environment. Landowners may not agree with changes to the mapping that is applied to their land in the operative RCEP. The Council may not be able to provide the level of non-regulatory support sought by landowners due to resource constraints.	A risk of this approach is that the mapping contained in the operative RCEP is not consistent with the Proposed RPS or NZCPS. This could open the plan to later challenge by central government; NGO's or through the Environment Court process as not offering adequate protection for some of the regions significant natural heritage areas, and not meeting the requirements of the RMA.
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes – the majority of the policies are within BOPRC's functions and powers.

Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	<p>The rules proposed to be used are achievable, and fall within the statutory responsibilities of the Regional Council.</p> <p>A more permissive regulatory framework has been introduced for activities that actively contribute to our understanding and/or protection and enhancement of natural heritage values and which do not create more than minor adverse effects on those values. The new permitted activity rules can be complied with and enforced.</p>	Yes – experience has shown that the existing rules can be complied with and enforced.
Degree of uncertainty in the ability to achieve the objectives.	<p>Low.</p> <p>The ability to achieve objectives within the coastal marine area is high, as the RCEP also sets the regulatory framework for this area.</p> <p>Full achievement of the objective in the landward part of the coastal environment is dependent upon appropriate provisions being included in the relevant district or city plan. The policy direction of the RCEP provides a strong platform for the Regional Council when commenting or submitting on District Planning documents or resource consents.</p>	<p>High.</p> <p>The policy framework only addresses one dimension of the selected objectives – protection of areas identified as having high natural heritage values.</p>
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes.	Yes.
Overall assessment	High.	Low.

5.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is sufficient information on which to base the proposed policies and methods. In particular, the Regional Council has undertaken a comprehensive assessment to identify sites of ecological significance, high and outstanding natural character and outstanding natural features and landscapes. Criteria to guide this assessment work are contained in the Proposed RPS and NZCPS.	
Is the topic of high significance or complexity?	Yes – the RMA places significant importance on the protection of significant indigenous biodiversity, natural character and outstanding natural features and landscapes and the maintenance of indigenous biodiversity.	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	Consideration of the effects of activities on natural heritage is required under Part 2 of the RMA and would be included in any resource consent decision-making process. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making and certainty for resource users and the community.	

5.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No relevant NES exists.	

5.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Option 1 provides clear direction on management of natural heritage resources in the coastal environment and is consistent with the policy direction contained in the NZCPS and Proposed RPS. Efficiency is promoted by identifying those areas which are considered the most significant and important, and warrant the strongest regulatory response.
Option 2.	Low.	Low.	No.	

5.3.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed in the near future. It is not efficient or effective to replicate policy that is likely to change in the near future. Likewise it is not consistent with the NZCPS.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.
Do nothing.	This would lead to ad hoc decision-making in terms of consideration of natural heritage values, and significant costs to resource users associated with assessing each site that was subject to a proposal for natural heritage value. The 'do nothing' approach provides little certainty to the community, resource users and regulators with regard to which sites or areas of the coastal environment are most sensitive to use and development and where regulatory effort should be targeted. This option would not give effect to the Proposed RPS or NZCPS requirements.

5.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy NH 1.	<p>Policy NH 1 provides overarching guidance on what is appropriate development in areas that have natural heritage value.</p> <p>Providing for restoration and rehabilitation of natural heritage values is consistent with Objective 4.</p> <p>(a) Gives effect to NZCPS Policy 6(1)(b) and Proposed RPS Policy CE 7B.</p> <p>(b) Gives effect to NZCPS Policy 6(1)(c) and Proposed RPS Policy CE 7B.</p> <p>(c) Gives effect to NZCPS Policy 6(2)(c) and Proposed RPS Policy CE 10B.</p> <p>(d) Gives effect to NZCPS Policy 6(1)(h) and Proposed RPS Policy CE 10B(g).</p> <p>(e) Gives effect to Proposed RPS Policy CE 10B(f).</p> <p>(f) Links to the other natural heritage policies of the RCEP.</p>
Policy NH 2.	Replaces existing Policy 4.2.3(i) and gives effect to Proposed RPS Policy CE 5A.
Policy NH 3.	Replaces and updates existing Policy 4.2.3(f) to make reference to the urban growth limits contained in the Proposed RPS and gives effect to Proposed RPS Policy CE 7B(c).
Policy NH 4.	Gives effect to NZCPS policies 11(a), 13(1)(a) and 15(a).
Policy NH 5.	Consistent with NZCPS Policy 6(2)(a) and gives effect to Proposed RPS policies EI 4B and EI 5B.

Policy NH 6.	Gives effect to NZCPS Policy 11(b).
Policy NH 7.	Replaces existing Policy 4.2.3(c).
Policy NH 8.	Gives effect to NZCPS Policy 7(2) with regard to indigenous habitat values.
Policy NH 9.	Gives effect to NZCPS Policy 11(b)(v) and (vi).
Policy NH 10.	A comprehensive survey of offshore subtidal biodiversity values, landscapes and natural features has not been undertaken, and it would be very expensive to do so. Where knowledge is available this has been used within the technical reports that were used to generate Schedules 2 and 3. For other situations, it is appropriate that a resource user is responsible for the cost of undertaking subtidal research rather than the ratepayer. Use of the precautionary approach where scientific uncertainty exists is consistent with Proposed RPS Policy IR 1B.
Policy NH 11.	Consistent with Proposed RPS Policy EI 5B.
Policy NH 12.	Provides additional guidance on the application of biodiversity offsets.
Policy NH 13.	Replaces existing Policy 5.2.3(a); gives effect to NZCPS Policy 6(1)(h) and Proposed RPS Policy CE 7B(c).
Policy NH 14.	Replaces existing Policy 5.2.3(i). The words 'compatible with' rather than 'blend' have been used to be consistent with the wording used in Proposed RPS Policy CE 10B(g). The use of the phrase 'amenity values' has been replaced with 'existing natural character' in order to better reflect the direction of the NZCPS and Proposed RPS.
Policy NH 15.	Policy response to Issue 5 (inappropriate mitigation or remediation works can have a negative effect on natural heritage) and Objective 4. Also reflects the Guidelines contained in Schedule 4. Replaces existing Method 4.2.5(b).
Policy NH 16.	Replaces part of existing Policy 6.2.3(b). Provides for Financial Contributions where appropriate to remedy, mitigate or offset adverse effects on natural heritage values.
Policy NH 17	Replaces existing Policy 5.2.3(d).
Policy NH 18.	Replaces existing policies 4.2.3(h) and 6.2.3(g). Direction is consistent with Policy 135 of the Regional Water and Land Plan (which is specific to wetlands) and provides guidance on how natural heritage values can be protected.
Method 2.	Replaces existing methods 5.2.4(b) and 6.2.5(f). Gives effect to Policy NH 18.
Method 3.	Partly addresses issues 4 and 24 and assists in achieving objectives 2, 3 and 21.
Method 4.	Replaces existing policy 6.2.3(h).
Method 5.	Partly addresses issue 3(v) and 4(i) and assists in achieving objective 2.

Method 13.	Addresses issue 7 and assist in achieving objectives 2, 3 and 4.
Method 14.	As per Method 13. In addition, a method specific to iwi and hapū has been included to ensure that kaitiakitanga and use of Mātauranga Māori is specifically recognised and provided for.
Method 15.	Replaces existing methods 4.2.6, 5.2.4(a), 6.2.6, 11.2.4(a) and 11.2.5(a).
Schedule 2.	<p>Replaces existing:</p> <ul style="list-style-type: none"> • Third Schedule Areas of Significant Conservation Values. • Sixth Schedule Significant Marshbird Habitat Areas. • Seventh Schedule Significant Indigenous Vegetation Areas. <p>Schedule 2 identifies and provides information on sites in the coastal environment that have been assessed as meeting the criteria contained in Appendix F, Set 3 of the Proposed RPS <u>and</u> NZCPS Policy 11. These sites warrant protection under s6(c) of the RMA. The mapping gives effect to Proposed RPS policies MN 1B, MN 3B and CE 6A.</p>
Schedule 3.	<p>Replaces existing:</p> <ul style="list-style-type: none"> • Fourth Schedule Natural Features and Landscapes. <p>Schedule 3 identifies outstanding natural features and landscapes in the coastal environment that have been assessed as meeting the criteria contained in Appendix F, Set 2 of the Proposed RPS <u>and</u> NZCPS Policy 15. These sites warrant protection under s6(b) of the RMA. The mapping gives effect to Proposed RPS policies MN 1B and MN 3B.</p>
Schedule 4.	<p>Replaces existing:</p> <ul style="list-style-type: none"> • Fifth Schedule Landscape Guidelines for Natural Features and Landscapes. <p>The Landscape Guidelines have been useful during resource consent processes and have been retained subject to minor amendments to ensure consistency with the Proposed RCEP policies. The Guidelines contain useful information on how to manage adverse effects on landscape and natural character values in a manner that is consistent with Proposed RPS Policy CE 7B(c).</p>
Schedule 13.	<p>The Department of Conservation provided the principles contained in Schedule 13. The principles are supported by the Business and Biodiversity Offsets Programme (BBOP), which is an international collaboration of over 75 leading organisations and individuals including companies, financial institutions, government agencies and civil society organizations. Together, the members are testing and developing best practice on biodiversity offsets and conservation banking worldwide.</p> <p>The Department of Conservation is currently working on the development of New Zealand best-practice guidance on Biodiversity Offsetting. This guidance will align with the international BBOP approach.</p> <p>Inclusion of the principles provides greater certainty regarding the application of biodiversity offsets and is consistent with international and national guidance - noting that the national level guidance is still in draft form.</p>

The Rules are discussed in the appropriate sections of this report.

6 Use of biodiversity overlays on undeveloped residential land

Staff reviewed the indigenous biodiversity mapping contained in the draft RCEP in light of feedback received. Minor boundary adjustments were made to:

- Exclude areas that are already highly modified – such as domestic gardens, buildings, plantation forestry.
- Exclude areas where the exercise of an existing consent means that biodiversity values will be significantly altered (for example the completion of the Waiotahi Drifts subdivision and the recently consented Seascape subdivision at Port Ōhope).
- Ensure consistency (where appropriate) with mapping contained in recently updated district and city plans where these are now operative – this includes areas such as the Te Tumu land, where ecologically significant areas (on land) have been agreed via recent Environment Court mediation.
- Remove areas that are outside the coastal environment.
- Ensure known bird roosting areas are included.

6.1 Areas currently zoned for residential use

Across the region, two undeveloped land parcels within an area zoned for residential use (dense settlement) in the relevant District Plan were included in the biodiversity overlay of the draft RCEP, and not removed as a result of the minor boundary adjustments. Both these land parcels are in the Whakatāne District:

Piripai Spit, Whakatāne – 77 Bunyan Road (also referred to as the Piripai Block)

The majority of the land parcel is zoned Residential 1 in the operative and Proposed Whakatāne District Plan. The land has not been developed to date; however a Structure Plan has been prepared for the area and included in the Proposed District Plan. The coastal edge of the site is zoned Coastal Protection Zone and is identified as a significant indigenous biodiversity site in the proposed Whakatāne District Plan.

The entire land parcel has been included in an Indigenous Biodiversity Area A. The block covers approximately 40 hectares (7%) of the Ōtamarākau-Matatā-Whakatāne Dunes A site, which is approximately 570 hectares in total and encompasses areas of sand dune from Ōtamarākau to Whakatāne (not in a contiguous block).

14 Harbour Road, Ōhiwa Harbour

This block of land is zoned Residential 1 in the operative and Proposed Whakatāne District Plan, but not developed. Part of the land parcel is included in the Tauwhare IBDA, which is in an Indigenous Biodiversity Area B. The block covers approximately 4.2 hectares (19%) of the Tauwhare IBDA, which is approximately 22 hectares in total, and encompasses high quality Pohutukawa Forest on the margin of Ōhiwa Harbour.

The same area has been identified as a significant indigenous biodiversity site in the proposed Whakatāne District Plan (the underlying zoning remains residential).

Given that the same area of 14 Harbour Road that is identified in the Proposed RCEP as having biodiversity value is similarly identified in the Proposed District Plan, and that the site has not been assessed as meeting the test for requiring the highest level of protection, staff have not pursued the removal of this part of the biodiversity layer any further.

6.2 Other areas where future residential development is intended

There are two areas of land in the coastal environment where landowners have expressed a clear intention to pursue residential development.

Te Tumu Block

The land commonly referred to as the Te Tumu Block is included within the growth management areas for the western Bay of Plenty contained in the Proposed RPS, with a development start date of pre-2021. The Proposed RCEP identifies IDBA on this land – the land-based areas identified are consistent with those Special Ecological Areas agreed to via mediation on the Tauranga City Plan, and do not cover the entire site.

The land is rural, but is zoned as Te Tumu Future Urban to recognise it's strategically important for accommodating future urban growth. Subdivision in the Te Tumu Future Urban Zone is a fully discretionary activity. The City Plan recognises that natural environment values are an important consideration for this area.

Matakana Island

Matakana Island is zoned for rural use. The owners of large parcels of land on the currently forested sand barrier have been investigating the potential for residential subdivision for some years. The Western Bay of Plenty recently initiated Plan Change 46 to its District Plan in an attempt to provide clear direction on how to appropriately manage subdivision and development in this sensitive environment and to give effect to the NZCPS and Proposed RPS. The Plan Change identifies ecological features, which align well with the biodiversity overlay contained in the proposed RCEP. As with Te Tumu, the overlays do not cover the entire land area (recognising that much of the sand barrier is currently used for production forestry).

The Plan Change was notified in September 2013, submissions heard in March 2014 and decisions released on 18 April 2014. The underlying Rural Zoning is retained for Matakana Island but specific provisions are included that recognise the unique nature of the island. Subdivision on the forested sand barrier is a restricted discretionary activity provided specific performance standards can be met. Subdivision within Significant Ecological Features is non-complying.

6.3 Evaluation of biodiversity overlays on undeveloped residential land

	Option 1	Option 2
Plan provision(s)	Schedule 2: Biodiversity overlay removed from the part of Piripai Block land that is undeveloped but currently zoned for residential use (where that residential use is densely settled residential areas) in the operative Whakatāne District Plan.	Schedule 2: Biodiversity overlay retained in areas of Piripai Block zoned for residential use.

6.3.1 Efficiency

Efficiency	Option 1 – Remove overlay	Option 2 – Retain overlay
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	No benefits identified.	<p>The values of approximately 40 hectares of 'acutely-threatened' coastal ecosystem (coastal sand-dunes comprising predominately indigenous vegetation) are formally recognised and can be considered during decision-making.</p> <p>Policy 11 of the NZCPS introduces a two-tiered approach to managing biodiversity in the coastal environment. The first tier (Policy 11(a) provides the highest level of protection and is applied to indigenous biological diversity most at risk of irreversible loss, with the appropriate management response the avoidance of adverse effects. This approach aligns with the Statement of National Priorities on Rare and Threatened Indigenous Biodiversity and the findings from the five yearly Review of the New Zealand Biodiversity Strategy.</p> <p>It is noted that as the underlying District Plan residential zoning still applies, recognition of biodiversity values in the Proposed RCEP does not provide protection unless changes are made to the Proposed District Plan.</p>

Quality and functioning of the coastal environment.	No benefits identified.	Protection and restoration of indigenous biodiversity, natural character and outstanding natural landscapes and features contributes to maintaining and enhancing the quality and functioning of the coastal environment. A Department of Conservation review ⁵ of ecosystem services found that: ' <i>Land protection is the conservation activity that has the biggest documented impact on ecosystem services as, almost without exception, intact, natural ecosystems provide the best ecosystem services.</i> '
Natural character and outstanding landscape features.	No benefits identified.	Indigenous biodiversity contributes to natural character of the coastal environment. Recognising the biodiversity values of the site means that effects on natural character can be more fully understood and managed accordingly.
Natural hazards.	No direct benefits.	Coastal sand dunes can play an important role in the mitigation of coastal hazards such as erosion and flooding.
Economic Benefits		
Opportunities for employment and economic growth.	Significant benefit to the Whakatāne District as a potential impediment to development is removed, in particular with regard to the Piripai Block. A recent economic impact assessment by Market Economics Limited based on the development of 200-250 residential sections, retirement village and retail/commercial space on 77 Bunyan Road (Piripai block) estimates the following benefits (values are approximate and assume a 20 year development period): Construction Phase (over 20 years) \$300 million to GDP. 4,370 MEC. \$180 million income returned to households.	No direct economic benefits identified. There may be some economic benefits arising from the ecosystem services afforded by indigenous biodiversity, such as erosion mitigation and improved landscape, character and amenity values. The 'ecosystem services' provided by sand-dune ecosystems in our region have not been monetised, and no similar information was available for other parts of New Zealand.

⁵ Department of Conservation, Conservation and the delivery of ecosystem services: A literature review. Department of Conservation 2009.

	<p>Operational Phase (when construction completed) – annual impact figures</p> <p>\$62 million to GDP. 979 MEC. \$38 million income returned to households.</p> <p>About 80% of the construction phase impact is expected to be realised in the Whakatāne District. In the operational phase, 97% of the impact is expected to be felt in the Whakatāne District.</p> <p>The development will increase Whakatāne housing stock by 3.0-3.5%, and offer a variety of housing options, including catering for retirement living. There is an expanding older population in the region; by 2031, approximately 25% of the population will be aged over 65. Therefore a demand for retirement village and health facility is likely to be high.</p> <p>Unemployment in the Whakatāne District is high (11%) compared to the rest of New Zealand (7%).</p> <p>Note: The assumptions underlying this report and its findings have not been peer-reviewed.</p>	
Reduced compliance costs (to resource users).	Removing the layer means that any resource consent granted is likely to contain less onerous or restrictive conditions in terms of controls on biodiversity effects.	Identifying and mapping the area of indigenous biodiversity in the coastal environment that meet the criteria contained in Appendix F of the RPS and Policy 11 of the NZCPS provides certainty to resource users.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No benefits identified.	No benefits identified.
Social Benefits		
Recreational use of the coastal environment and resources.	No benefits identified.	Indirect benefit: Retaining the biodiversity layer is less enabling toward residential subdivision, which in turn may retain the extent of public open space available in the coastal environment. This effect is probably fairly limited in extent and would have most impact on residents of Coastlands.

Public access to and along the coastal marine areas.	Indirect benefit: Removing the biodiversity layer is more enabling toward residential subdivision, which in turn may enhance public access to and along the coastal marine area.	No benefits identified.
Other amenity values.	Indirect benefit: Removing the biodiversity layer is more enabling toward residential subdivision, which in turn may provide additional amenities.	Natural heritage values contribute to people's amenity.
Cultural Benefits		
	No direct benefits identified.	No direct benefits identified. Tangata whenua have a strong connection with indigenous biodiversity and generally wish to see it protected and enhanced, including because of its importance as a food and cultural resource.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	Approximately 40 hectares of 'acutely-threatened' coastal ecosystem (coastal sand-dunes comprising predominately indigenous vegetation) will not be recognised as having value.	No costs identified.
Quality and functioning of the coastal environment.	Lost opportunity to provide protection to an acutely-threatened coastal ecosystem and associated ecosystem services.	No costs identified.
Natural character and outstanding landscape features.	The contribution that the indigenous biodiversity values of the site makes to natural character will not be formally recognised and may not be given particular consideration during any decision making process.	No costs identified.

Economic Costs		
Opportunities for employment and economic growth reduced.	No opportunities reduced; potentially some loss of ecosystem services if land developed (no monetary cost is available).	Potentially significant lost benefits to the economy of the Whakatāne District if residential development of the Piripai Block is not able to proceed or is no longer economically viable. Doesn't acknowledge the District Council's long term planning in relation to his site, which has included investment in infrastructure to support future development. This has included a \$650,000 wastewater pump (already constructed) and \$70,000 spent on extending water supply to the site in anticipation of residential development and/or associated land uses. A further capital spend of approximately \$600,000 on infrastructure is planned once development commences.
Compliance costs (to resource users).	Possible costs associated with resource users commissioning their own reports to meet the requirements of the NZCPS. Potentially significant costs to the District Council associated with: <ul style="list-style-type: none"> • Defending any legal challenges regarding the lack of recognition contained in the Proposed District with regard to biodiversity values of Piripai Block; and/or • Reviewing and varying the Proposed District Plan. 	If residential development does proceed on Piripai Block, compliance costs could be significant, for example if offsetting part or all the lost the sand-dune ecosystem is required by resource consent conditions. Potentially significant costs associated with defending any legal challenges to a resource consent application to undertake subdivision and associated activities on land identified as having significant biodiversity values.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Potentially significant costs associated with defending any legal challenges to the removal of the biodiversity layer from the Proposed RCEP and responding to similar requests from other landowners.	Potentially significant costs associated with defending any legal challenges to the retention of the biodiversity layer on the Piripai Block.

Social Costs		
Recreational use of the coastal environment and resources.	Indirect cost: Removing the biodiversity layer is more enabling toward residential subdivision, which in turn will reduce the public open space available in the coastal environment. This effect is probably fairly limited in extent and would have most impact on residents of Coastlands.	Indirect cost: Retaining the biodiversity layer indicates that some current recreational uses of the area are inappropriate or require management to limit adverse effects.
Public access to and along the coastal marine areas.	No costs identified.	No costs identified.
Other amenity values.	Natural heritage values contribute to people's amenity. A lack of protection of such areas is a cost to the wider community generally.	No costs identified.
Cultural Costs		
	No direct costs identified.	No direct costs identified.
Overall assessment	<p>Medium.</p> <p>Option 1 will not contribute to achieving the objectives of the Proposed RCEP. However, Option 1 may have significant benefits in terms of opportunities for economic growth and employment.</p> <p>Option 1 also recognises that the District Council has undertaken a strategic planning exercise that confirms Piripai Block as a future residential development area, and that the current (and historic) zoning for the area is residential (dense settlement). This is consistent with Policy 7 of the NZCPS.</p>	<p>Low – Medium.</p> <p>Option 2 recognises the biodiversity values in the Piripai Block in a manner that is consistent with the NZCPS and will assist in achieving the objectives of the Proposed RCEP; however full protection of those values (as directed by the NZCPS) cannot be provided without supporting provisions being available in the District Plan. These provisions are not currently available.</p> <p>Option 2 may also have significant costs in terms of reduced opportunities for economic growth and employment.</p>

6.3.2 Effectiveness

Effectiveness	Option 1 (Remove)	Option 2 (Retain)
Relevance and transparency		
Directed towards achieving the objective.	No.	Yes – directed toward achieving objectives 2 and 3.
Will clearly achieve, or partly achieve the objective.	No.	Partly – achieving the objective on land is ultimately reliant on the District Plan policy and regulatory framework.
Usefulness		
Will effectively guide decision-making?	No – the RCEP and the District Plan remain ‘silent’ on the biodiversity values of the area.	Yes – clearly identifies the biodiversity values of land, which allows these to be considered in decision-making.
Meets sound principles for writing policies and rules?	N/A.	N/A.
Assumptions made.	<p>The existence of the biodiversity layer in the Proposed RCEP is a significant impediment to planned development of the Piripai Block.</p> <p>The Whakatāne District Council has undertaken a robust assessment of whether their Proposed District Plan gives effect to the NZCPS, and found that the Proposed Plan does give effect to the NZCPS and in this regard is not contrary to s75 of the RMA.</p> <p>The residential zoning for Piripai Block and controlled activity status for subdivision will be retained when the Proposed District Plan is made operative.</p> <p>The Economic Impact Assessment is sufficiently robust to give a realistic indication of potential economic and social benefits.</p>	<p>The biodiversity assessment that identifies the Piripai Block as significance is robust and in accordance with Appendix F Set 3 of the proposed RPs and policy 11 of the NZCPS.</p>

Risk involved.	<p>Removing the layer over Piripai block could be viewed as not giving effect to the NZCPS (in particular Policy 11). The risk is increased for Whakatāne District council if a robust assessment of whether the Proposed Plan has given effect to the NZCPS has not been carried out in accordance with the assumptions outlined above.</p> <p>Removing parts of an overlay based on technical work could call into question the integrity of the layer as a while and the robustness of the technical information.</p> <p>Other landowners seeking to develop coastal land that has high biodiversity values may consider that removal of overlays on their land is also justified.</p>	<p>Retaining the layer results in a significant reduced opportunity for employment and economic in the Whakatāne district.</p> <p>Doesn't recognise that the District Plan as provided for future residential development in this area for some 30 years.</p>
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	N/A	N/A
Degree of uncertainty in the ability to achieve the objectives.	High (in relation to the Piripai Block).	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Not directly relevant to this issue.	As per Option 1.
Overall assessment	Low – removing the layer does not achieve the objectives relating to natural heritage.	Medium – retaining the layer contributes to achieving the objective relating to natural heritage, but as the area is on land achieving the objective also relies on implementation through the District Plan.

6.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1 Remove	Option 2 Retain
Is there uncertain or insufficient information on the topic?	There is comprehensive information available on the biodiversity values of the Piripai Block; national priorities for the protection of biodiversity on private land and national policy direction on resource management in the coastal environment in the form of the New Zealand Coastal Policy Statement 2010. Information on the potential economic and social benefits of the residential development of Piripai Block has recently become available. This information contains some uncertainties as planning for the development is still in early stages and limited information was available on exact spending and investment to feed into the economic impact assessment. The assessment also assumes that none of the development will replace existing local developments; however it is not currently known to what extent the Piripai Block development will replace other development activities.	
Is the topic of high significance or complexity?	The topic is of high significance to the Whakatāne District.	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	High – although risks can be mitigated to some extent, and the greater risk is probably borne by the District Council compared to the Regional Council.	High - risk is to the Whakatāne District.

6.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

6.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	Medium.	Low.	Yes.	Explain.
Option 2.	Low-Medium.	Medium.	No.	

6.3.6 Other options considered

Option	Reason(s) why option rejected
Revise the biodiversity classification give to the Piripai Block to a 'B'.	The technical advice does not support 'downgrading' the classification. The District Council has commissioned an independent review of the assessment work undertaken by Wildland Consultants Limited – this may provide an alternative view, in which case the s32 assessment should be revisited.
Retain the biodiversity overlay and include amended and/or additional policy direction to be more enabling to development of the Piripai Block.	Policy may also capture other sites where residential or other development has not been so comprehensively advanced and provided for in the operative District Plan. Does not provide certainty to the District Council and potential developers.
Remove biodiversity layers from Te Tumu and Matakana Island in anticipation of future development.	Although residential development is planned for these areas the current District Planning frameworks do not enable subdivision to the same extent that the Whakatāne District Plan provides for residential subdivision at Piripai. At both Te Tumu and on Matakana Island the biodiversity overlay does not cover the whole area intended for development.

7 Iwi Resource Management

7.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule	Method	Schedules
The coastal environment is primarily a source of sustenance and spiritual well-being to tangata whenua: Issue 14.	Objective 13.	IW 10.			
	Objective 15.	IW 9.		Methods 9, 14.	
Kaimoana and water: Issue 15.	Objective 15.	IW 9.		Methods 9, 14.	
Degradation of coastal resources and the lack of recognition of the role of tangata whenua as kaitiaki: Issue 16.	Objective 14.	IW 1. IW 2. IW 3.		Methods 16, 17.	Schedule 6.
	Objective 16.	IW 7.			
	Objective 17.	IW 8. IW 9.			
Māori World View: Issue 17.	Objective 12.	IW 4. IW 6. IW 7. IW 8. IW 11.		Methods 1, 14.	
	Objective 16.	IW 6. IW 7.		Methods 1, 14.	
Ashes: Issue 18.	Objective 14.	IW 12.			
Vulnerability/food: Issue 19.	Objective 12.	IW 7. IW 8. IW 11.		Method 27.	
Development of Māori land: Issue 20.	Objective 13.	IW 13.			

7.2 Evaluation of Objectives 12, 13, 14, 15, 16 and 17

7.2.1 Objective 12

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 12. The active involvement of tāngata whenua in management of the coastal environment when activities may affect their interests and values.	Objective 8.2.2(a). The involvement of tangata whenua in management of the coastal environment.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes. The objective addresses major aspects of Issues 17 and 19, in particular the importance of the coastal environment to tangata whenua and the insufficient weight given to Māori cultural values during decision-making and lack of appropriate representation during decision-making processes.	As per Option 1.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Active protection is one of the principles of the Treaty of Waitangi – these principles are required to be taken into account under s8 RMA.	The current objective does not recognise that active involvement of tangata whenua is required.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	It provides for tangata whenua values in a way that is consistent with s6(e) and s7(a) of the RMA. In particular the objective provides for kaitiakitanga.	Yes, but the current objective does not recognise that activities may affect tangata whenua interests and values (s6(e) RMA).
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes.	Yes.
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 2(a),(d),(e) and (f).	As per Option 1.

Usefulness		
Will effectively guide decision-making?	It recognises that to be effective, participation in decision-making processes needs to be 'active' rather than passive.	The objective does not recognise that participation in decision-making processes needs to be 'active' rather than passive to be effective, or that there may be specific areas of interest or value.
Meets sound principles for writing objectives?	Yes.	No – the objective is not specific and does not indicate where and when tangata whenua involvement is expected to occur.
Consistent with other relevant objectives?	Yes – consistent with other iwi resource management objectives.	Yes.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No. The main burden is on iwi and hapū. Consultation undertaken with iwi and hapū during 2012 identified more contribution and participation of iwi and hapū towards the management of the coastal environment as a key outcome sought.	As per Option 1.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through resource consent and compliance processes and through working with iwi and Hapū to build capacity to participate in such processes.	As per Option 1.
Overall assessment		
	Objective 12 is appropriate for inclusion in the new RCEP and to achieve the purpose of the RMA.	The current Objective is not as effective at achieving the purpose of the RMA.

7.2.2 Other alternatives considered to Objective 12

Remove objective altogether. This option would rely on provisions of Resource Management Act 1991 and NZCPS 2010. In the absence of action by Council there is no guidance provided at a regional level on how to provide for the active involvement of tangata whenua in decision-making and will not necessarily meet the requirements of the Resource Management Act 1991 and Treaty of Waitangi.

7.2.3 Objective 13

	Option 1 (selected option)	Option 2 Status Quo
Plan Provision(s)	Objective 13. Tāngata whenua are able to undertake customary activities in the coastal marine area, and have access to sites used for cultural practices, gathering kaimoana and areas of cultural significance.	There is not an objective in the current Plan specific to this issue; therefore, the status quo approach is the same as removing the objective.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses major aspects of Issues 14, 17 and 20, in particular the importance of the coastal environment as a source of sustenance and spiritual well-being and of being able to retain strong connections to tribal whenua.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective provides for cultural well-being.	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	The objective provides for the relationship of Māori with ancestral lands, water, sites, wāhi tapu and taonga as required by s6(e) RMA, and addresses issues regarding access to significant sites identified in relevant Iwi Management Plans.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes.	N/A
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 2(a) and (g).	No.
Usefulness		
Will effectively guide decision-making?	It recognises that to be effective, participation in decision-making processes needs to be 'active' rather than passive.	The objective does not recognise that participation in decision-making processes needs to be 'active' rather than passive to be effective, or that there may be specific areas of interest or value.
Meets sound principles for writing objectives?	Yes.	No.
Consistent with other relevant objectives?	Yes – consistent with other iwi resource management objectives and objective 24 (regarding provision of public access).	N/A

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through resource consent processes and through working with the community, iwi and hapū on securing and maintain appropriate levels of access to significant sites.	N/A
Overall assessment	Objective 13 is appropriate for inclusion in the new RCEP and to achieve the purpose of the RMA.	Option 2 relies on provisions of Resource Management Act 1991 and NZCPS 2010, and the other objectives of the RCEP. In the absence of action by Council there is no guidance provided at a regional level about the importance of providing for access to significant sites (although the importance of protecting these sites is recognised). The ability to access sites of cultural significance and undertake customary activities in the CMA may deteriorate as a result of the effects of use, development and subdivision and will not necessarily meet the requirements of the Resource Management Act 1991.

7.2.4 Objective 14

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 14. The protection of those taonga, relationship characteristics, sites, areas, features, resources or attributes of the coastal environment (including the Coastal Marine Area) which are either of cultural value or special significance to tāngata whenua (where these are known).	Objective 8.2.2(b). The protection of the characteristics of the coastal environment of special spiritual, cultural and historical significance to tangata whenua.

Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses major aspects of Issues 16, in particular the adverse effects that can occur on sites of significance and the negative impact this has on the relationship of Māori with their sites and attributes of cultural value or significance.	As per Option 1.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Active protection is one of the principles of the Treaty of Waitangi – these principles are required to be taken into account under s8 RMA.	As per Option 1.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	The objective provides for tangata whenua values in a way that is consistent with s6(e) and s7(a) of the RMA and provides for the practice of kaitiakitanga.	As per Option 1, but wording is not as explicit.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes.	Yes.
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 2(a),(d),(e),(f) and Proposed RPS policies IW 2B and IW 3B.	As per Option 1.
Usefulness		
Will effectively guide decision-making?	Yes – the objective outlines those matters that require protection in order to be consistent with 6(e) of the RMA.	Yes, but not as specific as Objective 14.
Meets sound principles for writing objectives?	Yes.	Yes.
Consistent with other relevant Objectives?	Yes – consistent with other iwi resource management objectives.	Yes.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No – The main burden is on iwi and hapū. Consultation undertaken with iwi and hapū during 2012 identified more contribution and participation of iwi and hapū towards the management of the coastal environment as a key outcome sought.	As per Option 1.

Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through resource consent and compliance processes and through working with iwi and Hapū to identify sites that require protection (where appropriate).	As per Option 1.
Overall assessment	Objective 14 is most appropriate for inclusion in the new RCEP and to achieve the purpose of the RMA.	The current Objective would also be effective at achieving the purpose of the RMA; however the wording is not as specific as that used in Objective 14.

7.2.5 Other alternatives considered to Objective 14

Alternative 1: Narrow the objective to encompass only those areas identified in Schedule 6.

This option is too narrow as Schedule 6 does not identify all the relevant areas or attributes of cultural value. Relying on Schedule 6 to identify sites worthy of protection would not be consistent with principle 6(e) of the RMA.

Alternative 2: Narrow the objective to sites rather than encompassing resources and attributes (approach taken by Gisborne District Council – objective 2.5.3A).

This option does not encompass all aspects of 6(e) RMA – in particular the culture and traditions of Māori, which involve relationship with the physical and metaphysical, and traditional use and management by Māori of coastal resources (kaitiakitanga).

Alternative 3: Remove objective altogether.

This option would rely on provisions of Resource Management Act 1991 and NZCPS 2010. In the absence of action by Council there is no guidance provided at a regional level on what cultural values require protection in the coastal environment and will not necessarily meet the requirements of the Resource Management Act 1991 and Treaty of Waitangi.

7.2.6 Objective 15

	Option 1 (selected option)	Option 2 Status Quo
Plan Provision(s)	Objective 15. The restoration of areas of cultural significance, kaimoana habitat and the mauri of coastal waters where cultural activities and the ability to collect healthy kaimoana are restricted or compromised.	As there is no objective in the current RCEP specific to restoration of culturally significant sites or mauri, the do nothing approach is the same as removing the objective.

Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses major aspects of Issues 15 and 16, in particular the degradation of Māori fisheries and waters and wāhi tapu and other sites of significance.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Active protection is one of the principles of the Treaty of Waitangi – these principles are required to be taken into account under s8 RMA. This objective recognises that some culturally important sites have been damaged by inappropriate activities in the past and these should be restored where this is possible and in good faith.	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	It provides for tangata whenua values in a way that is consistent with s6(e) and s7(a) of the RMA and s8.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes.	N/A
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 14 (restoration of natural character) and Policy 21 (enhancement of water quality).	N/A
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction regarding when restoration is particularly important in terms of cultural values.	No.
Meets sound principles for writing objectives?	Yes.	N/A
Consistent with other relevant Objectives?	Yes – consistent with other iwi resource management objectives and Objective 4 (restoration and rehabilitation of natural heritage).	N/A

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No. There are costs associated with restoration of degraded areas; however restoration of kaimoana habitat and coastal waters will benefit all the community, not just iwi and hapū. There is also a potential benefit to commercial fisherman and tourism operators.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through resource consent and compliance processes; working with iwi and Hapū to identify sites and coastal waters that require restoration; and through implementation of the NPS for freshwater, which will adopt a catchment based approach to water management and improving water quality.	N/A
Overall assessment	Objective 15 is appropriate for inclusion in the new RCEP and to achieve the purpose of the RMA.	Option 2 relies on provisions of Resource Management Act 1991 and NZCPS 2010, and the other objectives of the RCEP. In the absence of action by Council there is no guidance provided at a regional level about where restoration efforts should be targeted to enable customary activities and the relationship of Māori and their culture and traditions with the moana to continue. This is a matter of national importance under s6(e) RMA.

7.2.7 Other alternatives considered to Objective 15

Alternative 1: Narrow objective to encompass only those areas where restoration is practicable and to those areas that have been compromised by human (rather than natural) activities - (approach taken by Gisborne District Council – Objective 2.5.3B).

Natural processes (such as erosion or mangrove proliferation) are having a negative impact on sites of significance. Narrowing the objective to only direct human activities does not recognise these impacts.

7.2.8 Objectives 16 and 17

	Option 1 (selected option)	Option 2 Status Quo
Plan Provisions	<p>Objective 16 Where appropriate, cultural health indicators are used that recognise and express Māori values and tangata whenua are involved in monitoring the state of the coastal environment and impacts of consented activities.</p> <p>Objective 17 Appropriate mitigation or remediation is undertaken when activities have an adverse effect on the mauri of the coastal environment or areas of cultural significance to tangata whenua.</p>	The most relevant objective in the current RCEP is Objective 8.2.2(a) The involvement of tangata whenua in management of the coastal environment.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses major aspects of Issue 16, in particular the negative impacts for tangata whenua associated with degradation of coastal resources, and Issue 17, in particular the need to better understand and take into account the different world-view held by Māori.	Option 2 is relevant to Issue 17, but does not provide specific direction on how to better understand and take account the different world-view held by Māori.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	<p>Tino rangatiratanga includes management of resources and other taonga according to Māori culture, and is one of the principles of the Treaty of Waitangi – these principles are required to be taken into account under s8 RMA.</p> <p>The objective enables applicants to explore with affected iwi and hapū whether there are appropriate mitigation or remediation options available.</p>	Provides for cultural being to an extent; however, no specific outcome sought.

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	It provides for tangata whenua values in a way that is consistent with s6(e) and s7(a) of the RMA and s8. Inclusion of tangata whenua in monitoring the environment and impacts of consented activities is one way to provide for Kaitiakitanga. Concern for monitoring and management of the coastal area carried out without the input of iwi and hapū and lack of recognition of iwi as kaitiaki were key concerns identified in Iwi and Hapū management Plan as not being adequately addressed in the operative Plan.	Provides for kaitiakitanga to an extent, but no specific outcome sought.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes.	Yes.
Gives effect to the RPS and/or the NZCPS?	The objective gives effect to NZCPS Policy 2. In particular the objective provides for kaitiakitanga.	The objective partially gives effect to NZCPS Policy 2.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction regarding when restoration is particularly important in terms of cultural values.	No.
Meets sound principles for writing objectives?	Yes – is specific and states what is expected to be achieved.	No – very general statement.
Consistent with other relevant Objectives?	Yes – consistent with other iwi resource management objectives and Objective 4 (restoration and rehabilitation of natural heritage).	
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No – Objective 16 recognises that use of cultural health indicators will not always be appropriate. However, these are increasingly being used to monitor the state of the environment and as part of resource consent processes. Objective 17 provides specific direction on the requirement of s5(c) RMA – in particular that adverse effects on the mauri of the coastal environment or areas of cultural significance often cannot be avoided.	No.

Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through resource consent and compliance processes and through working with iwi and hapū to build capacity to participate in such processes.	N/A.
Overall assessment	Objectives 16 and 17 are appropriate for inclusion in the new RCEP and to achieve the purpose of the RMA.	Option 2 (the current objective) does not seek any specific outcomes for the involvement of tangata whenua, and provides little guidance.

Alternative 1: Broaden objective to encompass use of cultural health indicators in all monitoring.

This option is too broad and does not recognise that the incorporation of cultural health indicators in monitoring may not always be necessary or appropriate. This is likely to be an unachievable objective.

Alternative 2: Remove objective altogether.

This option would rely on provisions of Resource Management Act 1991 and NZCPS 2010. In the absence of action by Council there is no guidance provided at a regional level on how to provide for the active involvement of tangata whenua in decision-making and will not necessarily meet the requirements of the Resource Management Act 1991 and Treaty of Waitangi.

7.3 Policies, Methods and Rules to achieve Objectives 12, 16 and 17

The active involvement of tāngata whenua in management of the coastal environment when activities may affect their interests and values.	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies IW 5, 6, 7, 8, 9 and 11. Methods 1 and 14. There are no specific rules relevant to these objectives. However, the assessment of all discretionary or non-complying resource consent applications will be carried out in accordance with the policies in this chapter. In addition, consideration of effects on cultural values is retained as a matter for control or discretion for controlled and restricted discretionary activities.	Policy 8.2.3(a). Methods 8.2.4(b),(e),(f),(g),(h),(j) and (k).

7.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
	No direct environmental benefits; however development of additional monitoring tools is likely to improve management of coastal resources and the restoration of kaimoana habitat and the mauri of coastal waters is likely to also protect indigenous biodiversity and ecosystem values.	None identified.
Economic Benefits		
Opportunities for employment.	None identified.	None identified.
Opportunities for economic growth.	Developing and adopting appropriate mitigation and remediation for activities that have an adverse effects on areas of significant cultural value, may allow economic growth to occur in areas where otherwise it would be inappropriate in terms of sustainable management.	None identified.
Compliance costs (to resource users).	Historically, resource consent applications have often been lodged containing insufficient information on the potential effects on cultural values – this had led to delays in processing consent applications whilst further information is sought by the applicant. Early engagement and dialogue with iwi and hapū will identify any potential issues and enable these to be resolved upfront rather than once proposals have already been fully developed. This will be a more cost-effective approach in the long-term and reduce delays to consent processing.	The direction and expectations regarding consultation are contained within methods, and thereby given less weight than the policy direction and less likely to achieve the benefits noted for Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Development and adoption of appropriate cultural health indicators and/or mātauranga Māori based monitoring methods may prove cost-effective in the long-term as a 'tool-kit' of resources is developed. Currently monitoring mythologies are developed on an ad hoc basis in response to development proposals.	None identified.

Social Benefits		
Relationships.	Provides opportunities to further develop and improve the relationship between tangata whenua, the Regional Council and resource users.	Has the potential to improve relationships; however, dependent on parties being willing to adopt best-practice rather than a strong policy direction.
Cultural Benefits		
Mauri of coastal waters.	<p>Policy IW 7 directs consideration of the use of matauranga Māori and cultural health indicators during the monitoring of activities and the environment. This policy recognises that mauri cannot necessarily be assessed and monitored solely using western science methods, and that monitoring may be required to assess effects on the relationship of Māori with and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.</p> <p>This option requires decision makers to consider whether consent conditions should be applied that require the use of matauranga based Māori methods or cultural indicators to monitor the effects of an activity on the mauri of natural and physical resources.</p> <p>Improved monitoring of the mauri of coastal waters will enable more effective and holistic resource management.</p>	No benefits identified.
Cultural well-being of people and communities.	Policy IW 11 gives specific direction on when the appointment of a commissioner with expertise in Maoritanga may be an important consideration for resource consent hearings; this enables the cultural well-being of Māori communities to be properly taken into account during decision-making.	No benefits identified.
Ability to meet Principles of Treaty of Waitangi.	Active protection and meaningful consultation are two of the Principles of the Treaty of Waitangi. Policies IW 5 and IW 6 requires applicants and decision-makers to recognise that only tangata whenua can identify and evidentially substantiate their relationship with ancestral land, water, sites, wāhi tapu and other taonga. This requires active involvement of tangata whenua during consent processes and meaningful consultation.	Consultation is required by Method 8.2.4(j). Inclusion of the direction to consult within the policies is more efficient.
Legislative requirements (e.g. MACAA, Treaty settlements).	The policy direction in Option 1 is consistent with the Statutory Acknowledgement process included in Treaty of Waitangi settlements.	No benefits identified.

Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	In most instances it is not possible to prove an assessment of cultural effects of an activity without consultation with the affected iwi/hapū, and provision of information on cultural effects is often an omission in consent applications. Policies IW 6 and IW 6 address this matter. Policy IW 8 directs that tangata whenua are involved in identifying measures to remedy or mitigate adverse effects on matters of cultural significance. This option requires applicants and decision makers to involve tangata whenua when determining how adverse effects on areas of significant cultural value can be remedied or mitigated.	Consultation is required by Method 8.2.4(j) of the current RCEP. Inclusion of the direction to consult within the policies is more efficient. Policy 8.2.2(b) recognises the role of tangata whenua as kaitiaki of the region's coastal resources; however little guidance is provided on how to incorporate this role within decision-making. Method 8.2.4(b) states that the regional Council and iwi will develop procedures to give effect to the tangata whenua role as kaitiaki – this has not been proven an efficient means to influence decision-making.
	Method 14 acknowledges that the regional Council will support and facilitate tangata whenua to carry out kaitiakitanga and matauranga Māori in the sustainable management of coastal resources.	
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	No environmental costs identified.	No environmental costs identified.
Economic Costs		
Opportunities for employment reduced.	None identified.	None identified.
Opportunities for economic growth reduced.	None identified.	None identified.
Compliance costs (to resource users).	Costs to resource users of undertaking meaningful consultation with the relevant iwi or hapū. Cost to iwi and hapū of participating in resource management processes, in terms of time, training and other resources required and. Much of the 'actual' cost of active involvement in resource management is incurred by iwi and hapū. Cost to resource users of implementing appropriate mitigation and remediation for activities that have an adverse effect on areas of significant cultural value.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	There will be costs to the Regional Council and iwi and hapū associated with developing and implementing appropriate cultural health indicators and other systems for incorporating Mātauranga Māori.	Option 2 imposes similar costs on the Regional Council and iwi/hapū as Option 1.

Social Costs		
	No social costs identified.	No social costs identified.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Iwi and hapū may need to disclose culturally sensitive information for the purposes of protecting their cultural heritage. Risk of interference to the sites and places once the locations and values are identified.	As per Option 1.
Overall assessment	High.	Low.

7.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objectives.	Yes.	Partly – the focus of Option 2 is not on ‘active’ involvement.
Will clearly achieve, or partly achieve the objectives.	Yes.	Partly achieve.
Usefulness		
Will effectively guide decision-making?	Yes.	No – much of the direction is contained within the methods of the current RCEP, which do not direct decision-making.
Meets sound principles for writing policies and rules?	Yes – The policies provide clear direction on how and when the policies should be applied and the effects that they intent to address.	No – the policy provide little direction on how and when it should be applied.
Assumptions made.	Appropriate mātauranga Māori based methods and/or cultural indicators can be developed and adopted to monitor the effects of activities on coastal resources.	
Risk involved.	No risks identified.	Insufficient guidance is given to decision-makers on how to recognise and provide for kaitiakitanga within the management of coastal resources.

Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	<p>Council has the ability to implement these policies and methods through:</p> <ul style="list-style-type: none"> • Exercising its power as a consenting authority to seek further information when information on the effects of an activity on tangata whenua values and interest is lacking. • Exercising its power as a consenting authority to impose appropriate conditions of consent. • State of the environment monitoring required under s35 RMA. • Maintaining a list of accredited hearing commissioners that have experience in Māoritanga. 	
	<ul style="list-style-type: none"> • Supporting iwi/hapū to participate in the Making Good Decisions training. • Supporting iwi/hapū in the development of iwi planning documents. • Subsequent plan changes that identify additional sites and places of significance or value to tangata whenua for protection and coastal waters that should be managed for cultural purposes. 	
Rules can be complied with and enforced.	N/A.	N/A
Degree of uncertainty in the ability to achieve.	Low.	Medium – relies largely on voluntary adoption of best-practice.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes - highly effective.	Yes – medium effectiveness as reliant on voluntary adoption of best-practice.
Overall assessment	High.	Low.

7.3.3 Risk of acting or not acting

Risk of acting or not acting		
Is there uncertain or insufficient information on the topic?	No.	
Is the topic of high significance or complexity?	<p>The topic is of high significance to the iwi and hapū of the region and in terms of the recognition provided to cultural values under Part 2 of the RMA.</p> <p>Consultation with iwi and hapū during the review of the current RCEP and development of the new RCEP identified the following as a key outcome sought:</p> <ul style="list-style-type: none"> • More contribution and participation of iwi and hapū towards the management and policies of the coastal environment. • A review of the current iwi and hapū management plans lodged with the Regional Council identified kaitiakitanga, health of water, wāhi tapu, mahinga kai and coastal uses to be the most significant issues for iwi and hapū. Although many of the issues specified in the iwi and hapū management plans are addressed in the current RCEP, a major area of weakness is the provision and recognition of tangata whenua as kaitiaki. 	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	<p>The following are possible consequences associated with not acting:</p> <ul style="list-style-type: none"> • Subdivision, development and use in the coastal environment results in the loss and degradation of cultural heritage, which is a finite resource of utmost importance to mana whenua. • The Regional Council's relationship with individual iwi and hapū will deteriorate because of a continuation to not make adequate recognition and provision for kaitiakitanga in decision-making in the coastal environment. • Cultural heritage is not protected in the most appropriate manner. Iwi and hapū are the experts in their cultural heritage and therefore are best placed to provide direction. • The ability of tangata whenua to fulfil their role as kaitiaki of coastal resources is not recognised and/or is impeded. Failure to adequately carry out their kaitiakitanga role adequately frequently impacts the well-being of tangata whenua. <p>The likelihood of these consequences occurring if action is not taken is high (as demonstrated by the outcomes of consultation and review of iwi and hapū management plans). Overall the risk is identified as high.</p>	

7.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

7.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The policies have been developed using the requirements of the RMA, the NZCPS 2010 – particularly Policy 2 – and the iwi resource management policies in the new RPS. Issues, objectives and policies contained in IRMPs were also taken into account.
				The policies provide specificity to the legislative and policy directions of the RMA and higher level policy documents (NZCPS and RPS). As such, they do not impose additional requirements but rather more certainty on how the policy direction contained in the higher level documents can be achieved in the coastal environment.
Option 2.	Medium.	Low.	No.	The current policy direction is at a high-level and provides little direction to decision-making. The more specific direction is contained within methods of the current RCEP, which are not taken into account during decision-making.

7.3.6 Other policy options considered

Option	Reason(s) why option rejected
No intervention, beyond that provided in the RMA, NZCPS 2010 and RPS to provide for the active involvement of tangata whenua in management of the coastal environment.	This will fail to address a significant issue identified through consultation, review of iwi and hapū management plans and Part 2 of the RMA.
Transfer decision-making powers on resource consents to iwi authorities.	A significant technical and administrative resource is required to assess and make decisions on resource consent applications in the coastal marine area. It is unlikely that many iwi authorities would currently have the capacity to adopt the consent authority role for all activities in the coastal marine area.

Option	Reason(s) why option rejected
Deem iwi to be an affected party to all applications in their mana moana.	This would not be an efficient means of consenting activities in the coastal marine area and would lead to increased costs for both iwi and resource users.
Rules specific to the Areas of Significant Cultural Value (ASCV) identified in Schedule 14.	The current ASCV schedule is not comprehensive and applying rules to the sites scheduled would result in a differing layer of management for sites of equal cultural significance. The Takutai Moana Act provides a mechanism for iwi, hapū or whānau groups to seek recognition of customary marine title over an area and if granted, this imposes rights above that possible under the Resource Management Act.

7.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy IW 5: Decision makers shall recognise that only tāngata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.	This policy is used in the current RPS (policy 5.2.3(b)(iii)), and is currently applied during decision making. The wording is consistent with that used in s6(e) of the RMA and gives effect to Proposed RPS Policy IW 2B.
Policy IW 6: All applications for coastal permits should include sufficient evidence of consultation with all tāngata whenua that are likely to be affected by the proposed activity or those who otherwise have tribal jurisdiction over the intended location of the proposed activity.	Policy IW 6 is derived from Method 8.2.4(j) of the current RCEP. The use of the word 'must' instead of 'should' was considered; however legal advice confirmed that this would be inconsistent with s34A of the RMA, which states that there is no duty to consult on resource consent applications – this applies to both the applicant and the consent authority.
Policy IW 7: Where proposals are likely to have an adverse effect on the mauri of the coastal environment, the consent authority shall consider imposition of consent conditions that incorporate the use of matauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.	Gives effect to NZCPS policy 2(c), which directs that mātauranga Māori should be used in consideration of consent applications. This policy also gives effect in part to NZCPS Policy 2(d) as the development of such consent conditions in consultation with the affected tangata whenua groups is one means of involving Māori in decision making. Policy IW 7 also gives effect to Proposed RPS policies IW 5B and IW 6B. The Regional Water and Land Plan contains policy regarding the use of Māori indicators during environmental monitoring.
Policy IW 8: Tāngata whenua shall be involved in developing appropriate mitigation and remediation options for activities that have an adverse effect on areas of significant cultural value (identified in accordance with Policy IW 1(d)).	Consistent with direction from NZCPS policy 2(d) to involve Māori in decision making, and policy IW 6B of the new RPS which encourages tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects.

Plan Provision	Explanation
<p>Policy IW 9: Appropriate mitigation and remediation may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> (a) Restoring and protecting areas of significant cultural value and mahinga kai sties; and (b) Contribution of resources (financial or otherwise) to environmental, social or cultural enhancement and improvement programmes run by affected tāngata whenua. 	<p>The word 'avoid' has not been used within Policy IW 9 as the policy applies once it is determined that an activity will have an adverse effect on cultural values that cannot be avoided.</p> <p>The Policy is intended to provide some additional policy guidance on what appropriate mitigation and remediation may entail in order to provide some certainty to applicants and iwi/hapū groups; however, this is not an exclusive list.</p>
<p>Policy IW 11: To give consideration to appointing a commissioner or commissioners with expertise in Māoritanga including Kawa (protocol) and Kaitiakitanga to a hearing committee or a panel of independent commissioners considering a resource consent application that is likely to affect one or more of the following areas recognised as being of high significance to Māori:</p> <ul style="list-style-type: none"> (a) Taiāpure established under the provisions of the Fisheries Act 1996; (b) Mātaitai reserves established under the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; (c) Areas of significant cultural value (identified in Schedule 6); (d) Sites subject to a Statutory Acknowledgement; (e) A Customary Rights Area recognised under the Takutai Moana Act (Marine and Coastal Area Act); and (f) Māori reserves. <p>Note: Protected Customary Rights recognised under the Takutai Moana (Marine and Coastal Area Act) 2011 do not require resource consent.</p>	<p>Policy 2(d) of the NZCPS 2010 directs that we provide for the opportunity in appropriate circumstances for Māori involvement in decision making. The policy does not state what appropriate circumstances are. Policy IW 11 gives guidance on when Māori involvement may be appropriate – this policy relates to use of commissioner and would only apply to publicly or limited notified proposals where a hearing is required.</p> <p>The policy recognises that appointment of a commissioner with Maoritanga expertise may not be required or possible in every instance – hence the use of phrase 'to give consideration to'.</p>
<p>Method 1 Develop and implement a monitoring, review and reporting programme to assess the effectiveness of the Plan and whether the Plan objectives have been achieved. The programme will incorporate matauranga Māori based methods and/or cultural health indicators that recognise and express Māori values.</p> <p>The results of monitoring and investigations will be made available to the public through appropriate means. 22, 26.</p>	<p>Method 1 specifically refers to the use of matauranga Māori based methods and/or cultural health indicators that recognise and express Māori values, and is consistent with the direction from Policy IW 7 and achieving Objective 16.</p>
<p>Method 14 Facilitate and support tāngata whenua to carry out kaitiakitanga and Matauranga Māori in the sustainable management and restoration of natural, historic and cultural heritage and water quality in the coastal marine area.</p>	<p>Method 14 specifically refers to the use of matauranga Māori in the sustainable management of coastal resources.</p>

7.4 Policies, Methods and Rules to achieve Objectives 13, 14 and 15

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies IW 1,2,3,4, 9(a), 10, 12 and 13. Methods 9, 14, 16, 17, 18, 27. Schedule 6.	Policies 8.2.3(b) and (c). Methods 8.2.4(c) and (d). Schedule 14.
	There are no specific rules relevant to these objectives. However, the assessment of all discretionary or non-complying resource consent applications will be carried out in accordance with the policies in this chapter. In addition, consideration of effects on cultural values is retained as a matter for control or discretion for controlled and restricted discretionary activities.	The current RCEP does not include any provisions specific to the restoration or enhancement of areas of cultural significance, kaimoana habitat or the mauri of coastal waters.

7.4.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
	No direct environmental benefits; however, the protection of coastal resources such as mahinga kai, mātaītai and tauranga ika is likely to also protect indigenous biodiversity and ecosystem values.	None identified.
Economic Benefits		
Opportunities for employment.	None identified.	None identified.
Opportunities for economic growth.	Policy IW 2 provides for offsetting to be utilised when adverse effects cannot be remedied or mitigated, this allow economic growth to occur in areas where the degree of mitigation or remediation available to an applicant is limited. This approach has been utilised in the recent Port of Tauranga dredging consent process.	None identified.

Compliance costs (to resource users).	Provides specific direction on the matters to be considered with regard to cultural values in the coastal marine area; thereby providing certainty to resource users.	The policies are written at a high level, which provides little certainty to resource users, potentially increasing compliance costs.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No costs above those already imposed by the RMA decision-making process.	As per Option 1.
Social Benefits		
	Restoration of kaimoana habitat and outcomes of research to avoid or remedy contamination of kaimoana will benefit all those that fish and collect shellfish for recreation and as a source of food.	None identified.
Cultural Benefits		
Mauri of coastal waters.	<p>Policy IW 12 addresses Issue 18, which is that the sprinkling of human ashes on the moana is extremely culturally offensive to Māori.</p> <p>The policy provides a framework for the Regional Council to work with iwi and hapū to identify areas where scattering of ashes is inappropriate and to raise public awareness and understanding of the issues.</p> <p>Implementation of Method 18 will assist with enhancement of the mauri of coastal waters.</p>	Limited benefits beyond that already provided by s5(c) RMA – Policy 8.2.3(c) directs that adverse effects on coastal resources are avoided, remedied or mitigate.
Cultural well-being of people and communities.	<p>As identified in issue 14, the coastal environment is primarily a source of sustenance and spiritual well-being to tāngata whenua rather than a recreational area. Restoration of habitats of fish, shellfish, other kaimoana and coastal waters relied upon by Māori communities as a source of food that are degraded or at risk of becoming degraded is important to the cultural well-being of tāngata whenua.</p> <p>Policy IW 1 specifically provides for the relationship of Māori with their culture and traditions, and gives direction on what this incorporates.</p> <p>Policy IW 10 directs that use and development which restricts access to areas of cultural significance in coastal marine area should be avoided or the effects remedied.</p>	Limited benefits - Policy 8.2.3(b) provides high level direction on how to provide for the cultural well-being of Māori.

<p>Ability to meet Principles of Treaty of Waitangi.</p>	<p>The Treaty of Waitangi principles most relevant to Option 1 are:</p> <ul style="list-style-type: none"> • The duty to act reasonably and in good faith. • Active Crown protection of Māori interests. <p>Policy IW 3 requires resource users and decision-makers to recognise the sensitivity associated with identifying Māori cultural heritage sites. Policy IW 4 specifically directs decision-makers to take into account iwi or hapū management plans during decision-making.</p> <p>Both these requirements are components of acting in good faith.</p> <p>Policies IW 1 and IW 2 provide for active protection of Māori interests.</p>	<p>The methods of the current RCEP are consistent with the Treaty of Waitangi principles. However, this is less efficient than containing direction within policies.</p>
<p>Legislative requirements (e.g. MACAA, Treaty settlements).</p>	<p>The policy direction in Option 1 is consistent with the Statutory Acknowledgement process included in Treaty of Waitangi settlements.</p> <p>Policy IW 4 specifically refers to the customary rights recognitions available under the Marine and Coastal Area Act 2011 (MACAA).</p>	<p>No benefits identified.</p>
<p>Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.</p>	<p>Policy IW 1 provides clear direction on how the relationship of Māori with their cultures and traditions and coastal resources should be recognised and provide for in decision-making.</p> <p>Policies IW 1(d) and IW 4 provide guidance on how to identify resources, areas or sites of cultural significance.</p> <p>Schedule 6 identifies areas that are known to be of significant cultural value (and which iwi and hapū have agreed should be public knowledge).</p> <p>Policy IW 2 provides clear direction to decision makers (and applicants) regarding management of significant adverse effects on cultural significance. The policy does not allow for use and development unless significant adverse effects can be remedied, mitigated or offset.</p>	<p>Policies 8.2.3(a) and 8.2.3(d) largely reiterate the wording of s6(e) RMA and the duty under s5(s) RMA to avoid, remedy or mitigate the adverse effects of activities on the environment. As such, these policies add little value to the decision-making process and are not particularly efficient at achieving Objective 14.</p>
	<p>Iwi and hapū Management Plans are currently considered during decision making as an 'other matter' under s104 of the RMA. Policy IW 4 provides certainty to applicants, decision makers and iwi/hapū that this will occur.</p>	

	<p>Other pieces of legislation confer varying degrees of legal rights and responsibilities to iwi, hapū and whānau groups. Recognitions also demonstrate the existence of a relationship between tangata whenua and particular sites/areas or traditions – such relationships are required to be recognised and provided under s6(e) of the RMA during decision making. It is appropriate that the recognitions made under other legislation are taken into account during decision making – it is current best practice to do so as an ‘other matter’ under s104 RMA.</p> <p>Restrictions on access to sites of significance in the coastal marine area are raised in some of the Iwi and Hapū Management Plans. Policy IW 10 specifically provides for the maintenance of access to areas of cultural significance – this is crucial for tāngata whenua to be able to maintain their culture and continue their traditions.</p>	
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	No environmental costs identified.	No environmental costs identified.
Economic Costs		
Opportunities for employment reduced.	None identified.	None identified.
Opportunities for economic growth reduced.	None identified.	None identified.
Compliance costs (to resource users).	Cost to resource users of implementing appropriate mitigation, remediation or offsetting for activities that have an adverse effect on areas or resources of significant cultural value.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	There may be costs to the Regional Council and iwi and hapū associated with updating Schedule 6 Areas of Significant Cultural Value (which would require a Plan Change).	Option 2 imposes similar costs on the Regional Council and iwi/hapū as Option 1.

	There will be costs to the Regional Council associated with investigation the classification of coastal waters as Class C – water managed for cultural purposes. As this work progresses there may be costs to iwi and hapū in terms of engagement and consultation.	
Social Costs		
	No social costs identified.	No social costs identified.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Iwi and hapū may need to disclose culturally sensitive information for the purposes of protecting their cultural heritage. Risk of interference to the sites and places once the locations and values are identified.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low/Medium.</i>

7.4.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objectives.	Yes.	Yes.
Will clearly achieve, or partly achieve the objectives.	Yes.	Partly achieve.
Usefulness		
Will effectively guide decision-making?	Yes – Provides clear direction on decision-making in relation to protection of cultural values and traditional Māori uses and practices.	No – much of the direction is contained within the methods of the current RCEP, which do not direct decision-making.
	Clearly identifies that activities that contribute to restoration of cultural values are appropriate in the coastal environment.	
Meets sound principles for writing policies and rules?	Yes – The policies provide clear direction on how and when the policies should be applied and the effects that they intent to address.	No – the policies repeat the direction of s5(c) and s6(e) of the RMA.

Assumptions made.	Mechanisms are available to remedy, mitigate or offset significant adverse effects on cultural values, but that such mechanisms may not always be sufficient to provide protection to cultural values.	Mechanisms are available to avoid, remedy or mitigate significant adverse effects on cultural values.
Risk involved.	In decision-making on any application there will still be an overall balancing of the various effects (positive and negative) and a decision may be made to grant an application even though it is not consistent with the Policy direction contained in Option 1, if overall the proposal the sustainable management purpose of the RMA.	Insufficient guidance is given to decision-makers on how to recognise and provide for the relationship of Māori and their culture and traditions.
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	<p>Council has the ability to implement these policies and methods through:</p> <ul style="list-style-type: none"> • Exercising its power as a consenting authority to seek further information when information on the effects of an activity on the relationship of Māori and their culture and traditions is insufficient. • Exercising its power as a consenting authority to impose appropriate conditions of consent. • Exercising its power as a consenting authority to grant or refuse resource consent applications. • Supporting iwi/hapū in the development of iwi planning documents. • Provision of community-grant schemes, such as the Environmental Enhancement Fund. • Subsequent plan changes that update Schedule 6: Areas of Significant Cultural Value and incorporate classification of coastal waters for cultural purposes. • Consultation with iwi and hapū to identify areas inappropriate for scattering ashes; and production and distribution of educational material. • Using the same approaches applied for the management of other resources which are 'standard'. 	Yes – see Option 1.

Rules can be complied with and enforced.	N/A	
Degree of uncertainty in the ability to achieve.	Low.	Medium – relies largely on voluntary adoption of best-practice.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – the intent of the policy direction is to provide for Māori interests in manner that is compatible with tikanga.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

7.4.3 Risk of acting or not acting

Risk of acting or not acting		
Is there uncertain or insufficient information on the topic?	Complete information is not available about areas of significant cultural value in the coastal marine area due to the sensitivities involved in disclosing such information and investment required in iwi and hapū capacity to identify and map areas. However, the information that is available is sufficient to base the proposed policies and methods and is supported by the national policy direction (NZCPS) and regional strategic direction (proposed RPS).	
Is the topic of high significance or complexity?	<p>The topic is of high significance to the iwi and hapū of the region and in terms of the recognition provided to cultural values under Part 2 of the RMA.</p> <p>Consultation with iwi and hapū during the review of the current RCEP and development of the new RCEP identified the following as a key outcome sought:</p> <ul style="list-style-type: none"> • More contribution and participation of iwi and hapū towards the management and policies of the coastal environment. <p>A review of the current iwi and hapū management plans lodged with the Regional Council identified kaitiakitanga, health of water, wāhi tapu, mahinga kai and coastal uses to be the most significant issues for iwi and hapū. Although many of the issues specified in the iwi and hapū management plans are addressed in the current RCEP, a major area of weakness is the provision and recognition of tangata whenua as kaitiaki.</p>	

Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	<p>The following are possible consequences associated with not acting:</p> <ul style="list-style-type: none"> • Subdivision, development and use in the coastal environment results in the loss and degradation of cultural heritage, which is a finite resource of utmost importance to tangata whenua. • Council's relationship with individual iwi and hapū will deteriorate because inadequate recognition and provision is made for protection of significant cultural areas and resources. • Cultural heritage is not protected in the most appropriate manner. Iwi and hapū are the experts in their cultural heritage and therefore are best placed to provide direction. • The ability of tangata whenua to fulfil their role as kaitiaki of coastal resources is not recognised and/or is impeded. Failure to adequately carry out their kaitiakitanga role frequently impacts the well-being of tangata whenua.
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7.4.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

7.4.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	<p>The policies have been developed using the requirements of the RMA, the NZCPS 2010 – particularly Policy 2 – and the iwi resource management policies in the new RPS. Issues, objectives and policies contained in IRMPs were also taken into account.</p> <p>The policies provide specificity to the legislative and policy directions of the RMA and higher level policy documents (NZCPS and RPS). As such, they do not impose additional requirements but rather more certainty on how the policy direction contained in the higher level documents can be achieved in the coastal environment.</p>
Option 2.	Medium.	Low.	No.	<p>The current policy direction is at a high-level and provides little direction to decision-making. The more specific direction is contained within methods of the current RCEP, which are not taken into account during decision-making.</p>

7.4.6 Other policy options considered

Option	Reason(s) why option rejected
No intervention, beyond that provided in the RMA, NZCPS 2010 and RPS to provide for the active involvement of tangata whenua in management of the coastal environment.	This will fail to address a significant issue identified through consultation, review of iwi and hapū management plans and Part 2 of the RMA.
Transfer decision-making powers on resource consents to iwi authorities.	A significant technical and administrative resource is required to assess and make decisions on resource consent applications in the coastal marine area. It is unlikely that many iwi authorities would currently have the capacity to adopt the consent authority role for all activities in the coastal marine area.
Deem iwi to be an affected party to all applications in their mana moana.	This would not be an efficient means of consenting activities in the coastal marine area and would lead to increased costs for both iwi and resource users.
Options considered specific to scattering ashes in the coastal marine area	
<p>Regulate the activity under the RMA – using rules in the new RCEP</p> <p>Due to the inert nature of ashes it is unlikely they fall under the RMA definition of contaminant, and as such their discharge to the coastal marine area is not captured by section 15.</p> <p>Section 12 of the RMA places more specific restrictions on activities in the coastal marine areas – the scattering of ashes could be regarded as the deposition of substance (under s12(1)(d) RMA); however, due to the minimal quantity of material scattered at any one time this is not a realistic approach. Alternatively it may be possible to impose rules under section 12(3) of the RMA, which prevents activities being carried out in, on, under or over the coastal marine areas in a way that contravenes a regional rule (unless a resource consent is obtained).</p>	<p>It is questionable that the scattering of ashes is a matter that can be legally controlled under the RMA. No other regional council has placed rules around the scattering of ashes.</p> <p>From a non-Māori perspective it could be viewed as insensitive to classify human ashes as contaminants. Monitoring and enforcement would be highly problematic as events are undertaken on a one-off basis. A brief search of internet-hosted social network sites (i.e. question and answer sites) indicates people are unlikely to check for any regulations, and will scatter ashes at dawn or dusk to avoid anyone seeing or complaining about the activity.</p>
<p>Bylaws under the Local Government Act 2002</p>	<p>Regulation is unlikely to be effective in the coastal environment for the reasons listed above.</p> <p>Regional councils can only make bylaws for limited reasons, and this excludes scattering of ashes. District/city councils can make bylaws out to mean low water springs, but current bylaws around the scattering of ashes generally relate to cemeteries and public land. All four coastal districts/cities would need to have the bylaws for coastal areas (the Regional Council could facilitate this process, but is likely to be asked to part fund the development and implementation of such bylaws).</p> <p>This option doesn't address concerns regarding the scattering of ashes in kaimoana areas as district/city bylaws don't extend out to sea.</p>

7.4.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
<p>Policy IW 1: Proposals which may affect the relationship of Māori and their culture and traditions must recognise and provide for:</p> <ul style="list-style-type: none"> (a) Traditional Māori uses and practices relating to natural and physical resources of the coastal environment such as mahinga kai, mātaītai, wāhi tapu, ngā toka (rocks), tauranga waka, tauranga ika (fishing ground) and taiāpure in accordance with tikanga Māori; (b) The role and mana of tāngata whenua as kaitiaki of the region's coastal environment and the practical expression of kaitiakitanga; (c) The right of iwi and hapū to define their own preferences for coastal management within their tribal boundaries; and (d) Areas of significant cultural value identified in Schedule 6, other areas or sites of significant cultural value identified by Statutory Acknowledgment, iwi and hapū resource management plans or by tāngata whenua. 	<p>Proposed RPS Policy IW 2B also uses the terminology 'recognised and provide for' – this is consistent with section 6(e) of the RMA, under which '<i>the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga</i>' must be recognised and provided for during decision making.</p> <p>Policy IW 1 put the requirements of the RMA and Proposed RPS into a coastal context – providing more certainty on what s6(e) RMA encompasses.</p> <p>Clause (c) is taken from Policy 8.2.3(c) of the current RCEP.</p>
<p>Policy IW 2 To not allow use and development which will have a significant adverse effect on resources or areas of spiritual, historical or cultural significance to tāngata whenua in the coastal environment unless that effect can specifically be remedied or mitigated, or where not possible to remedy or mitigate, that effect can be offset.</p>	<p>The word 'avoid' has not been used in Policy IW 2 as feedback from iwi/hapū indicated that if a development is occurring in a sensitive area, avoidance of effects would not be possible.</p>
<p>Policy IW 3 To recognise the sensitivity associated with identifying Māori cultural heritage sites.</p>	<p>Policy IW 3 gives effect to NZCPS Policy 2(g) and reflects the fact that information regarding cultural heritage sites may not always be able to be publicly released during consent processes, and that appropriate mechanisms are in place to protect such information (under the RMA and LGOIMA).</p>

<p>Policy IW 4: The following shall be taken into account during decision-making:</p> <ul style="list-style-type: none"> (a) The consistency of the proposal with any Iwi or Hapū Management Plan recognised by an Iwi Authority and lodged with the Bay of Plenty Regional Council that applies to the area affected; and (b) Recognition provided under any other legislation – including but not limited to: Treaty of Waitangi settlements; gazetting of Rohe Moana and Mātaitai under the Kaimoana Customary Fishing Regulations 1998 and the customary rights recognitions available under the Marine and Coastal Area Act 2011. 	<p>Policy IW 4(a) gives effect to NZCPS policy 2(e) and Proposed RPS policy IW 4. Policy IW 4(b) gives effect to NZCPS policy 2(f)(iii).</p>
<p>Policy IW 9: Appropriate mitigation and remediation may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> (a) Restoring and protecting areas of significant cultural value and mahinga kai sites; and (b) Contribution of resources (financial or otherwise) to environmental, social or cultural enhancement and improvement programmes run by affected tāngata whenua. 	<p>Policy IW 9(a) makes direct reference to the restoration of areas of significant cultural value and mahinga kai sites as a means of mitigating or remediating the adverse effects of an activity.</p>
<p>Policy IW 10: To not allow use and development which would restrict the access of tāngata whenua to sites used for cultural practices, gathering kaimoana and areas of cultural significance in the common marine and coastal area, unless that access can specifically be provided for, or the loss can be adequately remedied.</p>	<p>Policy IW 10 is a means of achieving Objective 13.</p>
<p>Policy IW 12: Work with iwi and hapū to:</p> <ul style="list-style-type: none"> (a) Identify areas where the scattering of ashes in the Coastal Marine Area is not appropriate, and discourage disposal in those areas; (b) Develop material to educate the public about the scattering of ashes; and (c) Provide advice and assistance to members of the public to scatter ashes in acceptable locations, and in an appropriate manner. 	<p>Policy 1W 12 outlines the non-regulatory approach that the regional Council will take with regard to scattering ashes in the coastal marine area.</p> <p>Burials at sea are not included in this policy as these are controlled under the Health (Burial) Regulations 1946. Maritime NZ is the presiding authority. There are five existing preferred marine disposal sites for burials, which are all outside the territorial sea (in the Exclusive Economic Zone).</p>

<p>Policy IW 13 Where mana whenua wish to undertake development on Māori land within areas that have natural heritage values (as identified in Schedule 2, Schedule 3 or Appendix I of the Regional Policy Statement), the Regional Council shall recognise that there may be no or limited alternative locations for hapū or iwi to occupy their ancestral land and will work with landowners to facilitate appropriate development by:</p> <ul style="list-style-type: none"> (a) Supporting development of an integrated development plan that balances the need to enable development, occupation and use of Māori land with the recognition of values scheduled in all overlays, in accordance with mātauranga and tikanga; (b) Providing an opportunity for a site-specific assessment of the extent of the scheduled area in consultation with the landowners; (c) Considering measures for the on-going protection and maintenance of values on the site scheduled in overlays through the use of protective covenants, fencing or other management techniques; (d) Investigating alternative locations within the site; or (e) Considering alternative approaches to development that maintain or enhance the values scheduled in overlays. 	<p>Policy IW 13 recognises that tangata whenua may wish to develop or build on land that is their tribal whenua, and that avoiding areas that biodiversity or natural character values entirely may not be possible. Policy IW 13 outlines how the regional Council can assist with the development of plans that meet the sustainable management purpose of the RMA.</p>
<p>Method 9 In conjunction with all other appropriate agencies, as circumstances permit, identify areas where it is unsafe for either contact recreation or shellfish gathering, and:</p> <ul style="list-style-type: none"> (a) Inform the Medical Officer of Health, and where relevant, the district council; (b) Investigate the cause of the problem; (c) Where the cause is due to an identified activity, require all necessary remedial actions; and (d) Undertake further research to identify ways to avoid or remedy contamination of kaimoana. 	<p>Avoiding or remedying contamination of kaimoana is a component of restoring kaimoana habitat and the mauri of coastal waters, and addresses Issue 14.</p>
<p>Method 14 Facilitate and support tāngata whenua to carry out kaitiakitanga and Matauranga Māori in the sustainable management and restoration of natural, historic and cultural heritage and water quality in the coastal marine area.</p>	<p>Method 14 supports Objectives 14 and 15.</p>
<p>Method 16 Map or otherwise identify customary interests protected under the Takutai Moana (Marine and Coastal Area Act).</p>	<p>Mapping or otherwise identifying areas of customary marine titles and protected customary rights assists with consideration of these during resource consent processes.</p>

Method 17 Work with tāngata whenua, heritage agencies, and city and district councils to determine the most appropriate means of protecting sites of cultural heritage value without the need for their explicit identification.	Method 17 supports Objective 14, as it relates to protection of sites of cultural heritage value.
Method 27 Work with Maritime New Zealand and the Ministry of Transport to: (a) Assess the level of risk associated with current vessel routeing in coastal waters in the Bay of Plenty Region; and (b) Progress solutions to address the risks associated with vessel routeing in coastal waters of the Bay of Plenty region.	Vulnerability to events such as vessel groundings and oil spills was a key concern raised during consultation with iwi and hapū (and is identified in Issue 19). Control of vessel routeing does not fit well within an RMA framework; however the Regional Council is exploring other mechanisms to address this issue.
Schedule 6 Areas of Significant Cultural Value.	Identifies areas of known cultural significance in the coastal marine area; based on Schedule 14 of the current RCEP and updated with information available from iwi and hapū management plans and provided by iwi and hapū during consultation on the draft RCEP.

8 Historic Heritage

8.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Historic Heritage: Issue 21.	Objective 18	HH1. HH2. HD 5(d).	Policies HH 1 and HH 2 are implemented by conditions in Rules SO 1, SO 3, SO 4, SO 6, SO 7, SO 8, SO 9, DD1, DD 2, DD 3, DD 5, DD 6, DD 9, DD 10, DD 11, DD 12, DD 19, DD 20, BS 1, and HD 1. These rules are assessed in the relevant sections of the Section 32 report.	Methods 16, 17, 18, 19.	Schedule 7.

8.2 Evaluation of Objective 18

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 18: Protection of historic heritage values and historic heritage resources in the coastal environment.	Objective 18.2.2 The protection of the heritage values and heritage resources within the coastal marine area.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses issue 21 as it recognises that the coastal environment contains a high proportion of recorded archaeological sites but that the historic heritage in the CMA is not well identified or recorded.	Yes – Historic heritage is an issue identified in the RMA and NZCPS.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – Historic heritage is a matter of national importance under s6(f) of the RMA and is required to be protected from inappropriate subdivision, use and development.	Yes – As per Option 1.

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – It is closely linked to RMA ss6(e) and (g). However note that policies specific to Maori cultural heritage are found in Section 3 – Iwi Resource Management.	Yes – As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – Historic heritage is a matter of national importance under s6(f) the RMA and is required to be protected from inappropriate subdivision, use and development.	Yes – As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – It gives effect to NZCPS Policy 17 and Proposed RPS policies MN1B and 7B, IW 2B, 4B and 5B and IR 6B.	Yes – However this policy does not reflect the changes that have been made in the 2010 version of the NZCPS or the proposed RPS.
Usefulness		
Will effectively guide decision-making?	Yes – It recognises that historic heritage needs to be managed in an integrated manner.	Yes – As per Option 1. However it is also noted that this objective is only concerned with the CMA and does not recognise the need to integrate across the line of MHWS.
Meets sound principles for writing objectives?	Yes – The objective gives clear direction on how to manage activities in the coastal environment at a regional level and is considered to be achievable. The focus on protecting historic heritage means it should be measurable and provides a clear management direction.	Yes – As per Option 1.
Consistent with other relevant Objectives?	Yes – Provides a stronger link to the new policy directives in the NZCPS and RPS.	Yes, however does not provide as strong a policy link with the NZCPS and RPS as Option 1.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – It provides certainty to the community of the importance of historic heritage and the fact that it can be easily lost for future generations.	Yes – As per Option 1.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – The outcome from the objective would be achievable by BOPRC tools, as well as recognising that integrated management is also achieved using TA tools and NZHTP tools.	Yes – As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium-High.</i>

8.3 Policies, Methods and Rules to achieve Objective 18

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p><i>Policies considered as a package.</i></p> <p>HH1 – protect identified resources, by avoiding adverse effects.</p> <p>HH2 – decision-making criteria to assess heritage resources.</p>	<p><i>Alternative policies.</i></p> <p>18.2.3(a) – protect identified resources.</p> <p>18.2.3(b) – promote research into identifying additional sites/ features.</p> <p>18.2.3(c) – require conservation of significant sites (not otherwise listed).</p> <p>18.2.3(d) – recognise sensitivity of Maori cultural heritage.</p> <p>18.2.3(e) – avoid adverse effects on heritage resources as far as practicable.</p> <p>18.2.3(f) – establish and implement evaluation criteria for assessing heritage resources.</p> <p>18.2.3(g) – have regard to the values in the ICOMOS charter.</p>

8.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Quality and functioning of the coastal environment.	The quality of the environment could be enhanced by the identification and protection of historic heritage.	As per Option 1. However the policies are not worded as strongly - there is a focus on avoiding adverse effect as far as practicable (rather than on “protection”).
Natural character and outstanding landscape.	There are some outstanding landscapes which have strong associations with historic heritage, and along with identification require protection as well.	As per Option 1. But the policies emphasise conservation (which is not a strong a management directive as protection).

Natural hazards.	Natural hazards can impact on sites/ features of historic heritage. This policy package provides a strong directive to protect historic heritage.	As per Option 1.
Historic sites.	Identification and protection of historic sites/ features for future generations.	As per Option 1. But the management directive for Option 1 is far stringer in terms of "protection".
Economic Benefits		
Opportunities for employment.	Protection of resources could add to internal and external tourism opportunities.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	Awareness of historic heritage can contribute to people's recreational uses of an area/ site/ feature.	As per Option 1.
Other amenity values.	Avoids location of inappropriate activities in areas important for historic heritage.	As per Option 1.
Cultural Benefits		
Cultural well-being of people and communities.	Protection of historic heritage contributes to people's sense of identity with the past and identity with place.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning historic heritage in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Protects historic heritage sites that may also be of significance to Māori.	As per Option 1.
Costs		
Environmental Costs		
Quality and functioning of the coastal environment.	Quality of the environment can be degraded through loss of historic heritage.	As per Option 1.
Natural character and outstanding landscape features.	May preclude other uses if historic heritage is to be protected.	As per Option 1.
Natural hazards.	Natural processes could damage historic heritage sites and make such sites difficult to protect or conserve.	As per Option 1.

Historic sites.	Areas of the coast protected for historic heritage values and resources may be better used for other activities.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	There may be costs associated with identifying and taking actions to protect historic heritage resources and values.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	There may be costs associated with identifying and taking actions to protect historic heritage resources and values.	As per Option 1.
Social Costs		
Recreational use of the coastal environment and resources.	Recreational access could adversely affect historic heritage sites.	As per Option 1.
Public access to and along the coastal marine areas.	Public access could adversely affect historic heritage sites.	As per Option 1.
Cultural Costs		
Cultural well-being of people and communities.	The loss of historic heritage contributes to people's loss of a sense of historic identity and relationship with place.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning historic heritage in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	There are potential costs of disclosure of information as some sites may not be appropriate to be publicly known through identification and management actions.	As per Option 1.
Overall assessment	High.	High

8.3.2 Effectiveness

Effectiveness	Option 1	Option 2
<i>Relevance and transparency</i>		
Directed towards achieving the objective.	Yes – This policy package is directed towards achieving the objective.	Yes – As per Option 1.
Will clearly achieve, or partly achieve the objective.	Yes – This option is more clearly related to s6(f) of the RMA, with its emphasis on “protection”. There is also a stronger link to the relevant RPS provisions, not only giving effect to the RPS but ensuring a consistent way of managing historic heritage.	Yes – However the emphasis on “conservation” “as far as practicable” do not reflect the RMA s6(f) wording.
<i>Usefulness</i>		
Will effectively guide decision-making?	The policies are directive and provide guidance for decision-making. They refine the existing policies and seek to improve management directives in an integrated manner by not only giving effect to the RPS but ensuring a consistent way of managing historic heritage.	The review of these policies identified gaps and amendments required to improve guidance for decision-making. Some of the matters within the policy were considered to be methods and did not guide decision-making.
Meets sound principles for writing policies and rules?	Yes – The policies are clear, specific and relevant to the provisions in the RMA, NZCPS and RPS.	Yes – While they meet the requirements for well written policies, they are not as specific nor as closely aligned to the change in the RMA s6(f) (which was added to the RMA in 2003, after this option had been made operative).
Assumptions made.	That historic heritage cannot be managed solely from an RMA perspective and that other tools and agencies will need to be involved.	That there is a significant need for information collection and storage in terms of identify sites/ features and ensuring they are appropriately protected.
Risk involved.	That without an appropriate level of protection from activities in the coastal environment, on-going loss or damage to historic heritage will occur.	Costs of identification and subsequent management of areas identified.

Achievability		
Within BOPRC's functions and powers.	Yes – Refer to s6(f) RMA and s30(1)(h).	Yes – refer to s6(f) RMA and s30(1)(h). However it is noted that this section was added to the RMA after the first generation plan had been developed.
Within the scope of BOPRC's available tools and resources.	Managing historic heritage is within the RMA functions of BOPRC, however it also needs involvement of a range of other agencies and the NZHPT to assist in achieving the outcomes.	As per Option 1.
Rules can be complied with and enforced.	Refer to Structures and Disturbance parts of Section 32 report.	
Degree of uncertainty in the ability to achieve.	There is a moderate level of uncertainty that the objective would be achieved through this policy package; as it is reliant on resourcing available to research historic heritage and the willingness of a range of agencies to work together to achieve the objective.	As per Option 1.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Policies link to relevant provisions in the Iwi Resource Management section of the RCEP, but also make stronger links through the emphasis on the RPS policies.	Policies link to relevant provisions in Chapter 8 of the RCEP, tangata whenua Interests.
Overall assessment	<i>High.</i>	<i>Medium.</i>

8.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is a gap in listed information on historic heritage in the coastal environment. However the policy package provides a way of moving forward in terms of identifying further matters.	The gap in information was identified in this policy package. It is reinforced in the proposed new wording to ensure there is an on-going focus on information gathering.
Is the topic of high significance or complexity?	The topic is highly complex as the RMA tools are only one mechanism for protecting historic heritage.	As per Option 1.

Risk of acting or not acting	Option 1	Option 2
<p>Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).</p>	<p>There is a significant legislative risk from not including historic heritage provisions on the RCEP. It is mandatory under the RMA to have a coastal plan and this plan must give effect to the NZCPS and the RPS. Therefore it is not an option to avoid providing guidance on these issues.</p> <p>Historic heritage resources in the coastal environment can be under threat from coastal processes (including in particular sea level rise and erosion) but also from increasing population pressures on the coast (including the expansion of buildings and settlements).</p> <p>The risk of not managing these two drivers could result in:</p> <ul style="list-style-type: none"> • a significant degradation of or loss of coastal historic heritage; • a loss in opportunities for people to experience and know about historical heritage; • a loss of culturally sensitive or significant areas or values; • a loss of economic values from local and overseas visitors; • continuing or worsening “coastal squeeze” from inappropriately located structures and increasing impacts from sea level rise and changing coastal processes. <p>It is considered that these risks are significant and warrant careful management of historic heritage resources for present and future generations.</p>	<p>As per Option 1. However this option did not have a mandatory responsibility supporting the policy package.</p>

8.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

8.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The proposed new wording combines management approaches and clarifies the direction to be taken in management of historic heritage. Addressing these matters is mandatory in the RCEP due to the RMA s6(f), NZCPS and RPS.
Option 2.	High.	Medium.	No.	Reliance on the operative RCEP is not as effective, as the review of that document identified a number of areas where it is appropriate to make amendments. In addition there has been an amendment to the RMA, a new NZCPS and a new RPS that need to be taken into account to “give effect” to these documents.

8.3.6 Other policy options considered

Option	Reason(s) why option rejected
Do nothing.	No intervention would mean relying on the provisions in the RMA, NZCPS and RPS. This would not be effective in managing historic heritage in coastal areas, as the RCP is mandatory and s6(f) RMA identifies historic heritage as a matter of national significance. The RCEP is required to give effect to the overarching policy documents mentioned above.

8.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
<p>Policy HH 1 Protect historic heritage resources within the Bay of Plenty coastal marine area that are:</p> <ul style="list-style-type: none"> (a) Registered by the Historic Places Trust; (b) Recorded in the New Zealand Archaeological Association Site Recording Scheme; (c) Listed in the Regional Historic Heritage Inventory in Schedule 7; (d) Identified in any iwi and hapū resource management plan; or (e) Otherwise identified as being of significance. <p>by avoiding any adverse effects of use or development on these historic heritage resources and where avoidance is not possible, requiring information on the resources to be recorded and any adverse effects to be remedied or mitigated.</p>	<p>This policy provides a directive to identify and protect historic heritage that has been identified through a range of systems. It would support the achievement of the objective.</p> <p>HH 1(a) is consistent with the Historic Places Act and provides a strong and complementary link with their registration system.</p> <p>HH 1(b) provides a strong and complementary link with the NZ Archaeological Association's national recording systems.</p> <p>HH 1(c) recognises that work that the Regional Council has already undertaken in identifying sites of significance for historic heritage.</p> <p>HH 1(d) recognises that iwi and hapū resource management plans are evolving over time and provides a strong and complementary link to sites/ resources of historic heritage identified in these plans.</p> <p>HH 1(e) seeks to future proof this policy by recognising that over time there may be other recording systems introduced or new sources of information on historic heritage, (including newly discovered sites/ resources).</p> <p>The management directive is to protect historic heritage through managing the effects of use and development, in a way that the historic information is not lost.</p>

<p>Policy HH 2 When making decisions on any subdivision, use or development that could impact on historic heritage resources in the coastal environment, regional, district and city councils shall:</p> <ul style="list-style-type: none"> (a) Assess whether the historic heritage resource is of national importance in accordance with Policy MN 1B of the Bay of Plenty Regional Policy Statement (RPS) and Appendix F set 5, (b) Determine whether the activity is appropriate based on Policy MN 7B and Appendix G of the RPS, (c) Ensure matters of significance to Maori are managed in accordance with RPS policies IW 2B, IW 4B, and IW 5B, and (d) Ensure an integrated management approach is taken in accordance with RPS Policy IR 6B. 	<p>This policy provides some decision-making criteria to be considered when making decisions on subdivision, use and development. It seeks to bring an integrated approach to management and to take into account a range of RPS policies that are particularly relevant without the need to repeat these policies into the RCEP.</p> <p>It would support the achievement of the objective.</p> <p>HH 2(a) provides a strong link to the RPS in particular policy MN1B (giving priority to matters of national importance) and Appendix F which sets out criteria for assessing historic heritage matters of national importance in the BOP region (including values of historic heritage, archaeological qualities, architectural qualities, cultural qualities, historic qualities, scientific qualities and technological qualities).</p> <p>HH 2(b) provides a strong link to the RPS in particular policy MN7B (using criteria to assess appropriateness of development) and Appendix G (which sets out matters of national importance – criteria for assessing whether subdivision, use and development is appropriate).</p> <p>HH 2(c) provides a strong link to the RPS in particular policies IW 2B(recognising matters of significance to Maori), IW 4B (taking into account iwi and hapū resource management plans), and IW 5B (adverse effects on matters of significance to Maori).</p> <p>HH 2(d) provides a strong link to the RPS in particular policy IR 6B (promoting consistent and integrated management across jurisdictional boundaries).</p>
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9 Coastal Hazards

9.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rules	Methods	Schedules
Coastal hazards and climate change Issues: 22, 23, 24, 25.	Objectives 19, 20, 21.	CH 1- CH 16, SO 2, SO 6, DD 9, CD 1, RM 3, BS 4, PZ 6.	DD 9 - DD 11.	Methods 22, 23, 24 25, 26.	Schedule 1.

9.2 Evaluation of Objectives 19, 20 and 21

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objectives 19, 20, 21.	Objective 11.2.2: No increase in the total physical risk from coastal hazards.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The Objectives address major aspects of Issues 22, 23, 24 and 25. Issues 22 and 24 recognise that erosion and accretion are naturally occurring cycles that occur along the coast, not only on the open coast but also for cliffs and harbours. Climate change is leading to an increase in sea level rise (and possibly increased storms) and this will result in an increased risk of erosion and inundation. Issue 25 raises awareness of the increasing knowledge and understanding of tsunami and the likely impacts on parts of the region.	Yes – This objective focuses on ensuring that on-going development in coastal areas does not increase the physical risk from hazards.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – These objectives contribute to a range of matters, including: 6(a) natural character - protecting coastal margins from inappropriate activities that would impact on the ability of the coastline to move naturally. 6(b) and (c) protection of significant landscapes and vegetation such as coastal dunes and cliffs. (d) ensuring public access is still available after erosion.	Yes – As per Option 1.

	7(c) the maintenance and enhancement of amenity values associated with coastal margins. 7(i) the effects of climate change and the impact this will have on coastal margins.	
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – Indirectly it recognises the importance of the coast and for activities that reflect the relationship Maori have with coastal areas and resources, including access and culturally important sites. It clearly reflects the ethic of stewardship in acknowledging the need to manage coastal margins carefully while taking natural processes into account as well.	No – This objective is primarily focused on risk rather than on Maori environmental issues.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s30(1)(c)(iv) refers specifically to avoidance or mitigation of natural hazards as being a function of regional councils.	Yes – As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – The objectives give effect to NZCPS policies 24, 25, 26 and 27. Option 1 also seeks to reflect the intent of the new risk management approach that is set out in the Proposed RPS, in policies NH 1B – 6B, CE 2A, 4A, CE 7B and CE 11B, in particular.	Yes – However this objective does not reflect the changes that have been made in the 2010 version of the NZCPS or the Proposed RPS.
Usefulness		
Will effectively guide decision-making?	Yes – The two objectives together recognise the need to find a reasonable balance between natural processes and location of coastal development. It also increases the onus on ensuring communities are aware of hazard risks and that there needs to be a focus on community and individual resilience. These objectives are far more directive than option 2 and reflect the new addition of climate change into s 7 RMA which was added in 2004.	No – This objective is more aspirational and although it will provide some guidance for decision-making, it does not provide as much specificity as Option 1.
Meets sound principles for writing objectives?	Yes – The objectives give clear direction on how to manage activities along the coastal margins and are considered to be achievable. The focus on risks and processes means it is measurable and by increasing community awareness would provide certainty to the community and resource users.	Yes – The objective is aspirational and is difficult to measure in an environment where sea level rise will have a significant impact in coming years on levels of risk.

Consistent with other relevant objectives?	Yes – Provides a stronger link to the new policy directives in the NZCPS. However the policy directives for hazards in the proposed RPS are proving difficult to implement. There are also strong links to objectives for access, amenity and natural character.	Yes – However the NZCPS 2010 requires a far more directive approach to managing coastal hazards than the previous NZCPS.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – Provides guidance on the need to increase community awareness of risks and the need to consider mitigation options. In the future it may not be practical of affordable to continue the existing tradition of hard defence structures and conversations regarding risk need to be undertaken in advance. In this respect, they will provide certainty to the community of the importance of managing coastal hazards.	Yes – As per Option 1. However this option does not recognise the potential impact of sea level rise and potential for increase storminess resulting in increased erosion or inundation events.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – The outcome from the objectives would be achievable by BOPRC tools, as well as recognising that integrated management is also achieved using territorial authorities District Plans.	Yes – As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

9.3 Policies, Methods and Rules to achieve Objectives 19, 20 and 21

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
<p>Plan provision(s)</p>	<p>Policies CH1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. Methods 22, 23, 24 25, 26. Schedule 1.</p>	<p><i>Alternative policies</i> 11.2.3(a) – precautionary approach to hazard protection works. 11.2.3(b) – identify areas sensitive to coastal hazards. 11.2.3(c) – district/city plans to include hazard zones in sensitive areas. 11.2.3(d) – decision-making criteria for new subdivision, use or development. 11.2.3(e) – hazards analysis required for any new activities in sensitive areas. 11.2.3(f) – criteria to be sued for identifying hazards. 11.2.3(g) – criteria of setting minimum ground levels for estuaries and harbours. 11.2.3(h) – default position until (g) has been identified. 11.2.3(i) – earthworks for meeting (g) and (h) not to impact on erosion or natural character. 11.2.3(j) – protect natural hazard protection features and allow for future inland migration. 11.2.3(k) – avoid lowering of foredunes. 11.2.3(l) – take account of IPCC mid-range sea level rise scenario.</p>
		<p>11.2.3(m) – rocky shores – building platform level. 11.2.3(n) – rocky shore – avoid cliff or slope instability. 11.2.3(o) – discourage development adjacent to river mouths. 11.2.3(p) – protect coastal vegetation to maintain cliff stability. 11.2.3(q) – include hazards into multipurpose building set back zones.</p>

		<p>11.2.3(r) – involve community in coast care.</p> <p>11.2.3(s) – promote consistent work on hazards inter-regionally.</p> <p>Implementation Methods: facilitation and co-ordination with community and inter-regionally; coast care programme, research and hazards assessment for Ōpōtiki.</p>
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9.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	Aims to recognise that erosion and inundation are natural coastal processes, and that natural defences, such as dunes and vegetation, are critical natural defence features.	As per Option 1.
Quality and functioning of the coastal environment.	The natural functioning of dunes and beach systems (including waves and sand movement) are important for ensuring the health of coastal edges. The policy package aims to protect them from inappropriate use and development, by ensuring there is room to allow for natural accretion and erosion cycles.	As per Option 1.
Natural character and outstanding landscape features.	Natural character and amenity of beaches and coastal edges are critical components of landscape. And natural character of an area. These are aspects that can be adversely affected if there is no room for the coastline to fluctuate over time.	As per Option 1.
Natural hazards.	The potential impact of sea level rise is likely to exacerbate current erosion issues. This package aims to avoid creating new hazard problems for the future and to manage existing problems carefully.	As per Option 1.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.

Opportunities for economic growth.	Tourism opportunities arise from ensuring that there are natural and pleasant beach experiences. The policy package also encourages ensuring that infrastructure and buildings are well designed and located to support economic growth of communities.	As per Option 1. However this policy does not refer as directly to future population demands and potential for “coastal squeeze”.
Social Benefits		
Recreational use of the coastal environment and resources.	There is a significant benefit for people’s enjoyment of the coast for recreational purposes if natural character, beach amenity and public access are retained.	As per Option 1.
Public access to and along the coastal marine areas.	Public access to and along the coast is a matter of national importance and when the coastal edge meets development, then access is often restricted by tides and/or property boundaries (coastal squeeze). There is therefore a significant benefit to this policy package.	As per Option 1.
Cultural Benefits		
Cultural well-being of people and communities.	Access to and along the coast and beach amenities have significant cultural benefits to people and communities.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Managing the risks from potential hazards proactively can mitigate the effects on sites of taonga of significance to Maori.	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	Erosion and inundation is a natural process, and if ecosystems and biodiversity do not have room to adjust over time to impacts from increasing sea level rise, there is an environmental cost as coastal edges are damaged.	As per Option 1.
Quality and functioning of the coastal environment.	Erosion and inundation is a natural process, however if functioning of coastlines and beaches cannot continue without being restricted by inappropriate use and development, then the beach is likely to lower and more significant defences would be required to “hold the line”.	As per Option 1.

Natural character and outstanding landscape features.	Where hazards create “coastal squeeze” from proximity to development, natural character and landscape features are generally lost.	As per Option 1.
Natural hazards.	The potential impact of sea level rise is likely to exacerbate current erosion issues. This is likely to impact on existing areas developed too close to the coastal edge.	As per Option 1.
Economic Costs		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	Where existing development is potentially affected there could be reductions in growth due to the hazard risk. New developments may be constrained from some locations due to risk areas being identified and “controlled”. Through RMA plans.	As per Option 1.
Compliance costs (to resource users).	Front-line property owners may be increasingly affected by sea level rise and the need to protect their properties or to relocate.	As per Option 1. However relocation is not considered.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	There are implementation costs associated with further research, information gathering and community liaison, including coast care. These will potentially increase in the future if erosion and inundation events are exacerbated by sea level rise. Historically individuals whose properties are affected by such events either take emergency works actions or illegal works (monitoring and enforcement).	As per Option 1. This is an on-going area of work for council and due to the extent of the coastal edge is subject to natural events affecting different areas at different times.
Social Costs		
Recreational use of the coastal environment and resources.	The loss of beach access and amenity from erosion and/or protection works can impact adversely on people’s recreational pursuits.	As per Option 1.
Public access to and along the coastal marine areas.	Lack of access due to beach lowering and no buffer between private properties and the beach can restrict public access.	As per Option 1.

Cultural Costs		
Mauri of coastal waters.	The mauri of coastal waters may be impacted by debris and structures that are destroyed by natural processes as land erodes.	As per Option 1.
Cultural well-being of people and communities.	Areas of the coast which are culturally significant may be damaged by erosion or storm events.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Coastal hazards may impact on sites or taonga of significance to Maori, if erosion trends or storm events affect such areas.	As per Option 1.
Overall assessment	High.	High.

9.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – This policy package is directed towards achieving the objectives.	Yes – As per Option 1.
Will clearly achieve, or partly achieve the objective.	Yes – The policies and methods are focused on recognising the environmental values of natural processes as well as on the need to carefully manage use and development. The policies are directed at providing guidance on how to manage these two different end points. There is also a stronger link to the relevant NZCPS policies and the intent of the RPS provisions.	As mentioned above the objective to which the policies relate may not be achievable and therefore the objective and policies may not be as well aligned as Option 1. The policies do not reflect the new NZCPS policy directives not the RPS policy directives.

Usefulness		
Will effectively guide decision-making?	The policies are directive and provide guidance for decision-making. They build on the existing policies and seek to improve management directives in an integrated manner. They refine and combine the existing policies, eliminate overlaps and seek to provide a stronger more directive management approach. They also recognise the difference between open coast, harbour and cliff environments.	The existing policies are extensive and there are some overlaps in intent. Likewise some policies are redundant given the work that territorial authorities have done in their respective district/city plans. The review of these policies identified overlaps, gaps and amendments required to improve guidance for decision-making.
Meets sound principles for writing policies and rules?	Yes – The policies are clear, specific and relevant to the provisions in the RMA, NZCPS and the intent of the RPS.	Yes – While they meet the requirements for well written policies, they are not as specific nor as closely aligned to the changes in the more recent NZCPS and RPS.
Assumptions made.	That hazards resulting from erosion and accretion are fundamentally about a clash between natural processes and development in inappropriate places. There is a need for integrated management between regional and district plans in order to achieve the objective. Sea level rise must be accounted for in management decisions.	As per Option 1.
Risk involved.	That without careful management there could be significant losses for people's use and enjoyment of coastal edges; there could also be significant losses for individual property owners.	Tsunami is not addressed in any depth and therefore does not give effect to the NZCPS. While there are limits on what can be achieved in terms of mitigation under the RMA, there is a need to ensure the community is well informed and considered resilience actions (as proposed in Option 1).
Achievability		
Within BOPRC's functions and powers.	Managing natural hazards issues is within the RMA functions of BOPRC, in particular refer to s30(1)(c)(iv) of the RMA. Integrating with territorial authorities is also required as it is also specified as a function for them.	As per Option 1. However the existing policies do not reflect the more directive approach set out in the more recent NZCPS and RPS.
Within the scope of BOPRC's available tools and resources.	The current package builds on an existing approach to managing coastal hazards and recognises the need for integrated management between the RCEP and the district/city plans.	As per Option 1.

Degree of uncertainty in the ability to achieve.	There is a high level of certainty that the objectives would be achieved through this policy package; and that implementing the policies is also achievable. It provides a strong guide for territorial authorities who are responsible for managing the landward development in coastal areas. However there is uncertainty on whether the package will give effect to the proposed RPS, given the submissions made on the RPS not having been resolved to date. The RCEP may need to be amended to give effect to any future changes of the RPS.	The review highlighted some uncertainty in whether the policy package was indeed able to achieve the objective, particularly in respect to the increasing risks arising from the IPCC sea level rise scenarios.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Policies link to relevant provisions in the Iwi Resource Management section of the RCEP, but also make stronger links through the emphasis on the RPS policies.	Policies link to relevant provisions in Chapter 8 of the RCEP, tangata whenua interests.
Overall assessment	High	Medium

9.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is a lot of information on the effects of natural hazards on the coastal environment however there are also more detailed information required for some areas in order to ensure an appropriate management direction.	As per Option 1. However this option provided a strong impetus for territorial authorities to introduce hazards zones into their district/city plans. This has been completed by all but one territorial authority in the region and is therefore no longer an information gap.
Is the topic of high significance or complexity?	The topic is of high significance and high complexity. The use of the coastal environment as a public area to be used by all is fundamental to New Zealanders. Therefore where private property interests are affected by erosion and inundation, there are generally also conflicts with people's access and amenity of beaches. Identifying the risk from such hazards and from tsunami is also complex, and must be considered over long timeframes.	As per Option 1.

Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	There is a significant legislative and procedural risk from not including coastal hazards provisions in the RCEP. It is mandatory under the RMA to have a coastal plan and this plan must give effect to the NZCPS and the RPS. Therefore it is not an option to avoid providing guidance on these issues.	As per Option 1. It is also noted that there is a risk in not managing potential tsunami effects, as this does not enable integrated management and proactive attempts to making communities more resilient.
	<p>There is an expected increase in population with a likely associated demand for access to the coast, along with new and intensifying coastal developments. There is an expected increase in sea level rise and climate change, which together are likely to exacerbate the current effects from coastal hazard events. The risk of not managing these demands could result in:</p> <ul style="list-style-type: none"> • A loss of features that provide a natural buffer from coastal hazards. • “a loss of economic value from damage to people’s property, public facilities and infrastructure. • continuing or worsening “coastal squeeze” from inappropriately located structures and increasing impacts from sea level rise and changing coastal processes. • Potential loss of life from tsunami, if there is no community awareness and no mitigation options considered. <p>It is considered that these risks are significant and warrant careful management of natural hazard issues.</p>	

9.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

9.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The proposed new wording strengthens the approach to managing coastal hazards and recognises the need for integrating the management of hazards between RCEP and district/city plans. Addressing these matters is mandatory in the RCEP due to the RMA functions for regional councils, the NZCPS and the RPS.
Option 2.	High.	Medium.	No	Reliance on the operative RCEP is not as effective, as the review of that document identified a number of areas where amendments would be appropriate to make coastal hazards management more efficient and effective. Some policies are now redundant given that the district/city plans have included hazard zones. In addition there has been a new NZCPS and a new RPS that need to be taken into account to “give effect” to these documents.

9.3.6 Other policy options considered

Option	Reason(s) why option rejected
No intervention in management of coastal hazards.	No – intervention would mean relying on the provisions in the RMA, NZCPS and RPS. This would not be effective in managing the coastal areas, as the RCP is mandatory and s30(1)(c)(iv) of the RMA identifies hazards as a function for regional councils (and it is also identified as a function for district councils). The RCEP is required to give effect to these overarching documents.
Promote a combined regional council/territorial authorities approach to managing the effects of coastal hazards, across MHWS jurisdiction, in a separate plan.	This option is rejected as a separate plan would not enable coastal hazards issues to be integrated with other plan provisions such as for natural character, access and amenity. This approach would not effectively recognise the different regulatory roles that regional and District or City councils have in managing the interface between the land and marine areas, and would potentially make this issue more complex to manage.

9.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
<p>Policy CH 1: Regional, city and district councils shall give effect through their district, city and regional plans and through resource consents to:</p> <p>(a) RPS policies on natural hazards relevant to the coastal environment, CE 7B, CE 11B; and</p> <p>(b) NZCPS Policies 24, 25, 26 and 27.</p>	<p>This policy aims to ensure that the NZCPS and RPS policies are given effect to in plans and through decision on resource consents, without the need to repeat the wording of those policies. The natural hazards policies in the RPS are under review – so the wording in this policy seeks to “future-proof” the cross referencing as far as possible.</p>
<p>Policy CH 2: The design and location of activities in the coastal environment shall avoid creating or exacerbating any potential threats to human life, property or the environment from coastal erosion or inundation over a 100 year period.</p>	<p>This policy is requiring activities to consider erosion and inundation trends – over a longer planning period in order to recognise that some erosion trends are cyclical over longer timeframes. In this respect it is hoped to avoid short term decisions which will become future problems.</p>
<p>Policy CH 3: When calculating sea level rise, the period to be considered is at least the next 100 years, and the following projections shall be used as minimal values:</p> <p>(a) A projection of base sea level rise of at least 0.6 m (above the 1980-1999 average) for activities/ developments which are relocatable;</p> <p>(b) A projection of base sea level rise of 0.9 m (above the 1980-1999 average) for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated; and</p> <p>(c) An additional sea-level rise of 10 mm/annum for activities and life spans beyond 2112.</p>	<p>This policy sets the baseline requirements for calculating sea level rise. It provides a practical way of applying sea level rise to design and location decisions. It should provide certainty for all territorial authorities and resource users, on how to calculate sea level rise for the Bay of Plenty region.</p>
<p>Policy CH 4: In accordance with RPS Policies CE 4A, CE 6B and CE 7B, and NZCPS Policy 26, regional, city and district councils shall through their district, city and regional plans and through resource consents, protect, restore or enhance natural values and features that provide a natural defence from coastal hazards.</p> <p>Natural defences include, but are not limited to, fore dunes, back dunes, dune vegetation, active offshore sand reservoirs, estuarine vegetation, wetlands, coastal cliffs and coastal cliff vegetation.</p> <p>For any new development, a buffer shall be required to adequately provide for the future potential erosion and inundation trends of the coastal margin and the potential future inland migration of natural features or estuarine vegetation, and shall maintain or enhance any existing buffers.</p>	<p>This policy makes a strong link to the policies in the NZCPS and the RPS. It specifies what natural defences include, thereby providing clear guidance on the aspects of the coast that need to be “protected, restored or enhanced”. These natural defences are a critical component for allowing the coastal edge to adjust itself over time.</p> <p>This is reinforced by the management directive to include a buffer between the coastal edge and any new development, and to maintain or enhance existing buffers. Buffers allow for the coastal edge to move over times of erosion (and accretion), without the development being affected. Buffers clearly have other values as well such as access, natural character, landscape amenity.</p>

<p>Policy CH 5: Any lowering of the dune system or any breaches in the dune system shall be avoided. Any re-shaping of dunes shall only occur to increase or maintain the level of natural protection from coastal hazards, and includes re-shaping required for dune planting and the provision of formal coastal access ways.</p>	<p>Dunes are one particular type of natural defence. As such this policy builds on the previous policy directive. Dunes are however very vulnerable to public use and to people's views of the sea. Re-shaping of dunes occurs as a part of the coast care programme which seeks to make the dunes as resilient as possible through shape and planting. Dunes can also be protected by providing clear well-designed public access ways.</p>
<p>Policy CH 6: Any new land-based subdivision, use or development, except for infrastructure of regional or national importance should, avoid future reliance, over the next 100 years, on hard protection structures.</p>	<p>This provides a strong directive that when planning any activities on the landward edge of the CMA, there needs to be a long-term (100 years as per the NZCPS) planning approach to ensure the activity is located sufficiently away from any likely erosion trends. This policy provides a directive that no new activity should be approved if it is designed or located in such a place that it is likely it will need to rely on hard protection structures (within a 100 year time period).</p>
<p>Policy CH 7: When determining if hard protection structures are appropriate for existing land-based subdivision, use or development and new infrastructure of regional or national importance, the consent authority shall:</p> <ul style="list-style-type: none"> (a) Give effect to Proposed RPS Policies on natural hazards relevant to the coastal environment, Proposed RPS Policies CE 2A, CE 4A, CE 7B(c), CE 11B and, NZCPS Policy 27 and RCEP Policy CH 3; (b) Give priority to the use of soft protection works, such as dune care, beach nourishment and vegetation restoration; (c) Consider whether hard protection structures are the only practical means to protect infrastructure of national or regional importance; and (d) Undertake a public-private cost-benefit analysis of the environmental effects of the use of hard protection structures, with particular reference to access and natural character. 	<p>This policy recognises that in some instances hard protection structures are or will be appropriate. Such structures may require a regional or district consent - or indeed both, depending on its location within the CMA or not. This policy therefore provides decision-making guidance for both regions and districts on the matters that should be considered.</p> <p>Clause (a) includes giving effect to the NZCPS and Proposed RPS policy provisions.</p> <p>Clause (b) makes it a priority for alternative options (other than hard protection works) to be considered and treated as priority options.</p> <p>Clause (c) recognises that there are some infrastructure of national or regional importance which may need to have hard protection works (e.g. port reclamations).</p> <p>Clause (d) refer to a cost-benefit analysis of environmental effects is to alert people to the fact that the CMA is public property and private advantages should not be taken for granted, particularly if there are to be negative effects on the beach areas. This enables these aspects to be transparently included in any decision-making on hard protection structures.</p>

<p>Policy CH 8: Require any hard protection structures to be:</p> <ul style="list-style-type: none"> (a) Located landward of the coastal marine area, where the primary purpose of the structure is to protect private property; (b) Designed and constructed by a suitably qualified and experienced professionals; (c) Designed to avoid as far as practicable any adverse effects on beach amenity and natural character, and to ensure public access to and along the coastal marine area is not restricted, and enhanced where practicable; (d) Designed to incorporate the use of 'soft' protection options, such as beach re-nourishment and planting, where practical; (e) Designed to withstand coastal processes, including the potential effects of sea level rise, in accordance with the projections set out in Policy CH 3; (f) Designed to avoid any significant adverse effects at either end of the structure or on neighbouring land; and (g) Subject to a management plan which as a minimum outlines long-term responsibilities for the structure, including anticipated maintenance methods, timing and funding over the design life of the structure, and the thresholds for any adaptation actions that may be required over 100 years. 	<p>Once a decision is made that hard protection structures re appropriate for a given area, this policy provides some design and location guidance.</p> <p>Clause (a) requires that hard protection works are located on private property, reinforcing the public nature of the CMA and recognising that once a seawall or equivalent is introduced there is generally a lowering of the beach levels.</p> <p>Clause (b) requires a properly engineered structure to be designed, to avoid ad hoc walls which may not be effective over time.</p> <p>Clause (c) this criteria requires consideration to be given in the design of a protection structure to its impact on natural character, public access and beach levels, in order to protect the public's interests as much as possible.</p> <p>Clause (d) in some situations hard protection works can also be supported by soft engineering options, for added amenity and natural character reasons, while also providing certainty of the structure being in place if or when needed (i.e. recognising erosion and accretion trends over time).</p> <p>Clause (e) this criteria requires sea level rise to be included into the design parameters, as a means for future proofing the design standards.</p> <p>Clause (f) this criteria recognises the need for careful design at the ends of hard protection structures to avoid "end effects" of a wall – i.e. to avoid erosion becoming exacerbated at either end of a hard structure.</p> <p>Clause (g) this clause requires the applicant to outline how the structure is to be maintained, how long it is designed to last and what actions will be taken in the long-term (100 years as required by the NZCPS) if the structure does not provide the anticipated level of protection. This requirement would provide the applicant with information on what may occur in the future and some certainty to councils and public on how it is intended to address such issues.</p>
<p>Policy CH 9: When assessing the potential risks from tsunami on communities within the coastal environment, regional, city and district council shall take into account at least:</p> <ul style="list-style-type: none"> (a) NZCPS Policy 24; (b) The most recent NZ best practice guidance for defining tsunami hazard risk and zones along with any overseas guidance as appropriate; and (c) The projections for sea level rise as set out in Policy CH 3. 	<p>The first step for managing the potential results from a tsunami is to assess what the risk is and in what areas. This policy provides guidance on three sources of information that must be used as a minimum when starting to assess tsunami risk.</p>

<p>Policy CH 10: When considering any new subdivision, use or development within an area that is potentially affected by tsunami, city and district councils shall ensure mitigation options which would assist in reducing potential impacts and facilitating recovery. Mitigation options may include, but are not limited to:</p> <ul style="list-style-type: none"> (a) Transport route planning that enables evacuation; (b) Signage of evacuation routes; (c) Vertical evacuation opportunities (such as tall buildings, high ground or purpose built platforms); (d) Structural design requirements; (e) Infrastructure design and location; (f) Avoidance of breaches in dune systems; (g) Providing advice on the potential effects of tsunami on Land Information Memoranda or Project Information Memoranda; and (h) The criteria set out in section 106 of the RMA. 	<p>This policy recognises the vulnerability much of the Bay of Plenty’s coastal areas have to tsunami risk. It is focussed on proactive planning mechanisms which can be considered to assist in making the community and infrastructure more resilient for the future. The list of mitigation options are matters that should be considered at the design phase of a project.</p>
<p>Policy CH 11: On the open coast and near river mouths, where there are existing areas of subdivision, use or development and in any area where future residential, commercial or industrial uses, or regionally significant infrastructure may be located, city and district councils shall:</p> <ul style="list-style-type: none"> (a) Prioritise areas over a planning period of 100 years in terms of (i) the potential risk from coastal erosion and inundation and (ii) the potential areas for future subdivision, use or development; (b) Identify and map erosion and inundation hazard zone(s) in the areas prioritised by Policy CH 11(a); and (c) Where (a) and (b) above have not resulted in district or city plan hazard zones, site specific hazard assessments will be required for any activity which requires a resource consent, and which lies within 100 metres of MHWS. 	<p>This policy focuses on open coasts and river mouths. The purpose of this policy is to require hazard zones to be identified in district/city plans.</p> <p>Clause (a) requires areas of the coast to be prioritised in recognition of the costs involved and the practicality of applying hazard zones for the entire coast. The areas most at risk from erosion or inundation are to be identified, in the context of a 100 year planning timeframe. The timeframe is set out in the NZCPS as national guidance and is aiming to recognise fluctuations in the coastline over that time as well as the impacts from sea level rise.</p> <p>Clause (b) requires that hazard zones be mapped.</p> <p>Clause (c) provides a default position to cover those areas where territorial authorities may not have mapped priority at risk areas. A site specific hazard assessment would be used to identify risks involved in these areas. The distance of 100 metres is suggested to reflect the area that could be most vulnerable. It is expected that work undertaken by clause b) would refine that distance to make it more specific to the level of anticipated risk.</p>
<p>Policy CH 12: When applying a method to define hazard zone(s) on open coasts and near river mouths and streams councils or resource consent applicants shall take into account at least:</p> <ul style="list-style-type: none"> (a) NZCPS Policy 24; (b) The projections for sea level rise as set out in RCEP Policy CH 3; (c) The most recent best practice guidance for defining erosion and inundation hazard risk and zones; 	<p>This policy provides guidance on the methodology to be used for defining hazard zones. Historically this is a matter which has been legally contested, therefore by providing this guidance it is aimed at assisting territorial authorities to have a consistent approach to methodology and preferably avoid future litigation of methods used.</p> <p>Clause (c) recognises that there are a number of publications which outline best practice for setting coastal hazard zones, and that over time these are likely to be updated/ improved.</p>

<p>(d) A planning period of 100 years;</p> <p>(e) Regionally available scientific guidance on sea level and sea level rise predictions for the Bay of Plenty;</p> <p>(f) Identification of at least a primary and secondary hazard zone;</p> <p>(g) When considering the method to be used to define hazard zones, the following criteria shall be applied:</p> <ul style="list-style-type: none"> (i) Evaluation of any coastal hazards should be based on a conceptual understanding of the wider coastal system in that area; including geomorphologic character and the physical drivers and processes that cause coastal change and inundation; (ii) Shoreline response (i.e. erosion, progradation, flooding) to sea level rise, using scientifically appropriate models; (iii) Long term trend: This should be derived from cadastral survey, aerial photography, or other reliable historic data. The reference shoreline adopted should be the toe of the foredune where these land forms occur, or elsewhere should be the seaward limit of vegetation or some other datum as appropriate; (iv) Short term and medium-term fluctuation: These should be derived from the most reliable records available at the time for particular stretches of the coast, and should err on the side of caution; (v) Dune stability factor: This should be based on the angle of repose (AOR) of the dune sands as defined locally, or the stable angle of a shoreline based on geomorphologic characteristics; (vi) Factor of safety: The coastal hazard area assessment should include an appropriate factor of safety, either built into the above criteria and standards, or added on in the final stage in the calculation, and as appropriate to the type of coast; (vii) Any profiles (cross sections or long sections) should be carried out to accepted surveyor's standards and practice. All levels must be in terms of mean sea level to Moturiki datum; (viii) Tectonic processes (uplift and subsidence); (ix) Sediment supply; and (x) Coastal inundation assessment which considers the cumulative effects of sea-level rise, storm surge and wave height under storm conditions, and addresses alongshore variability in storm surge. 	<p>Clause d) this planning period is set by the NZCPS.</p> <p>Clause (b) and (e) are linked in the sense that b) sets a base level, while e) recognises that over time the data may be further refined for the region.</p> <p>Clause (g) sets out the more specific criteria that must be addressed in the methodology chosen to identify coastal hazards.</p>
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Policy CH 13: On open coasts and near river mouths and streams city and district councils shall include land use policies and rules in district and city plans to manage coastal erosion and inundation hazards within hazard zones identified in accordance with Policy CH 10A and shall avoid exacerbating any potential threats to human life, property or the environment by applying the following mitigation methods:

- (h) Minimum ground levels or building platforms, taking into account:
 - (i) Sea level rise;
 - (ii) Minimum annual exceedance probability of 2%;
 - (iii) Tide levels;
 - (iv) Rainfall and river levels;
 - (v) Wave run-up and storm surge;
 - (vi) Wind effects;
 - (vii) Estuary effects;
 - (viii) Factor of safety (0.5 is recommended);
 - (ix) Tectonic effects (uplift/ subsidence); and
 - (x) Fluvial processes;
- (i) Avoidance of new development or intensification of existing development that is potentially at risk from sea level rise, (resulting in increased erosion or inundation), or the effects of projected climate change, over the next 100 years;
- (j) Avoidance of any new development in the primary hazard zones and avoidance of any intensification of existing use or development in secondary hazard zones;
- (k) Specifying in the District or City Plan a relocation trigger, which is either:
 - (i) An area-specific trigger based on the stable angle of repose of the sand dune and the height of the dune, to ensure appropriate geotechnical slope stability requirements are met (once erosion has reached the trigger point); or
 - (ii) A threshold of 8 metres, whereby the toe of the erosion scarp reaches 8 metres from any point of the foundation piling if a building, the building must be removed, or relocated landward; and
- (l) Design requirements for re-locatable buildings, including a relocation strategy, detailing as a minimum:
 - (i) The monitoring to be undertaken to determine when relocation is required;

This policy sets out the management directives that follow on from identification of hazard areas. The key focus is to avoid exacerbating potential threats by applying appropriate mitigation measures.

Clause (a) requires minimum building platforms of ground levels to be set, in accordance with a set of criteria. The levels would vary throughout the region depending on location and exposure to the criteria listed.

Clause (b) requires avoidance of new development or intensification of existing development in high risk areas.

Clause (d) and (e) provide clear guidance to property owners as to when relocation would be required as a result of erosion. It includes a proactive assessment of matters that should be covered in terms of achieving a relocation of buildings.

<ul style="list-style-type: none"> (ii) The process to be used for relocation; (iii) Rehabilitation of the site, including removal of services; (iv) Timeframes for relocation to be completed; and (v) The site for re-location. 	
<p>Policy CH 14: In harbours, estuaries and cliff areas, where there are existing areas of subdivision, use or development and in any area where future residential, commercial or industrial uses or regionally significant infrastructure may be located, city and district councils shall:</p> <ul style="list-style-type: none"> (a) prioritise areas over a planning period of 100 years in terms of (i) the potential risk from coastal erosion and inundation and (ii) the potential areas for future subdivision, use or development; (b) identify and map erosion and inundation hazard zone(s) in the areas prioritised by Policy CH 13A(a); and (c) where (a) and (b) above have not resulted in district or city plan hazard zones, site specific hazard assessments will be required for any activity which requires a resource consent, and which lies within 100 metres of MHWS. 	<p>This policy focuses on harbours, estuaries and cliff areas. The purpose of this policy is to require hazard zones to be identified in district/city plans.</p> <p>Clause (a) requires areas of the coast to be prioritised in recognition of the costs involved and the practicality of applying hazard zones for the entire coast. The areas most at risk from erosion or inundation are to be identified, in the context of a 100 year planning timeframe. The timeframe is set out in the NZCPS as national guidance and is aiming to recognise fluctuations in the coastline over that time as well as the impacts from sea level rise.</p> <p>Clause (b) requires that hazard zones be mapped</p> <p>Clause (c) provides a default position to cover those areas where territorial authorities may not have mapped priority at risk areas. A site specific hazard assessment would be used to identify risks involved in these areas. The distance of 100 metres is suggested to reflect the area that could be most vulnerable. It is expected that work undertaken by clause b) would refine that distance to make it more specific to the level of anticipated risk.</p>
<p>Policy CH 15: When applying a method to define hazard zone(s) in harbours, estuaries and cliff areas councils or resource consent applicants shall take into account at least:</p> <ul style="list-style-type: none"> (a) NZCPS Policy 24; (b) The projections for sea level rise as set out in Policy CH 3; (c) A planning horizon of 100 years; (d) The most recent best practice guideline for defining erosion and inundation hazard risk and zones; and (e) Criteria including but not limited to: <ul style="list-style-type: none"> (i) The geological landform; (ii) The drivers causing the erosion; (iii) The historical rate of erosion or subsidence; (iv) The height and shape of the eroding area; (v) Estuary or harbour bathymetry; (vi) The effect of structures on slope stability; (vii) Wider and local harbour and estuary effects; 	<p>This policy provides guidance on the methodology to be used for defining hazard zones in harbours, estuaries and cliff areas. Historically this is a matter which has been legally contested, therefore by providing this guidance it is aimed at assisting territorial authorities to have a consistent approach to methodology and preferably avoid future litigation of methods used.</p> <p>Clause (c) this planning period is set by the NZCPS.</p> <p>Clause (d) recognises that there are a number of publications which outline best practice for setting coastal hazard zones, and that over time these are likely to be updated/ improved.</p> <p>Clause (e) set s out the more specific criteria that must be addressed in the methodology chosen to identify coastal hazards.</p>

<ul style="list-style-type: none"> (viii) Seiche effects; (ix) Factor of safety: The coastal hazard area assessment should include a factor of safety, either built into the above criteria and standards, or added on in the final stage in the calculation, and as appropriate to the type of coast; and (x) Inundation assessments which consider the cumulative effects of sea-level rise, storm surge and wave height under storm conditions, and address area variability in storm surge, particularly in estuarine environments. 	
<p>Policy CH 16: In harbours, estuaries and cliff areas city and district councils shall include land use policies and rules in district and city plans to manage erosion and inundation hazards within hazard zone(s) identified in accordance with Policy CH 14 and shall avoid exacerbating any potential threats to human life, property or the environment by applying following mitigation options:</p> <ul style="list-style-type: none"> (a) Minimum ground levels or building platforms, taking into account: <ul style="list-style-type: none"> (i) Sea level rise; (ii) Minimum annual exceedance probability of 2%; (iii) Tide levels; (iv) Rainfall and river levels; (v) Wave run-up and storm surge; (vi) Wind effects; (vii) Estuary effects; (viii) Factor of safety (0.5 is recommended); (ix) Tectonic effects (uplift/subsidence); and (x) Fluvial processes; (b) Ensuring surface water drainage is directed away from the shoreline in order to avoid scour, shore-lowering or cliff collapse; (c) Avoidance of new development or intensification of existing development that is potentially at risk from sea level rise (resulting in increased erosion or inundation), or the effects of projected climate change, over the next 100 years; (d) Specifying in the District or City Plan a relocation trigger, which is either: <ul style="list-style-type: none"> (i) An area-specific trigger based on the stable angle of repose of the sand dune and the height of the dune, to ensure appropriate geotechnical slope stability requirements are met (once erosion has reached the trigger point); or 	<p>This policy sets out the management directives that follow on from identification of hazard areas for harbours, estuaries and cliff areas. The key focus is to avoid exacerbating potential threats by applying appropriate mitigation measures.</p> <p>Clause (a) requires minimum building platforms of ground levels to be set, in accordance with a set of criteria. The levels would vary throughout the region depending on location and exposure to the criteria listed.</p> <p>Clause (c) requires avoidance of new development or intensification of existing development in high risk areas.</p> <p>Clause (d) and (e) provide clear guidance to property owners as to when relocation would be required as a result of erosion. It includes a proactive assessment of matters that should be covered in terms of achieving a relocation of buildings.</p>

<p>(ii) A threshold of 8 metres, whereby when the toe of the erosion scarp reaches 8 metres from any point of the foundation piling of a building (including decking), the building must be removed, or relocated landward; and</p>	
<p>(e) Design requirements for re-locatable buildings, including a relocation strategy, detailing as a minimum:</p> <ul style="list-style-type: none"> (i) The monitoring to be undertaken to determine when relocation is required; (ii) The process to be used for relocation; (iii) Rehabilitation of the site, including removal of services; (iv) Timeframes for relocation to be completed; and (v) The site for re-location. 	
<p>Method 22.</p>	<p>The method is consistent with the approach taken to develop Variation 1 to the RPS, which is to address natural hazards.</p>
<p>Method 23.</p>	<p>It is efficient and effective to work collaboratively with city and district councils on coastal hazard matters due to their functions and responsibilities for land use under the RMA.</p>
<p>Method 24.</p>	<p>The method signals the work that will be undertaken to enable communities to adapt to the effects of sea level rise over time.</p>
<p>Method 25.</p>	<p>The method signals the work that will be undertaken to enable communities to sustainably manage the effects of erosion currently occurring.</p>
<p>Method 26.</p>	<p>The method signals that work that will be undertaken to increase understanding of erosion within the Tauranga Harbour, and how it can be managed appropriately. Increased understanding is necessary before appropriate and effective management options can be developed.</p>
<p>Schedule 1.</p>	<p>The Schedule clearly defines the landward boundary of the coastal marine area and river mouths in the Bay of Plenty Region. This is necessary to differentiate where different policies and rules apply in the RCEP and the Regional Water and Land Plan. Also, specific policies in the RCEP relate to river mouths, and it is appropriate to identify where these policies are applicable.</p>

10 Recreation, Public Access and Open Space

10.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule	Method	Schedules
Recreation Issues: 26, 27, 28, 29.	Objective 22	RA 1- RA 8		Methods 20, 21.	Schedule 2. Schedule 5.
		SO 1, SO 4 - SO 9	SO 1 – SO 9		
		DD 2, DD 15 - DD 19	DD 7, DD 8, DD 13, DD 17 – DD 21		
		CD 1 - CD 3, CD 9	CD 1 – CD 6, CD 10 - CD 13.		Schedule 10.
		HD 3, HD 4	HD 1 - HD 8		
		NS 1, NS 2	NS 1 - NS 4		

10.2 Evaluation of Objective 22

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 22 Maintain and enhance integrated access to the coastal environment to support people's recreational activities, safe ocean access for recreational ships and enjoyment of coastal open space qualities.	Alternative wording: Public access 7.2.2 The maintenance and enhancement of appropriate public access to and along the coastal marine area. Recreation 19.2.2 Appropriate recreation within the BOP coastal environment.

Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 26, 27, 28 and 29. These issues reflect on the fact of increasing population and associated demand for access to coastal recreational experiences, while at the same time other uses and development can impact on people’s access to coastal resources (through for example other activities in the marine area, or sedimentation of channels or resultant vegetation on coastal edges. It is particularly noted that increased access can impact on dune stability and vegetation, and/or other significant habitats (such as bird breeding areas).	Yes – Access and recreation are issues identified in the RMA and NZCPS.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – Will give effect to RMA s6(d) (maintenance and enhancement of public access) and 7(c) (maintenance and enhancement of amenity values), in particular and will achieve the purpose of the RMA (as set out in s5).	Yes – As per Option 1.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – Indirectly it recognises the importance of public access to the coast and for recreational activities that reflect the relationship Maori have with coastal areas and resources.	Yes – As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – Public access is a matter of national importance under s6(d) of the RMA and is required to maintained and enhanced to and along coastal areas. Functions under s30 apply to various components of public access and recreation activities.	Yes – As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – It gives effect to the NZCPS policies 4, 6, 16, 18, 19 and 20. It gives effect to the Proposed RPS policies CE 5A, 6A, 7B, 8B and 10B; and MN 5B and 6B.	Yes – However this policy does not reflect the changes that have been made in the 2010 version of the NZCPS or the Proposed RPS.

Usefulness		
Will effectively guide decision-making?	Yes – It recognises that access and recreation are interlinked and difficult to manage separately from each other. Maintaining and enhancing public access in the coastal environment falls under the regional council in the CMA and the district and city councils (along with the regional council) in the wider coastal environment, which reinforces the need for integrated approaches.	No – The two objectives do not acknowledge the inter-relationship between access and recreation, and do not recognise the part that coastal open space qualities play in people’s recreational use of coastal resources. They do not provide much guidance for decision-making over and above what is stated in the RMA and was stated in the previous NZCPS.
Meets sound principles for writing objectives?	Yes – The objective gives clear direction on how to manage activities in the coastal environment at a regional level and is considered to be achievable. The focus on access means it is measurable and provides certainty to the community and resource users.	No – They are aspirational objectives however they are not measurable and do not provide guidance beyond the RMA wording.
Consistent with other relevant Objectives?	Yes – Provides a stronger link to the new policy directives in the NZCPS and Proposed RPS.	Yes – However the NZCPS 2010 requires a far more directive approach to managing access and recreation than the previous NZCPS.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – Provides guidance on and meets public expectations regarding access and recreation in coastal areas. It provides certainty to the community of the importance of access.	Yes – As per Option 1. However this option does not recognise the inter-relationship between access and recreation in as strong a manner.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – The outcome from the objective would be achievable by BOPRC tools, as well as recognising that integrated management is also achieved using city and district council and Maritime New Zealand tools.	Yes – As per Option 1.
Overall assessment	High.	Medium.

10.3 Policies, Methods and Rules to achieve Objective 22

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
<p>Plan provision(s)</p>	<p><i>Policies considered as a package.</i></p> <p>RA 1 – protect access to identified surf breaks.</p> <p>RA2 – protect open space qualities.</p> <p>RA3 – public access consistent with Proposed RPS policies MN 5B and 6B.</p> <p>RA4 – restrictions on walking access.</p> <p>RA5 – restrictions on vehicle access.</p> <p>RA 6 – promote use of official access ways.</p> <p>RA 7 – promote location of appropriately designed and located infrastructure to support recreation and access.</p> <p>RA 8 – ensure new development on land provides for esplanade reserves/strips and recognises access needs for the future.</p>	<p><i>Alternative policies</i></p> <p>Access:</p> <p>7.2.3(a) – promote public access and restrict where necessary.</p> <p>7.2.3(b) – promote use of official access ways.</p> <p>7.2.3(c) – require esplanade reserves.</p> <p>7.2.3(d) – new facilities to provide for public use and access.</p> <p>7.2.3(e) – restrict access on commercial wharves.</p> <p>Recreation:</p> <p>19.2.3(a) – recognise recreational values as being of national significance and avoid adverse effects.</p> <p>19.2.3(b) – minimise effects of waters sports on passive recreation and other uses.</p> <p>19.2.3(c) – discourage commercial activities where they would unduly interfere with access.</p> <p>19.2.3(d) – promote appropriate infrastructure to support recreation and access.</p> <p>19.2.3(e) – avoid, remedy or mitigate environmental effects of recreation.</p> <p>19.2.3(f) – restrictions on vehicle access.</p> <p>19.2.3(g) – protect areas of high use for recreation from incompatible activities.</p> <p>Implementation Methods: navigation safety bylaws; signage and information on recreational facilities; advocate for appropriate facilities.</p>

10.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	Aims to protect ecosystems and biodiversity associated with beach systems from human recreational use (including access), while also recognising common use of the marine areas by people and vessels. It focuses the effects of access in defined areas and aims to avoid erosion of foreshore from trampling of plants, and avoid damage to sensitive areas.	As per Option 1. However the policies for access and recreation are not integrated.
Quality and functioning of the coastal environment.	The natural functioning of dunes and beach systems are important for coastal edge systems and the policy package aims to protect them from inappropriate use and development. It focuses the effects of access in defined areas and aims to avoid erosion of foreshore from mobilising the sand.	As per Option 1. However the policies do not acknowledge the interactions between access and recreation.
Water quality or quantity.	While important for recreational activities this aspect is dealt with in a separate chapter.	As per Option 1.
Natural character and outstanding landscape features.	Natural character and amenity of beaches and coastal edges are critical components of landscape. These are aspects that contribute to people's passive (and active) enjoyment and experience of the coast.	As per Option 1.
Biosecurity.	While important for recreational activities this aspect is dealt with in a separate chapter.	
Natural hazards.	This aspect is dealt with in a separate chapter. However the impact of sea level rise on public access is acknowledged, along with the need for careful management of the coastal edge.	As per Option 1. However the link between access and hazards is not acknowledged.

Economic Benefits		
Opportunities for employment.	Recreational activities and public access provide for indirect employment opportunities, through use of beach and water resources. The policy package protects characteristics and experiences that have value to the local and regional economies and to tourism.	As per Option 1.
Opportunities for economic growth.	Tourism opportunities along with increasing use of water and beach resources for recreational purposes would contribute to economic growth. The policy package encourages efficient use of resources by ensuring areas that are highly used are easily and appropriately accessible.	As per Option 1. However this policy does not refer as directly to future population demands that will occur on the coast's resources.
Social Benefits		
Recreational use of the coastal environment and resources.	The benefit of public access and recreational opportunities is significant from use of coastal resources. The policy package supports the retention of amenity values that are important for recreational experiences.	As per Option 1. However the integration between recreation and access is not provided for.
Public access to and along the coastal marine areas.	This is a national requirement (s6(d) RMA) and is fundamental to the policy package. It provides certainty to decision-makers on matters to be protected and or what is deemed to be appropriate restrictions on access. Vehicle access is to be enabled and restricted in certain areas, to ensure recreation and amenity values are protected or enabled.	As per Option 1. Vehicle access is addressed in the context of recreational activities.
Noise.	The key issue associated with recreational noise is use of speeding or noisy vessels. Vessel separation is achieved through the BOPRC navigation safety bylaw.	As per Option 1.
Other amenity values.	Significant passive and active amenity values are gained from public access, recreational use and enjoyment of open space qualities.	As per Option 1.

Navigation.	Access opportunities for boat launching and use of marine waters for recreational activities are fundamental to people's enjoyment of water based activities.	As per Option 1.
Cultural Benefits		
Mauri of coastal waters.	Access to coastal waters can contribute to recognition of the mauri of the waters.	As per Option 1.
Cultural well-being of people and communities.	Access and amenity have significant cultural benefits to people and communities.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning access or recreation in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Access and protection of amenity values contributes to the relationship Maori have with coastal resources.	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	Providing for access and recreation can impact on ecosystem and biodiversity values of the coastal edge in particular, as this is a high use area.	As per Option 1.
Quality and functioning of the coastal environment.	Damage to dunes systems though high and uncontrolled access by people or vehicles, along with inappropriate structures located too close to the dynamic coastal edge, can significantly impact on the functioning and quality of the coastal environment.	As per Option 1.
Water quality or quantity.	While important for recreational activities this aspect is dealt with in a separate chapter.	As per Option 1.
Natural character and outstanding landscape features.	Protection of these matters can restrict where and what people can do from a recreational perspective. No management of access can lead to damage to the coastal edge, erosion and loss of natural character.	As per Option 1.

Natural hazards.	While important for access, particularly on an eroding coast this aspect is dealt with in a separate chapter.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	There are opportunity costs for employment if access and recreational activities are either restricted or the coastal resources are degraded such that people do not choose to use them.	As per Option 1.
Opportunities for economic growth reduced.	There are opportunity costs for economic growth if access and recreational activities are either restricted unduly or the coastal resources are degraded such that people do not choose to use them.	As per Option 1.
Compliance costs (to resource users).	As the coastal area is a public resource there are limited compliance costs for resource users from access or recreational opportunities. However there may be compliance costs on an eroding coast if protection structures are required which need to include access opportunities.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	There could be some enforcement costs associated with restrictions on access, or with building/ maintaining access infrastructure and dune planting.	As per Option 1.
Social Costs		
Recreational use of the coastal environment and resources.	Too much access or recreational use of an area may detract from the use of the area and from its natural characteristics. Likewise restrictions on access can detract from people's use of the area.	As per Option 1.
Public access to and along the coastal marine areas.	Too much access in any area may detract from the amenity of the use of the area. While too many restrictions could be regarded as "over-controlling". There are potential opportunity costs to for landowners who may not want to use official access ways or allow for public access near their property. There are opportunity costs for bird life.	As per Option 1.

Noise.	Too much access or use of vessels in any one area can detract from the enjoyment of others in an area. Vessel noise can cause nuisance for people on landward properties.	As per Option 1.
Other amenity values.	People's passive enjoyment of the coastal environment can be adversely affected from over-use of the area or inappropriate uses.	As per Option 1.
Navigation.	Too much access or use of vessels in any one area can detract from the enjoyment of others in an area, and can contribute to conflicts between users.	As per Option 1.
Cultural Costs		
Cultural well-being of people and communities.	Areas of the coast which are culturally significant may be damaged by excessive recreational use and/or access.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning access or recreation in the CMA (as at 15 May 2014).	
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Areas of the coast which are culturally significant may be impacted by uncontrolled access or recreational use.	As per Option 1.
Overall assessment	High.	High.

10.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – this policy package is directed towards achieving the objective.	As per Option 1.
Will clearly achieve, or partly achieve the objective.	Yes – This option is directly related to s6(d) of the RMA in terms of public access. It also recognises that public access and recreational interests are closely inter-linked. In this respect the policy package provides for a stronger integrated approach to access and recreation. There is also a stronger link to the relevant NZCPS and RPS provisions, not only giving effect to the RPS but ensuring a consistent and integrated way of managing access and recreation.	Yes – However the separation of access from recreation does not recognise how these two activities are linked. The policy package is also not reflective of the more directive policies in the more recent NZCPS and RPS.
Usefulness		
Will effectively guide decision-making?	The policies are directive and provide guidance for decision-making. They build on the existing policies and seek to improve management directives in an integrated manner. They refine and combine the existing policies, eliminate overlaps and seek to provide a stronger more directive management approach.	The relevant policies are located in separate sections of the existing RCEP and it is considered that this does not recognise the similarities and overlaps in management of access, recreation and open space. The review of these policies identified overlaps, gaps and amendments required to improve guidance for decision-making.
Meets sound principles for writing policies and rules?	Yes – The policies are clear, specific and relevant to the provisions in the RMA, NZCPS and Proposed RPS.	Yes – While they meet the requirements for well written policies, they are not as specific nor as closely aligned to the changes in the more recent NZCPS and RPS. Nor do they recognise the need for integrated management between public access and recreation.
Assumptions made.	That recreation, access and open space are closely related and in terms of management should be addressed in an integrated manner and in a way that provides a clear directive for both activities.	That management of access can be addressed separately from recreation and from open space, and that overlapping policies are acceptable.

Risk involved.	That without careful management of public access and high use recreational areas, there may be loss of environmental quality along with impacts on vegetation, dunes and bird life.	Separation of public access from recreational demands can result in some areas being overused and/or vegetation and birdlife being adversely affected.
Achievability		
Within BOPRC's functions and powers.	Managing access, recreation and open space are within the RMA functions of BOPRC, in particular refer to s6(d) and s30(1)(h) of the RMA. Integrating with navigation safety is appropriate; however this is managed under the Local Government Act and Maritime Transport Act.	As per Option 1. However the existing policies did not make any cross connection between recreation and navigation safety. They also do not reflect the more directive approach set out in the more recent NZCPS and Proposed RPS.
Within the scope of BOPRC's available tools and resources.	The current package builds on an existing approach to managing these aspects and recognises the need for integrated management between the RCEP and the Navigation Safety Bylaws.	As per Option 1.
Degree of uncertainty in the ability to achieve.	There is a high level of certainty that the objective would be achieved through this policy package; and that implementing the policies is also achievable. It provides a strong guide for TAs who are responsible for managing the landward development in coastal areas.	As per Option 1.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Policies link to relevant provisions in the Iwi Resource Management section of the RCEP, but also make stronger links through the emphasis on the Proposed RPS policies.	Policies link to relevant provisions in Chapter 8 of the RCEP, tangata whenua Interests.
Overall assessment	High.	Medium.

10.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is sufficient information on the effects of public access and recreation on the coastal environment to provide for an appropriate management direction.	As per Option 1. However this option does not recognise as clearly the interlinkages between public access and recreation.
Is the topic of high significance or complexity?	The topic is of high significance and low complexity. The use of the coastal environment as a public area to be used by all is fundamental to New Zealanders. Access also provides for people to get to the coast and move along the coast and hence enjoy/ undertake recreational activities. Vehicle use is a complex subset of this policy.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	<p>There is a significant legislative and procedural risk from not including recreation and access provisions on the RCEP. It is mandatory under the RMA to have a coastal plan and this plan must give effect to the NZCPS and the RPS. Therefore it is not an option to avoid providing guidance on these issues.</p> <p>There is an expected increase in population with a likely associated demand for recreation activities and increasing demand for access to the coast. The risk of not managing this demand could result in:</p> <ul style="list-style-type: none"> • a significant degradation of the coastal resources and amenity experiences, that currently contribute to peoples recreation and enjoyment of the coastal experiences, • a loss of significant habitat for flora or fauna, • a loss of culturally sensitive or significant areas or values, • a loss of economic values from over use of areas and potential for people to go to other areas, • continuing or worsening “coastal squeeze” from inappropriately located structures and increasing impacts from sea level rise and changing coastal processes. 	As per Option 1. It is also noted that there is a risk in separating out public access from recreational use, as this does not enable integrated management and could result in misaligned policies, or different outcomes being achieved. This also raises the risk of “plan users” only looking at one section and not them both.

	It is considered that these risks are significant and warrant careful management of public access and recreation resources.	
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10.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	No.	No.

10.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option.	High.	High.	Yes.	The proposed new wording recognises the need for integrating the management of public access, recreation and open space. Addressing these matters are mandatory in the RCEP due to the RMA s6(d), NZCPS and RPS.
Option 2.	Medium.	Medium.	No.	Reliance on the operative RCEP is not as effective, as the review of that document identified a number of areas where amendments would be appropriate to make the management of public access and recreation more efficient and effective. In addition there has been a new NZCPS and a new RPS that need to be taken into account to “give effect” to these documents.

10.3.6 Other policy options considered

Option	Reason(s) why option rejected
No intervention in management of public access, recreation and open space.	No intervention would mean relying on the provisions in the RMA, NZCPS and RPS. This would not be effective in managing the coastal areas, as the RCP is mandatory and s6(d) of the RMA identifies public access as a matter of national importance. The RCEP is required to give effect to these overarching documents.

10.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
<p>Surf Breaks.</p> <p>Policy RA 1 Protect access to, and use of, the regionally significant surf breaks identified in Schedule 5 (Regionally Significant Surf Breaks), by ensuring that:</p> <ul style="list-style-type: none"> (a) any activities requiring resource consent that have the potential to have a significant adversely impact effect on the quality of, or access to, these surf breaks, on a permanent or on-going basis are avoided; and (b) any activities requiring resource consent that are proposed within a 1 km radius of the surf breaks as mapped in Schedule 5 clearly demonstrate that the proposed activity will not have a significant adverse effect on wave quality, consistency or rarity or values associated with natural character, amenity or cultural heritage that contribute to the characteristics of the surf break; and (c) Other adverse effects on regionally significant surf breaks are avoided, remedied or mitigated. 	<p>This policy provides certainty about what values and areas should be protected or managed carefully to ensure appropriate access to surf breaks. It sets out criteria to be considered in decision-making and provides guidance for all councils on how to manage the interface between the marine and landward areas of the coastal environment. Schedule 5 lists the areas that are regionally significant, and therefore the particular areas which need to be managed carefully.</p> <p>It would support the achievement of the objective.</p> <p>Sub-clause (a) provides a directive to avoid any activities that could adversely impact on a surf break – the quality of the surf break or access to the surf break, thereby protecting the surf break from incompatible activities.</p> <p>Sub-clause (b) provides guidance on protecting the characteristics of the regionally significant surf breaks identified in Schedule 5, including a buffer area around the specified surf break.</p> <p>Sub-clause (c) recognises that there may be other activities, not directly resulting from another resource consent, which could also impact on surf breaks, and therefore provides the opportunity for an integrated management approach to managing these areas.</p>
<p>Public Open Space:</p> <p>Policy RA 2 Protect the public open space qualities of the coastal environment by ensuring that any activities or new facilities:</p> <ul style="list-style-type: none"> (a) have a functional need to locate in the coastal marine area, (b) recognise the national and regional significance of the coast for recreational activities, and give preference to avoiding any adverse effects on recreation opportunities, but recognising that where avoidance is not possible some adverse effects may be remedied or mitigated, 	<p>This policy provides guidance on <i>how</i> to protect public open space qualities of the coastal environment, by providing guidance on key matter to be considered when any new activities or facilities are being considered in the coastal environment. It also gives effect to policy 18 of the NZCPS. The policy also recognises the strong links between access and open space.</p> <p>It would support the achievement of the objective.</p> <p>Sub-clause (a) The emphasis on functional need is about recognising that the CMA is public space (notwithstanding any iwi rights over the area) and should not be used for activities that could be undertaken on land.</p>

<p>(c) do not restrict people's pedestrian access to and within the coastal marine area, unless consistent with NZCPS Policy 19(3),</p> <p>(d) Recognise the cumulative effect of the loss of public space in a particular location, and</p> <p>(e) are designed and located to:</p> <ul style="list-style-type: none"> (i) maximise public use and access, (ii) ensure safe public access, and (iii) avoid any restrictions on recreational access or people's enjoyment of any foreshore and public reserve areas abutting coastal settlements, and <p>(f) take particular account of RPS Policies CE 5A, CE 7B(d), CE 10B(c) and CE 10B(d).</p>	<p>Sub-clause (b) recognises that coastal resources are nationally and regionally significant, and recognises that there is a management hierarchy of focusing on avoidance of adverse effects in the first instance.</p> <p>Sub-clause (c) highlights the linkage to the NZCPS and makes it clear that walking access is paramount unless there are specific circumstances where this should be restricted.</p> <p>Sub-clause (d) identifies cumulative effects as a key management issue when considering other activities in coastal areas that may impact on access or recreation interests.</p> <p>Sub-clause (e) provides a range of design and location criteria that need to be considered when any new activities are being proposed. It provides guidance on access and recreation issues of importance and provides a strong link to the RPS policies.</p>
<p>Public access: Policy RA 3 Retain or establish public access to and along the coast in a manner that is consistent with RPS Policies MN 5B and MN 6B.</p>	<p>This recognises the need to give effect to the RPS policies without repeating them within the RCEP. It therefore provides a strong link between the RCEP and RPS in this arena.</p> <p>It would support the achievement of the objective.</p>
<p>Walking access: Policy RA 4 Walking access along the coastal marine area may only be restricted in the following situations, and where it is restricted the restriction should cover as small an area as possible and alternative access routes should be provided:</p> <ul style="list-style-type: none"> (a) to protect threatened indigenous species; (b) to protect significant areas of indigenous vegetation or habitats of indigenous fauna, including in particular bird-roosting areas, shorebird nesting areas and those indigenous biological diversity areas identified in Schedule 2; (c) to protect sites and activities of cultural value to Māori; (d) to protect historic heritage; (e) to protect any other regionally significant sites or values; (f) to protect public health or safety; (g) to avoid or reduce conflict between public uses of the coastal environment; 	<p>This policy gives effect to NZCPS Policy 19 and Proposed RPS Policy MN 6B. The purpose is to recognise that in some instances restrictions on access are appropriate, but that the reasons for restrictions must meet the circumstances specified, and identified as being nationally important.</p> <p>The situations when it may be appropriate to restrict access are listed in this policy. They reflect the NZCPS Policy 19(3) along with adding reference in (b) to the sensitive natural areas and habitat referred to in Policy MN 6B of the Proposed RPS and (e) to protecting other regionally significant sites or values.</p> <p>It would support the achievement of the objective.</p>

<ul style="list-style-type: none"> (h) for management of short-term activities or special events; (i) for defence purposes in accordance with the Defence Act 1990; (j) to ensure a level of security consistent with the purposes of a resource consent; or (k) in other exceptional circumstances sufficient to justify the restriction. 	
<p>Vehicle access: District and city councils should restrict or prohibit vehicle use on foreshore, beaches and adjacent public land:</p> <ul style="list-style-type: none"> (a) for the parking of any vehicle in the coastal marine area; (b) on dunes, bird roosting areas, shorebird nesting areas and any areas identified in Schedule 2 Indigenous Biological Diversity Areas; (c) on any beach abutting an urbanised settlement area, with the exception of: <ul style="list-style-type: none"> (i) surf lifesaving vehicles, police vehicles, emergency response vehicles, vehicles used by people with disabilities, vehicles used for boat launching and retrieval; (ii) local government vehicles undertaking public service activities including but not limited to coast care, debris removal, maintenance of structures; (iii) land yacht, quad bike, or motor cycle provided it is driven at less than 15 kilometres per hour and does not have the potential to cause danger to any person; and provided it is not otherwise restricted by any Local Government Act Bylaw; (iv) vehicles used for setting up and running events on the beach, provided the event has been authorised by the district or city council. (d) at any part of the coastal environment, where the use of vehicles is causing damage to dunes, vegetation or river mouths and where the damage from vehicles is or has the potential to result in an increased rate of erosion; and (e) in any circumstances listed in NZCPS Policy 20(1). 	<p>The purpose of this policy is to indicate where the responsibility lies for managing access for and use of vehicles on beaches. The beach is a publicly available resource and the use of vehicles can have associated safety issues. However, it is also recognised that in some instances the use of vehicles may be appropriate and guidance is provided on these situations.</p> <p>It would support the achievement of the objective.</p> <p>Sub-clause (a) identifies that parking of vehicles is not appropriate in the CMA, as it conflicts with public use of the area.</p> <p>Sub-clause (b) identifies sensitive environments where vehicles would not be appropriate, and makes a specific cross reference to the Schedule 2 Indigenous Biological Diversity Areas.</p> <p>Sub-clause (c) identifies that in some instances vehicles are an appropriate use of the CMA, and these exceptions are clearly specified.</p> <p>Sub-clause (d) identifies that beaches, vegetation and dunes can be vulnerable to the damage from vehicles and can exacerbate erosion.</p> <p>Sub-clause (e) makes a direct cross-reference to NZCPS Policy 20(1) which lists a range of situations where vehicles should be controlled. This reinforces the interlinkages between the NZCPS and the RCEP.</p>
<p>Access infrastructure: Policy RA 6 Promote the use of official public access ways to access the foreshore in dune areas and other sensitive environments; and for the purpose of recreational boat launching.</p>	<p>High use and sensitive areas (such as dunes), can be significantly affected by people using them. In this respect it is preferable that official access ways and boat ramps are provided to encourage people to utilise key areas, rather than leading to widespread damage of dune vegetation in particular.</p> <p>It would support the achievement of the objective.</p>

<p>Access infrastructure: Policy RA 7 Regional, city and district councils shall:</p> <p>(a) Promote the location of appropriately designed and located land-based infrastructure that will support recreational activities and access to the coastal marine area; and</p> <p>(b) Avoid cumulative impacts of such infrastructure on the coastal environment, by ensuring such infrastructure is located in the vicinity of official access ways and preferably where the coast is already modified or future development is planned (consented, zoned or designated).</p>	<p>This policy is focused on integrating the infrastructure needs required to ensure appropriate levels of public access and access to recreational activities, while ensuring that there is a planned approach taken to such facilities to ensure they are in appropriate locations and avoid cumulative impacts.</p> <p>It would support the achievement of the objective.</p> <p>Sub-clause (a) sets out a design and location criteria for infrastructure, in order to avoid ad hoc approaches, but to recognise increasing public demand for access.</p> <p>Sub-clause (b) seeks to avoid cumulative effects from the location of access infrastructure.</p>
<p>Subdivision, use and development: Policy RA 8 Encourage district and city councils to:</p> <p>(a) Require esplanade reserves or strips on any coastal subdivision or major development; and</p> <p>(b) Ensure any new facilities on the landward coastal margins are designed to maximise public use and access, and recognise the need to accommodate over time, the effects of sea level rise.</p>	<p>This policy is worded with “encourage” to reflect the fact that BOPRC is providing guidance on these matters, in the interests of integrated management. It is also in recognition of the dynamic nature of the coastal edge and the need to avoid “coastal squeeze” for the future.</p> <p>It would support the achievement of the objective.</p> <p>Sub-clause (a) recognises that esplanade reserves or strips are an important tool on managing the coastal edge, particularly in any areas where there may be future erosion.</p> <p>Sub-clause (b) recognises that “coastal squeeze” has resulted from historical decisions about the location of development along the coastal edge. It is preferable to avoid this for future developments.</p>

11 Structures and Occupation of Space in the Coastal Marine Area

11.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Adverse effects of development in CMA: Issue 33.	Objective 23.	SO 6.	SO 1, SO 5. Note – Rule SO 5 also implements Policy CD 10.	-	-
		SO 9.	-	-	-
	Objective 24.	SO 4.	SO 11.	-	-
		SO 7.		-	-
	Objective 25.	SO 1.	SO 2, SO 3, SO 4, SO 6, SO 8, SO 9, SO 14, SO 12, SO 13, SO 11, SO 15.	-	-
	Objective 26.	SO 2.	SO 2, SO 3, SO 4, SO 6, SO 7, SO 8, SO 14, SO 12, SO 13, SO 11.	-	-
		SO 3.		-	-
		SO 5.		-	-
		SO 8.		-	-
	Objective 27.	SO 4(c)	SO 9, SO 11	-	-
	Objective 11.	SO 10, SO 11.	Implemented where consent needed for structure and discharge.	-	-
	Objective 1.	SO 12.	-	-	-

Note: The Proposed RCEP does not specifically enable the efficient use and development of renewable energy resource in the CMA as there is insignificant wave energy potential and little potential of tidal energy in the Tauranga Harbour. There is limited potential to use the wave and tidal resources in the Bay of Plenty to generate electricity using current technologies (Sinclair Knight Merz (2007), Renewable Energy Assessment Bay of Plenty Region). Therefore it is not necessary to explicitly provide for structures associated with energy generation from wave or tidal resources at this time.

11.2 Evaluation of Objectives 23, 24, 25, 26 and 27

11.2.1 Objective 23

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 23.	Retain current Objective 12.2.2.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from the occupation of space in the CMA.	Yes.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – It manages the occupation of space in a way that achieves the purpose of the RMA, in particular it reinforces that the CAM is public space.	Yes.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Occupation of space may also affect s6(g) matters in some situations.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(2)(a) and s30(d)(ii) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – Gives effect to Proposed RPS Policy CE 5A(b) and Policy CE 10B. Gives effect to NZCPS Policy 6(2)(c) and (e), and consistent with Policy 10(3).	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides guidance on occupation of the CMA where activities have a functional need to be in that location.	No.
Meets sound principles for writing objectives?	Partly – is partly written in a policy structure.	No – largely repeats the requirements of the RMA and does not add value to the RCEP.
Consistent with other relevant Objectives?	Yes.	No.

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

11.2.2 Objective 24

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 24.	Retain current Objective 12.2.2.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from the occupation of space and use of resources in the CMA.	Yes.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – It manages the occupation of space and use of resources in a way that achieves the purpose of the RMA, particularly s6(d) public access to along the CMA, and s7(b) efficient use and development of natural and physical resources.	Yes.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Occupation of space may also affect s6(g) matters in some situations.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(2)(a) and s30(d)(ii) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – Gives effect to Proposed RPS Policy CE 5A(b) and Policy CE 10B. Gives effect to NZCPS Policy 6(2)(c) and (e), and is consistent with Policy 10(3).	No.

Usefulness		
Will effectively guide decision-making?	Yes – provide guidance on the need for efficient use of the CMA and to provide for public access.	No.
Meets sound principles for writing objectives?	Yes.	No – largely repeats the requirements of the RMA and does not add value to the RCEP.
Consistent with other relevant Objectives?	Yes.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

11.2.3 Objective 25

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 25.	Retain Objective 13.2.2 from the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from activities and structures that depend on the use of resources in the CMA, or have a functional need to be located in the CMA.	Partly – but lacks clear indication on what is ‘appropriate’.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – particularly s6(a), 7(b), and 7(j).	Uncertain.
Relevant to Māori environmental issues? s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Activities and structures in the CMA may also affect s6(g) matters in some situations.	As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – s12(1)(b), s12(2)(a), s30(d)(ii) RMA.	As per Option 1.

Gives effect to the RPS and/or the NZCPS?	Yes – Gives effect to Proposed RPS Policy CE 5A(b) and Policy CE 10B. Gives effect to NZCPS Policy 6(2)(c) and (e), and is consistent with Policy 10(3).	No.
Usefulness		
Will effectively guide decision-making?	Yes – recognises that need for some activities to be located in the CMA.	No – lacks clear guidance on what is ‘appropriate’.
Meets sound principles for writing objectives?	Yes.	No – is too vague to be useful.
Consistent with other relevant Objectives?	Yes, particularly Objective 22.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

11.2.4 Objective 26

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 26.	Retain Objective 13.2.2 from the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from activities and structures in the CMA on values and existing uses at individual locations.	Partly – but lacks clear indication on what is ‘appropriate’.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – particularly s6(a), 6(b), 6(c), 6(d), 6(e), 6(f), 7(c), and 7(f).	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Activities and structures in the CMA may also affect s6(g) matters in some situations.	As per Option 1.

Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(1)(b), s12(2)(a), s30(d)(ii) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – Gives effect to Proposed RPS Policy CE 2A and Policy CE 7B. Consistent with NZCPS Policy 6(2)(c), Policy 11(b), Policy 13(1), and Policy 15.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear guidance that activities and structures in the CMA need to be located, designed and undertaken in a manner appropriate to the values and existing use of their location.	No – lacks clear guidance on what is 'appropriate'.
Meets sound principles for writing objectives?	Yes.	No – is too vague to be useful.
Consistent with other relevant Objectives?	Yes.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

11.2.5 Objective 27

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 27.	Retain Objective 13.2.2 from the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from abandoned or derelict structures in the CMA.	Partly – but lack clear indication on what is 'appropriate'.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes, – particularly s6(d), 6(e), and 6(f).	Uncertain.

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Derelict or abandoned structures in the CMA may also affect s6(g) matters in some situations.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(1)(b) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to NZCPS Policy 6(2)(e)(ii).	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides guidance on the circumstances where abandoned or derelict structures should be removed from the CMA.	No – lacks clear guidance on what is 'appropriate'.
Meets sound principles for writing objectives?	Yes.	No – is too vague to be useful.
Consistent with other relevant objectives?	Yes.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective.

11.2.6 Objective 11

Refer to the Coastal Discharges section 32 report.

11.2.7 Objective 1

Refer to the Integrated Management section 32 report.

11.3 Policies, Methods and Rules to achieve Objective 23

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy SO 6, Policy SO 9. Rules SO 1, SO 5. Notes: <ul style="list-style-type: none"> Policy SO 1 also links to occupation of space, and is assessed in section 1.5 below. Rule SO 5 also links to and implements Policy CD 10 (preventing discharges of untreated sewage to the CMA). 	Policies 12.2.3(a). Rules 12.2.4(a) to (c) inclusive. Notes: <ul style="list-style-type: none"> These provisions are located in the Occupation of Space section of the Operative RCEP. Policy 12.2.3(b) of the section relates to aquaculture, and is not considered in relation to the Structures and Occupation of Space section of the Proposed RCEP (Aquaculture is a separate section of the Plan).

11.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	Ensures that the occupation of space must consider effects on ecological functioning and natural processes of the CMA (Policy CE 10B RPS). Provides for the investigation of Coastal Occupation Charges – which could be used for environmental enhancement of the CMA.	Seeks to protect significant indigenous vegetation and significant habitats of indigenous fauna in relation to restricting public access to the CMA.
Natural character and outstanding landscape features.	Ensures that the occupation of space must consider effects on natural features and landscapes (Policy CE 10B RPS).	None specifically identified – provisions largely focus on ecological effects.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.

Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Public access to and along the coastal marine areas; Recreational use of the coastal environment and resources.	Protects public access to the CMA, except where there are situations consistent with the NZCPS or RPS. Rule SO 1 provides for occupation of space for recreational events (with appropriate conditions) as permitted activities. Provides for the investigation of Coastal Occupation Charges – which could be used for maintenance or improvement of public access or recreational assets in the CMA.	Recognises the benefits of retaining public access to the CMA, except in situations specified in the Operative RCEP.
Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Protects cultural values by allowing public access to the CMA to be restricted to respect Māori customary practices (consistent with Policy CE 10B RPS), or to protect sites and activities of cultural value to Māori (consistent with Policy 19(3) NZCPS).	None specifically identified – provisions largely focus on environmental effects.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at 15 May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	No significant costs identified.	Does not specifically recognise the need to assess extent of effects on coastal ecosystems and environment. May result in unacceptable adverse effects on these aspects.
Natural character and outstanding landscape features.	No significant costs identified.	Does not specifically recognise the need to assess extent of effects on natural character and landscapes. May result in unacceptable adverse effects on these aspects.

Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	No additional costs over what is required by the NZCPS. Rule SO 1 provides for recreational events as permitted activities, saving resource consent costs to event organisers. Any additional costs to resource users from Coastal Occupation Charges will be fully investigated and reported as part of that project.	No additional costs over the RMA.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Medium (due to costs of investigating Coastal Occupation Charges).	Low.
Social Costs		
Public access to and along the coastal marine areas; Recreational use of the coastal environment and resources.	No significant costs identified at this stage.	No significant costs identified.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	No significant costs identified.	Does not specifically recognise the need to assess extent of effects Māori cultural values and sites. May result in unacceptable adverse effects on these aspects.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at May 2014).	As per Option 1.
Overall assessment	High.	Low.

11.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides sufficient guidance on the matters that need to be assessed when considering occupation of space and makes a direct link to functional need for structures to be in the CMA (as per Policy SO 1).	No – lacks clarity and relevant linkages to the RPS and NZCPS.
Meets sound principles for writing policies and rules?	Yes – the policies are clear and appropriately directive. The conditions of Rule SO 1 are clear and enforceable.	No – lacks clear direction.
Assumptions made.	The coastal area is public space and use of structure within it must recognise this. No other specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes.	Partly – the some conditions in Rule 12.2.4(b) are not as clearly written as current practice requires.
Degree of uncertainty in the ability to achieve.	Low.	Medium due to unclear policy and rule conditions.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes.	Not specifically.
Overall assessment	High.	Low.

11.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	High significance in terms of managing public space and ensuring structures are appropriate.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts occupation of space. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, and to provide for recreational events as permitted activities.	As per Option 1.

11.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

11.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Gives effect to the RPS and NZCPS and provides clearer guidance for decision-making.
Option 2.	Low.	Low.	No.	-

11.3.6 Other policy options considered

Option	Reason(s) why option rejected
Integrating management.	Regional Council is solely responsible for occupation in the CMA under the RMA. Overlapping management with other legislation or agreements will be carried out in accordance with those requirements. No special method is needed in the RCEP. Advice notes have been included in Rule SO 1 to note that territorial authorities may have conditions on the use of adjoining land for recreational events. In this case advice notes are sufficient.

11.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 6.	The policy cross-references to relevant provisions of the Regional Policy Statement and the NZCPS. Policy SO 6(4) is consistent with Policy CE 11B of the RPS.
Policy SO 10.	The policy has been included to signal to the community that Council wishes to fully investigate the costs and benefits of coastal occupation charges (COC). In accordance with the requirements of the RMA, Council must include a decision in the next plan change to the RCEP as to whether it will or will not have COC.
Rule SO 1.	The rule replaces Rule 12.2.4(b) of the Operative RCEP. Permitted activities are excluded from the Port Zone for safety reasons and from Indigenous Diversity Area A due to significant potential adverse effects on the habitats and values of such areas. There is a separate rule for recreational events in the Harbour Development Zone. The conditions appropriately define temporary events, link to other relevant statutory requirements (i.e. Navigation Safety Bylaws, and adjoining territorial authority noise restrictions), and impose requirements to avoid, remedy or mitigate adverse effects on the environment.
Rule SO 5.	Permits the occupation of space by mooring or anchorage. There is not equivalent rule in the Operative RCEP. Is limited to lawful mooring structures for consistency with Council's navigation safety regulations. Also is consistent with Policy SO 5(b)(vii) by providing for mooring and anchorage at marinas with sewage facilities. Links to the rules in the Coastal Discharges section that regulate the discharge of sewage from vessels to coastal waters, in particular Policy CD 10(b). Condition (a) is consistent with the Resource Management (Marine Pollution) Regulations 1998, and Rule CD 13 RCEP. Condition (b) is to ensure compliance with Rule CD 13 RCEP and prevent illegal discharges of sewage from vessels.

11.4 Policies, Methods and Rules to achieve Objective 24

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies SO 4, SO 7. Rule SO 11.	Policies 12.2.3.(a). Rules 12.2.4(a) to (c) inclusive. Notes: These provisions are located in the Occupation of Space section of the Operative RCEP. Policy 12.2.3(b) of the section relates to aquaculture, and is not considered in relation to the Structures and Occupation of Space section of the Proposed RCEP (Aquaculture provisions are in a separate section of the Proposed RCEP).

11.4.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	Requires the efficient use of space in the CMA to leave some areas free of boat mooring areas, new structures to be located where there is existing infrastructure (where practical), and multiple use of structures (where appropriate). This aims to reduce the overall effects of structures on the CMA by providing for structure-free areas, and locating structures in areas already developed.	Seeks to protect significant indigenous vegetation and significant habitats of indigenous fauna in relation to restricting public access to the CMA.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.

Social Benefits		
Public access to and along the coastal marine areas; Recreational use of the coastal environment and resources.	Discourages activities that would unduly interfere with existing public access and recreational use of the CMA. Requires structures be made available for public use (i.e. access to the CMA) unless there is a conflict with operational of safety needs.	Recognises the benefits of retaining public access to the CMA, except in situations specified in the Operative RCEP.
Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	None specifically identified – benefits would be similar to Social Benefits above.	None specifically identified – provisions largely focus on environmental effects.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and efficient use of space in the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	Concentrates structures and services in existing areas, which may place undue pressure on the environment in those areas.	Does not specifically recognise the need to assess extent of effects on coastal ecosystems and environment. May result in unacceptable adverse effects on these aspects.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Neutral effect on compliance costs to resource users. May result in additional costs in relation to location of structures and services, and making structures available to the public (where appropriate). However, this may be off-set by efficiencies resulting from locating activities and structures in areas where development and services already exist. Efficient use assessed through resource consent processes under Rule SO 10.	No additional costs over the RMA.

Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low-Medium (possible additional costs to assess efficient use as part of resource consent process).	Low.
Social Costs		
Public access to and along the coastal marine areas; Recreational use of the coastal environment and resources.	No significant costs identified.	No significant costs identified.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	No significant costs identified.	Does not specifically recognise the need to assess extent of effects Māori cultural values and sites. May result in unacceptable adverse effects on these aspects.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

11.4.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes – contains guidance on efficient use of space, public access, and cumulative effects from multiple structures or additional uses.	Uncertain.
Usefulness		
Will effectively guide decision-making?	Yes – contains clear guidance on how to achieve the efficient use of space, and provide for public access.	No – lacks guidance on efficient use of space in the CMA.
Meets sound principles for writing policies and rules?	Yes – the policies are clear and appropriately directive.	No – lacks clear direction.
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.

Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes (Rule SO 10 is discretionary).	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Assessment of effects on Māori interests from structures and activities that are discretionary under Rule SO 10 would occur as part of resource consents processes.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

11.4.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Has high significance in terms of ensuring public space is used appropriately.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts occupation of space. The risk of not acting on the efficient use of space in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents.	As per Option 1.

11.4.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A.	N/A.

11.4.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The policies provide clear guidance on the efficient use of space in the CMA, and provision of public access, along with guidance for managing cumulative effects.
Option 2.	Low.	Low.	No.	-

11.4.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.
Do nothing.	This would lead to ad hoc decision-making in terms of the location of structures and occupation of space. A consent by consent approach to managing activities in the CMA would mean it would be difficult to manage efficient use of the limited areas available, and would not reflect the NZCPS requirements to consider open space qualities.

11.4.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 4.	Provides clear guidance on the efficient use of space in the CMA by setting out what 'efficient use' means in relation to mooring areas, concentration of activities in areas that are already developed, removal of structures that are derelict or no longer in use, and providing for multiple use or public use. Gives effect to Policy CE 10B RPS. Consistent with Policy 6(2)(e)NZCPS.
Policy SO 7.	Replaces Policy 13.2.3(g) of the Operative RCEP. Links to Policy SO 4 RCEP. Provides further guidance on the proliferation of new activities and protection of existing public access and recreational use of the CMA. Specifically notes the issue of cumulative impacts.
Rule SO 11.	Rule SO 11 is a discretionary rule that allows the effects of the occupation of space and structures in the CMA to be assessed on a case by case basis, where the proposed activity is not otherwise a permitted or non-complying activity under other rules in the section of the RCEP.

11.5 Policies, Methods and Rules to achieve Objective 25

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy SO 1. Rules 2, 3, 4, 6, 8, 9, 11, 12, 13, 14, 15.	Policy 13.2.3(e). Rules 13.2.4(a), (c). Note – Policies 13.2.3(b), (c) relate to the Port Zone, and Policy 13.2.3(d) relates to the Harbour Development Zone. These are separate sections in the new RCEP and are not considered here.

11.5.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; natural character and outstanding landscape features.	<p>Ensures that recognition of appropriate structures is subject to relevant natural heritage provisions of the RCEP. The rules do not permit structures in Indigenous Biodiversity Area A, and prohibit inappropriate new structures in those areas.</p> <p>This aims to protect Outstanding Natural Features and Landscapes, Outstanding Natural Character areas, Indigenous Biodiversity Area A, and Policy 11(a)(i) and (ii) NZCPS criteria sites.</p> <p>Rule SO 10 allows Council to assess the adverse effects of a proposed activity on a case by case basis, where the structure is not otherwise permitted, non-complying or prohibited. This is appropriate to assess the appropriateness of the structure relative to the values of the site.</p>	Considers the values of a site, and the effects of a proposed activity. This would include consideration of coastal ecosystems and biodiversity, natural character and outstanding landscape features.

Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment. However, the policy does recognise regionally and nationally significant infrastructure, existing river and drainage scheme structures, and other structures functionally dependant on location in the CMA. This approach recognises the opportunities for employment that may result from such structures.	The provisions do not specifically provide for or restrict opportunities for employment.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth. However, the policy does recognise regionally and nationally significant infrastructure, existing river and drainage scheme structures, and other structures functionally dependant on location in the CMA. This approach recognises the opportunities for economic growth that may result from such structures.	The provisions do not specifically provide for or restrict opportunities for economic growth.
Social Benefits		
Recreational use of the coastal environment and resources; Public access to and along the coastal marine areas.	Recognises that structures that provide for public access and recreation in the CMA are appropriate. This would contribute to enhancement of public access and recreational opportunities. Rules SO 1A (temporary structures for recreational events), SO 2 (navigation aids), SO 3 (swing moorings in specified mooring areas), and SO 5 (temporary mai mai) permit structures that may enhance recreational use of the CMA.	No specific benefits identified.
Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Ensures that recognition of appropriate structures is subject to the requirements of Iwi Resource Management Policy IW 2 of the RCEP. This aims to protect resources or areas of spiritual, historical or cultural significance to tangata whenua in the coastal environment.	No specific benefits identified.

Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Natural character and outstanding landscape features.	<p>May allow for adverse effects on the CMA from the structures that are recognised as appropriate. However, Policy SO 1 requires an assessment of adverse effects, which would identify measures to avoid, remedy or mitigate those effects.</p> <p>New structures in Indigenous Biodiversity Area A may still occur, subject to Rule SO 8 (non-complying). Where such structures as assessed as appropriate, adverse effects on those areas are likely to occur.</p>	No specific costs identified. Difficult to determine the potential costs of the policy due to lack of clear guidance.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment. May restrict structures that are not appropriate/not functionally dependant on the CMA, but otherwise provide employment opportunities. However, that is anticipated by Policy 6(2)(d) NZCPS that activities that do not have a functional need to be located in the CMA should not be located there.	The provisions do not specifically provide for or restrict opportunities for employment.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth. Also refer to comments in "Opportunities for employment reduced" above.	The provisions do not specifically provide for or restrict opportunities for economic growth.
Compliance costs (to resource users).	There may be additional compliance costs where there are activities that do not comply with Policy SO 1. There are likely to be increased costs for activities under Rule 8. However, this approach is consistent with the requirements of the NZCPS.	No additional costs above those of the RMA.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.

Social Costs		
Public access to and along the coastal marine areas; Recreational use of the coastal environment and resources.	No specific costs identified.	Possible loss of public access and recreational use due to lack of clear policy guidance on these matters.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	No specific costs identified.	Possible adverse effects on Māori cultural values and sites due to lack of clear policy guidance on these matters.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

11.5.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	Unlikely.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction on the course of action and decision-making on resource consents. Clearly defines what are ‘appropriate structures’ in the CMA, and relevant caveats (i.e. subject to Natural Heritage and Iwi Resource Management policies).	No.
Meets sound principles for writing policies and rules?	Yes – as per comment above.	No – lacks clear guidance.
Assumptions made.	Recognises that while the CMA is public space, there are nevertheless “appropriate” structures and activities which can occur. No other specific assumptions made.	As per Option 1.
Risk involved.	Low.	High – (due to lack of clear guidance).

Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes – rule conditions are clear and certain.	Some degree of uncertainty and lack of clarity in the rules and conditions.
Degree of uncertainty in the ability to achieve.	Low.	Medium.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – cross references to relevant policy in the Iwi Resource Management section of the RCEP.	Not specifically.
Overall assessment	<i>High.</i>	<i>Low.</i>

11.5.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The topic covers areas (e.g. Indigenous Biodiversity Area A) that have high significance, and structures that have a national or regional significance. However, there is sufficient policy guidance in the Regional Policy Statement and the NZCPS to clarify the policy approach required in the RCEP.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the erection, reconstruction, placement, alteration, extension, removal or demolition of structures in the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on structures in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents. It is also necessary to have policies and rules in the RCEP to give effect to relevant provisions of the RPS and NZCPS.	As per Option 1.

11.5.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	Yes – Resource Management National Environmental Standards for Electricity Transmission Activities (NESTA).	As per Option 1.
Are there any restrictions greater than required by a relevant NES?	There are no restrictions greater than required by NESTA.	Option 1 does not implement NESTA.

11.5.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Gives effect to the RPS and NZCPS, and implements the National Environmental Standards for Electricity Transmission Activities.
Option 2.	Low.	Low.	No.	-

11.5.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.
Do nothing.	This would result in ad hoc decision-making as the RMA requires all structures to obtain a consent unless the plan provides otherwise. The effects of some activities are known and considered to be minor. Therefore requiring consents for them could be considered to be overly bureaucratic.

11.5.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 1.	<p>Replaces Policy 13.2 3(e) of the Operative RCEP.</p> <p>Specifically links to relevant provisions in other sections of the RCEP that provide guidance on natural heritage and Māori cultural values and sites.</p> <p>(a) is consistent with Policy 6(2)(c) NZCPS.</p> <p>(b) gives effect to Policies EI 4B and EI 5B of the RPS.</p> <p>(c) is consistent with Policy 6(2)(b) and (c) NZCPS.</p> <p>(d) recognises that River Schemes and Land Drainage Schemes provide important flood protection for communities in the Bay of Plenty, and contribute to the social and economic well-being of the region.</p>
Rule SO 2.	<p>Permits temporary structures for recreational events subject to appropriate conditions. Links to Rule SO 1 (permitted – occupation of space in the CMA by temporary recreation events).</p> <p>Exclusions 1 and 3 prevent permitted structures from the Port Zone and Harbour Development Zone for safety reasons.</p> <p>Exclusion 2 is to protect high value biodiversity areas, and is consistent with Policies SO 1, NH 1 and NH 4.</p> <p>Condition 1 defines what is meant by ‘temporary’, and is consistent with the timeframe in Rule SO 1.</p> <p>Conditions 2, 4, and 5 limit the adverse effects of the structure and the potential effects of removing the structure.</p> <p>Condition 3 is to ensure public safety.</p>
Rule SO 3.	<p>Permits navigational aids. Replaces Rule 13.2.4(a) of the Operative RCEP.</p> <p>Condition (a) is to protect high value biodiversity areas, and is consistent with Policies SO 1, NH 1 and NH 4.</p> <p>Condition (b) replicates the requirements of 13.2.4(a) of the Operative RCEP, with the addition of the Port of Tauranga. It is necessary to limit the persons or organisations undertaking the permitted rule to those with statutory responsibilities, or who are responsible for maintaining significant infrastructure and associated activities in the CMA.</p> <p>Condition (c) implements Objective 18 and Policy HH 1 RCEP.</p>
Rule SO 4.	<p>Permits swing moorings in specified mooring areas. Replaces Rule 13.2.4(e) of the Operative RCEP.</p> <p>Links to the mooring areas specified in the Navigation and Safety Bylaws.</p> <p>Condition (a) ensures that removal of swing moorings is only undertaken by the owner of the structure.</p> <p>Condition (b) implements Objective 18 and Policy HH 1 RCEP.</p>

Rule SO 6.	<p>Permits monitoring and sampling structures necessary for environmental research in the CMA. It would not be efficient to require resource consents for such structures. Consistent with Rule 57 RWLP.</p> <p>Condition (a) is to avoid adverse effects on navigation and safety, and consistent with Policy SO 2(5) RCEP.</p> <p>Condition (b) limits the size of the structure to ensure adverse effects are avoided or mitigated.</p> <p>Conditions (c) and (d) are to ensure BOPRC is aware of the structure and who is responsible in case issues are raised about the structure.</p> <p>Condition (e) Avoids structures being located in the CMA which should otherwise be considered under other rules as permanent structures.</p> <p>Condition (f) is for safety purposes.</p> <p>Conditions (g) and (h) are to ensure the structure does not break free, and to comply with international requirements.</p> <p>Condition (i) implements Objective 18 and Policy HH 1 RCEP.</p>
Rule SO 8.	<p>Permits temporary maimai in the CMA. Replaces Rules 13.2.4(g) and 13.2.4(j) of the Operative RCEP.</p> <p>Exclusions 1 and 2 prevent permitted structures from the Port Zone and Harbour Development Zone for safety reasons.</p> <p>Conditions 1 and 2 are to ensure the structures are temporary.</p> <p>Condition 3 is to ensure indigenous vegetation at the site is not cleared to construct the structure. This is to avoid and mitigate adverse effects of the activity on indigenous biodiversity and habitats.</p> <p>Condition 4 is to minimise adverse effects on indigenous biodiversity and habitats.</p> <p>Condition 5 is to ensure the structure is fit for purpose during the period which it will be used.</p> <p>Condition 6 implements Objective 18 and Policy HH 1 RCEP.</p> <p>Condition 7 implements Policy SO 2(5) RCEP.</p>
Rule SO 9.	<p>Permits the removal of abandoned, redundant or derelict structures. Replaces Rule 13.2.4(h) of the Operative RCEP.</p> <p>Requirement 1 limits the removal of structures to the specified agencies. This is consistent with BOPRC's obligations under MACCA to undertake inquiries about abandoned structures. It is necessary and efficient to limit the persons or organisations undertaking the permitted rule to those with statutory responsibilities in the CMA (i.e. BOPRC, Department of Conservation), or have statutory responsibilities for land adjacent to the CMA (i.e. territorial local authorities).</p> <p>Exclusion 2 is to protect high value biodiversity areas, and is consistent with Policies SO 1, NH 1 and NH 4.</p> <p>Exclusion 3 implements Objective 18 and Policy HH 1 RCEP; and Policies IW 1, IW 2 and IW 3.</p>
Rule SO 11.	<p>Clarifies that any structure not otherwise addressed by another rule in the RCEP is a discretionary activity. This reflects the restrictive presumption of Sections 12(1)(b) and 12(2)(a) RMA.</p> <p>Rule SO 10 allows Council to assess the adverse effects of a proposed activity on a case by case basis.</p>

Rule SO 12.	<p>Prohibits new structures in Indigenous Biological Diversity Area A where the activity does not have a function need to be located in the CMA, unless the structure is listed in the rule. Replaces Rules 13.2.4(k) and (l) of the Operative RCEP. Links to Rule 8 RCEP.</p> <p>The structures that are excluded from this rule are those that are otherwise permitted by rules in the RCEP (e.g. monitoring and sampling structures and temporary maimai. These are excluded due to the importance for environmental monitoring or recreational use of the CMA.</p>
Rule SO 13.	<p>Applies non-complying status to structures within permanently navigable harbour waters, unless the structure is listed in the rule. Replaces Rule 13.2.4(b) of the Operative RCEP. The rule is necessary for navigation safety purposes, and implements Policy SO 2(5) RCEP. Also links to Council's Navigation and Safety Bylaws.</p> <p>Exclusions (a), (b), (c) and (e) are to provide for public access and recreational use of the CMA.</p> <p>Exclusion (d) recognises that submarine cables and pipelines are unlikely to adversely affect navigation.</p> <p>Exclusions (f) and (g) are consistent with Policies, SO 2(e) and SO 4(b) RCEP.</p>
Rule SO 14.	<p>Prohibits new structures in Indigenous Biological Diversity Area A. Partly replaces Rules 13.2.4(k) and (l) of the Operative RCEP.</p> <p>In effect the rule prohibits structures that do not have a function need to be located in the CMA, which implements Policy SO 1. The rule is to protect high value biodiversity areas, and is consistent with Policies SO 1, NH 1 and NH 4. The rule excludes structures that are specifically permitted, discretionary or non-complying in accordance with other rules in the RCEP. The other rules provide for structures that have a functional need to be located in the CMA.</p>
Rule SO 15.	<p>The rule implements the Resource Management National Environmental Standards for Electricity Transmission Activities (NESTA). The restrictions are not greater than the NESTA. The wording has largely been taken from the Ministry for the Environment's implementation guideline on NESTA.</p>

11.6 Policies, Methods and Rules to achieve Objective 26

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policies SO 2, 3, 5, 8.</p> <p>Rules SO 2, 3, 4, 6, 7, 8, 11, 12, 13, 14.</p>	<p>Policies 13.2.3(a), (e), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r).</p> <p>Rules 13.2.4 (a), (b), (c), (d), (f), (g), (h), (j), (k), (l).</p> <p>Methods 13.2.5(a), (b), (c), 13.2.6(a) and (b).</p>

11.6.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; natural character and outstanding landscape features; quality and functioning of the coastal environment.	<p>The policies and rules aim to protect Indigenous Biological Diversity Area A, natural character and outstanding natural features and landscapes, coastal margins, coastal functions, safeguard life supporting capacity (ecosystems), coastal hydrological and geomorphic processes, and avoid or mitigate erosion or scour.</p> <p>Depending on the nature of the proposed activity and site, there is a risk of significant adverse effects on the environment. The scale and significance of tangible effects will be assessed on a site specific basis.</p> <p>Additional policy guidance for marinas to avoid, remedy or mitigate adverse effects. Additional requirements are consistent with marine industry best practice. Clearly identifies areas where marinas and new mooring areas on not considered appropriate.</p>	Similar to Option 1, but the policy guidance is not as clear.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; Public access to and along the coastal marine areas; noise; navigation.	<p>The policies and rules aim to protect or enhance public access and recreational quality and values of the CMA. This includes considering the effects of allocating public space, protecting navigation channels and existing mooring areas, and ensuring appropriate hazard mitigation in the coastal environment.</p> <p>Provisions also address adverse (nuisance) effects of the use of structures in the CMA, and link to associated district and city council planning restrictions.</p>	Policy 13.2.3(j) considers nuisance effects on adjoining occupiers, but lacks substantive policy guidance.

Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Policies SO 2, 3, 5, 9 do not specifically address Māori cultural values and sites. However, Policy SO 1 (which would also be considered during resource management decisions) links to Iwi Resource Management Policy IW 2. An assessment of the effects of a structure on the values of the site would be considered as part of a resource consent application.	No specific provisions dealing with Māori cultural values and sites.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Natural character and outstanding landscape features; Quality and functioning of the coastal environment.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by clear policy advice and rule structure.	Similar to Option 1 – but greater risk due to unclear policy.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	There are no additional compliance costs relative to the requirements of the NZCPS, new RPS, adjoining district or city plans, or best management practice for marinas.	Compliance costs likely to be slightly lower than Option 1, but activities unlikely to meet the requirements of the NZCPS and new RPS.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources; public access to and along the coastal marine areas; noise; navigation.	Inappropriate structures in inappropriate places can impact on public access and recreational use of the coast. No other specific costs identified.	Possible risk to recreational use and public access due to lack of clear policy guidance.

Cultural Costs		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning structures and occupation of space in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Potential costs largely addressed through Objective 24 and associated policies (especially Policy SO 1) in relation to the location of structures.	Possible risk to Māori cultural values and sites due to lack of specific provisions dealing with these matters.
Overall assessment	High.	Medium.

11.6.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – the policies are to ensure structures are designed and undertaken in a manner relative to the requirements of the NZCPS, new RPS, and navigation requirements.	Partly – policy direction is not clearly and specifically related to the objective.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
Usefulness		
Will effectively guide decision-making?	Yes – there is clear guidance on the requirements for structures to be appropriately designed to avoid or mitigate adverse effects. Includes specific and clear requirements for marinas and new moorings. Links clearly to adjoining district and city plans.	No – policy wording is not as directive as Option 1.
Meets sound principles for writing policies and rules?	Yes – the policies specify the effects to be addressed and contain clear direction.	No (as per above).
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Medium (due to lack of clear guidance).
Achievability		
Within BOPRC's functions and powers.	Yes – (section 12(1)(b) RMA).	Yes – as per Option 1.

Within the scope of BOPRC's available tools and resources.	Yes – uses RMA rules and resource consent processes.	Yes – as per Option 1.
Rules can be complied with and enforced.	Yes – the rules and rule conditions are clear and can be complied with and enforced. The rule conditions are relevant to the activity.	Partly – the rule structure is unclear in parts.
Degree of uncertainty in the ability to achieve.	Low.	Low-Medium.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	This would largely be addressed through the implementation of Objective 24 and associated policies when considering the location of the structure.	Not specifically.
Overall assessment	<i>High.</i>	<i>Low-Medium.</i>

11.6.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The design of structures can be of high significance depending on the location and size of the structure. However, there is sufficient guidance in the NZCPS on structures to reduce the complexity of the matter.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the erection, reconstruction, placement, alteration, extension, removal or demolition of structures in the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on structures in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents. It is also necessary to have policies and rules in the RCEP to give effect to relevant provisions of the RPS and NZCPS.	As per Option 1.

11.6.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No. Note – the provisions do not address electricity transmission lines under NESTA.	As per Option 1.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

11.6.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Consistent with the NZCPS and gives effect to the new RPS.
Option 2.	Medium.	Low-Medium.	No.	-

11.6.6 Other policy options considered

Option	Reason(s) why option rejected
All structures discretionary activities.	Making all structures discretionary activities would make the requirements for low impact structures highly bureaucratic. This approach would not recognise people's existing uses of the coast and could be difficult to implement effectively as it would require people to recognise they now need consent.
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

11.6.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 2.	<p>Provides clear and specific guidance on matters which structures in the CMA are to be consistent with, identifies adverse effects of particular concern, and links to Tauranga airport height restrictions.</p> <p>(a) gives effect to the relevant provisions of the NZCPS.</p> <p>(b) gives effect to the relevant provisions of the RPS.</p> <p>(c) and (d) clearly identify matters of particular concern in the Bay of Plenty.</p> <p>(e) links to navigation safety (including mooring areas) requirements, while recognising appropriate structures in such areas.</p>
Policy SO 3.	<p>Replaces Policy 13.2.3(j) Operative RCEP.</p> <p>Clearly identifies how nuisance effects resulting from the use of structures in the CMA will be managed. Efficiently links to district and city plans on land adjacent to the activity site.</p>
Policy SO 5.	<p>Replaces Policies 13.2.3(p) and (q) Operative RCEP. The Policy is consistent with Objectives 2 and 3, and Policies NH 1, 5, 7A, 10 and 11.</p> <p>(a)(i) to (iii) clearly identifies areas that are not appropriate for marinas.</p> <p>(a)(i) is directly from the Operative RCEP.</p> <p>(a)(ii) gives effect to the RPS.</p> <p>(a)(iii) implements the other policies as cross-referenced.</p>
	<p>(b) is consistent with the BOPRC/Tauranga City Council publication Best Practice Guidelines for Pollution Prevention: Marine Industries and Recreational Boaties, 2013.</p> <p>(c) and (d) are to minimise the contamination of stormwater discharges from marinas.</p> <p>(e)(i) is consistent with Objective 25.</p> <p>(e)(ii) is consistent with Policy 16 RCEP.</p> <p>(e)(iii) gives effect to NZCPS Policy 12(c).</p>
Policy SO 8.	Clearly identifies how new mooring areas will be identified.
Rule SO 2.	Refer above to section 1.5.7.
Rule SO 3.	Refer above to section 1.5.7.
Rule SO 4.	Refer above to section 1.5.7
Rule SO 6.	Refer above to section 1.5.7.
Rule SO 7.	Permits the maintenance or alteration of structures in the CMA. Replaces Rule 13.2.4(f) of the Operative RCEP.

	<p>Condition 1 excludes permitted activities from Indigenous Biological Diversity Area A due to the high risk of adverse effects on these significant areas.</p> <p>Condition 2 excludes permitted activities from the Port Zone and Harbour Development Zone as there are specific rules for structures in those zones in the respective sections of the RCEP.</p> <p>Condition (a) is largely consistent with Rule 13.2.4(f) of the Operative RCEP.</p> <p>(a)(i) includes existing aerial electricity transmission lines as these are not covered by NESTA.</p> <p>(a)(iii) includes relevant provisions relating to Tauranga Airport for clarity.</p> <p>Condition (b) is to ensure the structure is structuring sound and suitable for use.</p> <p>Condition (c) is consistent with the requirements in the NZCPS to maintain public access, unless there are valid reasons for exclusions.</p> <p>Condition (d) is consistent with Rule 13.2.4(f) of the Operative RCEP, and is to ensure structures for additional capacity to convey sewage or hazardous substances are properly assessed to ensure leakages do not occur.</p> <p>Condition (e) is to avoid adverse effects from excess material in the CMA – which could affect recreational use, navigation and marine life.</p> <p>Condition (f) is to avoid or mitigate adverse effects on the CMA and water quality.</p> <p>Condition (g) is to avoid the discharge of hydrocarbons into the CMA.</p> <p>Condition (h) implements Policy HH 1.</p>
Rule SO 8.	Refer above to section 1.5.7.
Rule SO 11.	Refer above to section 1.5.7.
Rule SO 12.	Refer above to section 1.5.7.
Rule SO 13.	Refer above to section 1.5.7.
Rule SO 14.	Refer above to section 1.5.7.

11.7 Policies, Methods and Rules to achieve Objective 27

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policy SO 4(c).</p> <p>Rules SO 9, 11.</p>	<p>Rules 13.2.4(i), 13.2.4(m).</p> <p>Note – there are no specific policies addressing the removal of abandoned or derelict structures in the Operative RCEP.</p>

11.7.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	Potential benefits to ecosystems and the functioning of the coastal environment where abandoned or derelict structures are having an adverse effect on those matters. Protects Indigenous Biological Diversity Area A (removal not permitted in these areas, and is discretionary under Rule SO 10).	As per Option 1.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; public access to and along the coastal marine areas; navigation; historic heritage.	Potential to improve recreational use, public access and navigation where abandoned or derelict structures are impeding such uses. Protects historical heritage sites (removal not permitted in these areas, and is discretionary under Rule SO 10).	As per Option 1.
Cultural Benefits		
Legislative requirements (e.g. MACAA, Treaty settlements).	The Marine and Coastal Area Act 2011 (MACAA) requires regional councils to investigate abandoned structures in the CMA and ascertain the identity of the owner of the structure (where possible). There are currently no Treaty settlements concerning structures in the CMA (as at May 2014).	As per Option 1.

Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Potential to improve relationships with culturally important sites and values where abandoned or derelict structures are removed. Protects wāhi tapu and wāhi tapu areas (removal not permitted in these areas, and is discretionary under Rule SO 10).	Potential to improve relationships with culturally important sites and values where abandoned or derelict structures are removed.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	Removal of abandoned or derelict structures is likely to have short-term adverse effects on the site. However, this would be out-weighed by the medium and long-term benefits of removal.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Likely to be neutral over the medium-long term. The cost of removing a redundant or derelict structure may be similar to either restoring the structure, or paying on-going Section 36 RMA charges over time.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Medium – costs of identifying owner of structures falls to BOPRC. Under the Marine and Common Area Act, the Crown becomes the owner of abandoned structures where owners cannot be identified.	As per Option 1.
Social Costs		
Recreational use of the coastal environment and resources; Public access to and along the coastal marine areas; Navigation.	Removal of abandoned or derelict structures may have adverse effects on recreational use of the CMA where such structures currently provide some recreational value. However, this may be out-weighed by the benefits to public access and navigation.	As per Option 1.

Cultural Costs		
Legislative requirements (e.g. MACAA, Treaty settlements).	The MACAA requires regional councils to investigate abandoned structures in the CMA and ascertain the identity of the owner of the structure (where possible). There are currently no Treaty settlements concerning structures in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Likely short-term adverse effects during removal of structures. However, this should be out-weighed by medium-long term benefits.	May permit removal in wāhi tapu areas without sufficient protective mechanisms.
Overall assessment	High.	Medium.

11.7.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – Policy SO 4(c) requires the removal of abandoned or derelict, redundant or abandoned structures. Objective 26 provides the direction as to when this would be pursued. Rule SO 7 permits the removal of structures by BOPRC where owners cannot be located. Rule SO 10 applies in all other situations.	Partly – while the rules would achieve the Objective, there is no policy to link the Objective to the rules.
Will clearly achieve, or partly achieve the objective.	Yes – as per comments above.	Partly – as per comments above.
Usefulness		
Will effectively guide decision-making?	Yes.	No – lacks policy guidance.
Meets sound principles for writing policies and rules?	Yes.	No – lacks policy guidance.
Assumptions made.	That abandoned structures may cause adverse environmental effects or impact on safe public use of the CMA. No other specific assumptions made.	As per Option 1.
Risk involved.	Low.	Medium – due to lack of policy.

Achievability		
Within BOPRC's functions and powers.	Yes – section 12(1)(b) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes.	As per Option 1.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – Rule SO 7, exclusion 3 is to provide for Māori cultural values and sites.	No – Rule 13.2.4(i) does not specifically provide for Māori cultural values and sites.
Overall assessment	<i>High.</i>	<i>Low-Medium.</i>

11.7.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Determining the ownership of abandoned structures in the CMA may be a complex process, but section 19 of the Marine and Common Area Act (MACAA) deems the Crown to be the owner of such structures where no owners can be identified by the Regional Council.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the erection, reconstruction, placement, alteration, extension, removal or demolition of structures in the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on structures in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents. It is also necessary to have policies and rules in the RCEP to give effect to relevant provisions of the RPS and NZCPS.	As per Option 1.

11.7.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

11.7.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Provides protective mechanisms for significant areas and sites.
Option 2.	Medium.	Low-Medium.	No.	-

11.7.6 Other policy options considered

Option	Reason(s) why option rejected
All removal of structures a permitted activity.	There are significant areas where it is not appropriate to permit the removal of structures due to the high risk that the activity would have a more than minor adverse effect on the site. It is more appropriate for the removal of abandoned, redundant or derelict structures in these areas to be carefully assessed through a resource consent.
All removal of structures a discretionary activity.	Not as efficient as including Rule SO 7 – permitted. This option would increase costs to ratepayers where a consent is required for the removal of structures in low risk areas.
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

11.7.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 4(c).	The policy is consistent with Policy 6(2)(e)(ii) NZCPS.
Rule SO 9.	<p>Permits the removal of abandoned, redundant or derelict structures specified agencies where the owner of a structure cannot be identified. This replaces Rule 13.2.4(h) of the Operative RCEP.</p> <p>Condition 1 is an efficient provision that ensures lower costs to ratepayers than if BOPRC required a resource consent for removal of these structures. It is limited to BOPRC or its agents in relation to Council's functions under the RMA and Marine and Common Area Act.</p> <p>Condition 2 is to protect Indigenous Biodiversity Area A, and implements Policy NH 4 RCEP. It is more appropriate for the removal of abandoned, redundant or derelict structures in these areas to be carefully assessed through a resource consent (under Rule SO 10). This exclusion replaces Rule 13.2.4(m) of the Operative RCEP.</p> <p>Condition 3 is protects sites of historic or cultural significance. It implements Policy HH 1, and Policies IW 1, 2 and 3. It is more appropriate for the removal of abandoned, redundant or derelict structures in these areas to be carefully assessed through a resource consent (under Rule SO 10). A consenting process allows the requirements of Policies IW 5, 6, and 8.</p>
Rule SO 11.	<p>Refer above to section 1.5.7.</p> <p>This rule replaces Rule 13.2.4(h) – as it relates to the removal of structures, and Rule 13.2.4(m) – in relation to the Coastal Habitat Preservation Zone (now Indigenous Biodiversity Area A) of the Operative RCEP.</p>

11.8 Policies, Methods and Rules to achieve Objective 11

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy SO 10 and 11.	<p>Policies 17.2.3(d) and (e).</p> <p>Note – these are on the Hazardous Substances section of the Operative RCEP.</p>

11.8.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems; quality and functioning of the coastal environment; Water quality; risk of hazardous substances and contaminated sites.	<p>Takes a precautionary approach to the storage of hazardous substances in the CMA where there is scientific uncertainty and the potential for serious or irreversible effects. Requires a management plan to minimise the risk to the environment from the storage and use of hazardous substances.</p> <p>This approach has benefits for water quality, ecosystems, fisheries, and avoids the creation of new contaminated sites in the CMA.</p>	<p>Takes a precautionary approach to the storage of hazardous substances in the CMA where there is the potential for serious or irreversible effects. Promotes management plans to minimise the risk to the environment from the storage and use of hazardous substances.</p> <p>This approach has benefits for water quality, ecosystems, fisheries, and avoids the creation of new contaminated sites in the CMA.</p>
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	Protects recreational use of the CMA and associated resources by taking an approach that has benefits for water quality (contact recreation and shellfish gathering) and fisheries.	As per Option 1.
Cultural Benefits		
Mauri of coastal waters; Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	<p>Refer to the comments in Environmental Benefits, and Social Benefits.</p> <p>Aims to avoid activities that would adversely affect the mauri of coastal waters and the cultural well-being of people and communities. Also aims to avoid creation of contamination of sites that would adversely affect the relationship of Māori with coastal waters and sites in the coastal environment.</p>	As per Option 1.

Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges or structures in the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems; Water quality; Risk of hazardous substances and contaminated sites.	There is a remaining risk to the environment from the spill or illegal discharge of hazardous substances to the CMA causing adverse effects on ecosystems and water quality.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Higher than Option 1 and the RMA baseline due to the requirement for a management plan to minimise environmental risk.	Less than Option 1 as management plans are not required (only promoted).
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources.	There is a remaining risk to recreational use from the spill or illegal discharge of hazardous substances to the CMA causing adverse effects on water quality and fisheries.	As per Option 1.
Cultural Costs		
Mauri of coastal waters; Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	There is a remaining risk to cultural values and uses from the spill or illegal discharge of hazardous substances to the CMA causing adverse effects on water quality, mauri of coastal waters, important sites and fisheries.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges or structures in the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

11.8.2 Effectiveness

Effectiveness	Option 1	Option 2
<i>Relevance and transparency</i>		
Directed towards achieving the objective.	Yes – aimed at minimising the adverse effects of hazardous substances in the CMA.	Yes (as per Option 1).
Will clearly achieve, or partly achieve the objective.	Yes.	Yes.
<i>Usefulness</i>		
Will effectively guide decision-making?	Yes – Policies SO 10 and 11 provide clear guidance on how the precautionary approach will be applied, and the requirements for a management plan.	No – the policies lack the clarity of Option 1.
Meets sound principles for writing policies and rules?	Yes – the provisions are clear and list relevant requirements.	No – the policies lack certainty and clarity.
Assumptions made.	The use and storage of hazardous substances in the CMA presents a high risk to the environment. No other specific assumptions made.	As per Option 1.
Risk involved.	Medium – There is a remaining risk to the environment from the spill or illegal discharge of hazardous substances to the CMA.	As per Option 1.
<i>Achievability</i>		
Within BOPRC's functions and powers.	Yes – sections 12(1)(b), 15(1)(a) and 30(d)(iv), iv(a), (v) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – discharges and structures are controlled through regulatory mechanisms under the RMA.	As per Option 1.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Medium – There is a remaining risk to the environment from the spill or illegal discharge of hazardous substances to the CMA.	Medium – as per Option 1.

Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>Medium-High.</i>	<i>Low-Medium.</i>

11.8.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Inappropriate storage and use of hazardous substances has the potential to be highly significant in relation to effects on the environment.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants to coastal water, and structures in the CMA. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents.	As per Option 1.

11.8.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A.	N/A.

11.8.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	Medium-High.	Yes.	Provides clear guidance for decision making on resource consents.
Option 2.	Medium.	Low-Medium.	No.	

11.8.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

11.8.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 10.	<p>Takes a precautionary approach to the storage of hazardous substances in the CMA where there is scientific uncertainty and the potential for serious or irreversible effects. Lists the matters which will be used to assess the risk of an activity. Replaces Policy 17.2.3(d) Operative RCEP.</p> <p>Explanation of subsections:</p> <p>(a) links to relevant national guidance.</p> <p>(b) links to adjacent district or city plans to achieve integrated management.</p> <p>(c) is consistent with using information that is particularly relevant to the Bay of Plenty region.</p> <p>(d) and (e) are consistent with the Coastal Hazards provisions of the RCEP, particularly Policy CH 3.</p>
Policy SO 11.	<p>Requires a management plan to ensure the storage and use of hazardous substances in the CMA is carried out in a manner that minimises the risk to the environment. This will be implemented in relation to activities that require resource consents under rules in the CMA (where the activity stores or uses hazardous substances). Replaces Policy 17.2.3(e) Operative RCEP.</p> <p>Explanation of subsections:</p> <p>(a) provides baseline information on the activity.</p> <p>(b) is consistent with the Coastal Hazards provisions of the RCEP.</p> <p>(c) provides a context of the site, and sensitivity of the surrounding environment.</p> <p>(d), (e) provides information on the hazardous substances associated with the activity.</p> <p>(f), (g), (h) are to identify measures to avoid, remedy or mitigate adverse effects from the activity.</p> <p>(i), (j), (k) are necessary for risk management purposes.</p> <p>(l) links to the requirements of HSNO for completeness.</p>

11.9 Policies, Methods and Rules to achieving Objective 1

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy SO 12.	Do nothing - no equivalent policy in the Operative RCEP.

11.9.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; Natural character and outstanding landscape features; natural hazards.	Achieves a better environmental outcome from integrated management of the coastal environment (across the CMA/land boundary). This is likely to have multiple benefits for a range of environmental values and sites.	No specific benefits identified.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; Public access to and along the coastal marine areas; Noise; Other amenity values.	Achieves a better outcome for social values and uses from integrated management of the coastal environment (across the CMA/land boundary). This is likely to have multiple benefits for a range of recreational values and sites.	No specific benefits identified.

Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; mauri of coastal waters; cultural well-being of people and communities.	Achieves a better outcome for cultural values, uses and sites from integrated management of the coastal environment (across the CMA/land boundary). This is likely to have multiple benefits for a range of values and uses. Integrated management is consistent with the 'mountains to sea' approach of tangata whenua.	No specific benefits identified.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning joint consent hearings relating to the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Natural character and outstanding landscape features; Natural hazards.	No specific costs identified.	Higher risk of disjointed resource management decisions across the CMA/land boundary, and potential for adverse effects on the environment.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Lower than RMA baseline as may save resource consent hearing costs by having a single hearing for multiple agencies.	As per RMA baseline.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources; Public access to and along the coastal marine areas; Noise; Other amenity values.	No specific costs identified.	Higher risk of disjointed resource management decisions across the CMA/land boundary, and potential for adverse effects on recreational and social values and uses.

Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; Mauri of coastal waters; cultural well-being of people and communities.	No specific costs identified.	Higher risk of disjointed resource management decisions across the CMA/land boundary, and potential for adverse effects on cultural values, uses and sites. Lacks integrated management approach.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning joint consent hearings relating to the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

11.9.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – aims to achieve integrated management of the coastal environment through a consistent, efficient and integrated management decision-making process.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	No.
Usefulness		
Will effectively guide decision-making?	Yes.	No.
Meets sound principles for writing policies and rules?	Yes	N/A
Assumptions made.	That there will be activities in the coastal environment that will require approval from both district or city councils, and BOPRC. No other specific assumptions made.	As per Option 1.
Risk involved.	Low.	Medium-High.
Achievability		
Within BOPRC's functions and powers.	Yes – sections 33 and 102 RMA.	N/A

Within the scope of BOPRC's available tools and resources.	Yes – (as above).	N/A
Rules can be complied with and enforced.	N/A	N/A
Degree of uncertainty in the ability to achieve.	Low.	Ability to achieve integrated management within the coastal environment may be reduced.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

11.9.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Proposed activities that cross the Mean High Water Springs boundary may be of high significance and complexity, and be subject to multiple resource management planning documents.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	Section 33 RMA provides for the transfer of functions to another agency for the processing of resource consents. Section 102 RMA provides for joint hearings by regional councils and district/city councils. As such, the risk of no acting is low. However, it is more effective and efficient to include a policy to clearly indicate to resource users and the community that these options will be used where relevant.	As per Option 1.

11.9.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

11.9.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Clearly indicates to resource users and the community that joint hearings or s33 RMA transfer of functions will be used where relevant.
Option 2.	Low.	Low.	No.	-

11.9.6 Other policy options considered

No other policy options were considered.

11.9.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy SO 12.	States that joint resource consent hearings, or Section 33 transfer of functions will be used in relation to activities that cross the MHWS line. This is consistent with sections 102 and 33 RMA.

12 Disturbance, deposition and extraction

12.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Adverse effects of development in CMA: Issue 33.	Objective 25.	DD 3.	DD 3, DD 17(7).	-	-
	Objective 26.	DD 1.	DD 2, DD 4, DD 5, DD 6, DD 7, DD 8, DD 9, DD 14, DD 15, DD 16, DD 17.	-	-
		DD 2.		-	-
		DD 7.		-	-
		DD 8.		-	-
		DD 9.		-	-
		DD 10.		-	-
		DD 11.		-	-
		DD 12.		-	-
	DD 15.	-	-		
	Objective 30.	DD 6.	DD 11, DD 14.	-	-
Objective 31.	DD4, DD 5.	DD 1, DD 10, DD 12.	-	-	
Objective 32.	DD 13, DD 14.	DD 13, DD 15(d).	-	-	

12.2 Evaluation of Objectives 25, 26, 31 and 32

12.2.1 Objective 25

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 25 – as it relates to the disturbance of the CMA.	Objective 14.2.2(a).
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from activities that depend on the use of resources in the CMA, or have a functional need to be located in the CMA.	Partly – but lacks clear guidance on what is ‘appropriate’.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – particularly s6(a), 7(b), and 7(j).	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Activities and structures in the CMA may also affect s6(g) matters in some situations.	As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – s12(1)(c) and (e), s30(d)(ii) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – Gives effect to Proposed RPS Policy CE 5A(b), and NZCPS Policy 6(2)(c).	No.
Usefulness		
Will effectively guide decision-making?	Yes – recognises that need for some activities to be located in the CMA.	No – lacks clear guidance on what is ‘appropriate’.
Meets sound principles for writing objectives?	Yes.	No – is too vague to be useful. Does not add much guidance over and above RMA wording.
Consistent with other relevant objectives?	Yes, particularly Objective 23.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.

Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – recognises CMA is public space and sets “functional need” as a key criterion for consideration of activities.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

12.2.2 Objective 26

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 26.	Objectives 14.2.2(a) and 14.2.2(b).
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from activities and structures in the CMA on values and existing uses at individual locations.	Partly – but lacks clear guidance on what is ‘appropriate’.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – particularly s6(a), 6(b), 6(c), 6(d), 6(e), 6(f), 7(c), and 7(f).	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) and s7(a). Activities and structures in the CMA may also affect s6(g) matters in some situations.	As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – s12(1)(c) and (e), s12(2)(b), and s30(d)(ii) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – Gives effect to Proposed RPS Policy CE 2A and Policy CE 7B. Consistent with NZCPS Policy 6(2)(c), Policy 11(b), Policy 13(1), and Policy 15.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear guidance that activities in the CMA need to be located, designed and undertaken in a manner appropriate to the values and existing use of their location.	No – lacks clear guidance on what is ‘appropriate’.
Meets sound principles for writing objectives?	Yes.	No – is too vague to be useful.
Consistent with other relevant Objectives?	Yes.	No.

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	Uncertain.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

12.2.3 Objective 30

Refer to the Take, Use, Damming and Diversion of Water Section 32 Report.

12.2.4 Objective 31

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 31.	No objective. Note – There is no corresponding Objective in the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from activities in the CMA necessary to protect the integrity of existing flood protection and drainage schemes.	No.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – particularly Section 5(2)(a) in relation to the physical resources of flood protection and drainage schemes, and Section 5(2)(c).	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – the maintenance of flood protection and drainage schemes can affect s6(e) matters.	No.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(1)(c) and (e), and s30(d)(ii) RMA.	N/A.
Gives effect to the RPS and/or the NZCPS?	The objective is not inconsistent with the Proposed RPS and NZCPS.	No.

Usefulness		
Will effectively guide decision-making?	Yes – provides clear guidance on management of existing flood protection and drainage schemes and associated works. Also specifies that such protection is to be re-assessed where the original purpose of the schemes is changed, or the schemes are to be shown to be unsustainable (for example, due to economics or the effects of climate change).	No.
Meets sound principles for writing objectives?	Yes – the objective is specific, states what is to be achieved, and the circumstances where the objective should be re-assessed.	N/A
Consistent with other relevant Objectives?	Yes – particularly Objectives 32, 33, 41, and 48 in relation to the ability to maintain major infrastructure.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – it recognises the importance of flood management activities for communities.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – recognises the need for integrated management with flood hazard management.	No
Overall assessment	An appropriate objective to include in the RCEP.	Not an appropriate option.

12.2.5 Objective 32

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 32.	No Objective. Note – There is no corresponding Objective in the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issue 33, as it relates to adverse effects resulting from activities in the CMA necessary to provide for navigation.	No.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – particularly Section 5(2)(c).	No.

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – the maintenance of navigation can affect s6(e) matters.	No.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(1)(c) and (e) RMA.	N/A.
Gives effect to the RPS and/or the NZCPS?	Yes – consistent with Policies CE 5A(a), and CE 13B of the Proposed RPS, and Policy 6(2)(a) NZCPS.	No.
Usefulness		
Will effectively guide decision-making?	Yes – gives clear direction on the provision of navigation in the CMA.	No.
Meets sound principles for writing objectives?	Yes – clearly states what is to be achieved, is easily understood, and is assessable.	N/A
Consistent with other relevant Objectives?	Yes, particularly Objectives 32, 33, 41, and 48 in relation to the ability to maintain aspects relating to economic well-being.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – provides for maintenance dredging, but does not require that dredging be undertaken (which is an economic decision for the relevant agencies).	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	No.
Overall assessment	An appropriate objective to include in the RCEP.	Not an appropriate option.

12.3 Policies, Methods and Rules to achieve Objective 25

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy DD 3. Rules DD3 and DD 17(7).	Policy 14.2.3(d). Rules 14.2.4(h) and (i).

12.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; Natural character and outstanding landscapes; Historic sites.	Protects Indigenous Biodiversity Area A, outstanding natural character areas, and historic sites from the adverse effects of military training activities. Also prohibits gunfire and bombardment in marine reserves. Also restricts permitted activities to those that do not involve gunfire or bombardment (high risk activities). This limits the permitted training activities to those that are likely to have minor or less than minor adverse effects.	Protects Coastal Habitat Protection Zone (now Indigenous Biodiversity Area A) from the adverse effects of military training activities. No specific protection for natural character or outstanding landscapes (except Paepae o Aotea – Volkner Rocks). Also restricts permitted activities to those that do not involve gunfire or bombardment (high risk activities). This limits the permitted training activities to those that are likely to have minor or less than minor adverse effects.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; public access to and along the coastal marine areas.	No specific benefits identified.	As per Option 1.
Cultural Benefits		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning military training exercises in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Rule DD 3 requires relevant iwi authorities to be advised of permitted military training exercises. No other specific benefits identified.	As per Option 1.

Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; natural character and outstanding landscapes; historic sites.	Potential for minor adverse effects on the environment as a result of military training. However, this is reduced by excluding high-risk activities from Rule DD 3 (permitted).	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Low to moderate – provides for low risk military exercises as permitted activities, with high risk activities as either discretionary or prohibited.	Low to moderate – provides for low risk military exercises as permitted activities, with high risk activities as either discretionary or non-complying.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources; Public access to and along the coastal marine areas.	Possible short-term loss of recreational use or public access where use or access is stopped for safety reasons during military exercises.	As per Option 1.
Cultural Costs		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning military training exercises in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Potential for minor adverse effects on Māori cultural values and sites as a result of military training. However, this is reduced by requiring notification of the exercises to relevant iwi authorities.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – specifically recognises that NZ Defence force activities in the CMA are appropriate, except in Indigenous Biodiversity Area A, and gunfire and bombardment in marine reserves.	Lack of clear policy guidance (and subsequent reliance on rules) detracts from directly and transparently achieving the objective.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
Usefulness		
Will effectively guide decision-making?	Yes – as per comments above.	Partly.
Meets sound principles for writing policies and rules?	Yes – the policy and rule conditions are clear.	No – the policy is too vague and the rule structure is somewhat unclear and may be confusing.
Assumptions made.	No specific assumptions made.	No specific assumptions made.
Risk involved.	Low.	Medium (due to confusing rule structure).
Achievability		
Within BOPRC's functions and powers.	Yes – s12(1)(c) and (e) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes.	The rule structure is somewhat unclear and may be confusing.
Degree of uncertainty in the ability to achieve.	Low.	Medium.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – Rule DD 3 requires notification of relevant iwi authorities prior to training taking place. Rule DD 17(7) prohibits gunfire and bombardments within marine reserves (including Paepae o Aotea – Volkner Rocks).	Partly – rules requires notification of relevant iwi authorities prior to training taking place. Gunfire and bombardments within 1 km of Paepae o Aotea – Volkner Rocks, is a non-complying activity (for which consent may still be granted).
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	High risk activities (gunfire and bombardment) may have significant adverse effects on sensitive sites and values (i.e. marine reserves and Indigenous Biodiversity Area A).	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the disturbance of the foreshore and seabed. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, and to provide for low risk activities through permitted rules.	As per Option 1.

12.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A.	N/A.

12.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Clearer rule structure and policy guidance.
Option 2.	Medium.	Medium.	No.	-

12.3.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

12.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy DD 3.	This policy replaces 14.2.3(d) of the Operative RCEP. It provides clear guidance on where activities undertaken by the NZ Defence Force are and are not appropriate.
Rule DD 3.	Permits temporary military training activities of the NZ Defence Force. Replaces Rule 14.2.4(i) of the Operative RCEP. The rule structure has been improved for readability and consistency with current rule-writing practice. Condition 1 excludes activities (gunfire and bombardment) that present a higher risk to the environment. Condition 2 excludes all training exercises from Indigenous Biodiversity Area A and Outstanding Natural Character Area due to the risk of significant adverse effects on the sensitive values of these sites. Condition (a) requires prior notification of the activity to BOPRC, Department of Conservation and territorial authorities due to those agencies' statutory functions in the CMA and adjoining land. Prior notification is also required to relevant iwi authorities due to their mana whenua. Five working days is a standard prior notification period used by BOPRC. Notification allows the agencies to be aware of activities occurring in the region that may cause public interest, and so is useful for administration purposes. Condition (b) implements Policy HH 1 of the RCEP.
Rule DD 17(7).	Prohibits artillery and naval gunfire, and aerial bombardment for military training in marine reserves. This includes Paepae o Aotea – Volkner Rocks. The rule replaces Rule 14.2.4(h) of the Operative RCEP. Aerial bombardment of Paepae o Aotea no longer occurs. These activities are prohibited in marine reserves due to the risk of significant adverse effects on the sensitive values of these areas.

12.4 Policies, Methods and Rules to achieve Objective 26

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policies DD 1, DD2, DD7, DD8, DD9, DD10, DD 11, DD 12, DD 15.</p> <p>Rules DD 2, DD 4, DD 5, DD 6, DD 7, DD 8, DD 9, DD 14, DD 15, DD 16, DD 17.</p>	<p>Policies 14.2.3.(a), (c), (f), (h), (i), (j), (k), (n), (p), (q).</p> <p>Rules 14.2.4(a), (b), (d), (e), (f), (g), (j), (k), (l), (n), (o), (p), (q), (r).</p>

12.4.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
<p>Coastal ecosystems and biodiversity; Natural character and outstanding landscape features; Quality and functioning of the coastal environment; water quality.</p>	<p>Avoids the adverse effects of the disposal of spoil from land-based activities into the CMA – which would particularly adversely affect water quality, coastal ecosystems.</p> <p>Restricts vehicle use in the CMA to legitimate and emergency uses (and links this to Policy RA 1 – use of land adjacent to the CMA).</p> <p>Provides clear guidance on how activities that disturb the CMA are to be carried out to avoid, remedy or mitigate adverse effects on indigenous vegetation and fauna (fish and avian), indigenous ecosystems and habitats, biota, natural character and water quality.</p> <p>Protects areas of Outstanding Natural Character and Indigenous Biodiversity Area A.</p> <p>Adopts a precautionary approach to ensure adverse effects are properly assessed and addressed.</p>	<p>Avoids the adverse effects of the disposal of spoil from land-based activities into the CMA – which would particularly adversely affect water quality, coastal ecosystems.</p> <p>Restricts vehicle use in the CMA to legitimate and emergency uses.</p> <p>Protects the Coastal Habitat zone from some disturbance activities.</p> <p>Adopts a precautionary approach to ensure adverse effects are properly assessed and addressed.</p>

Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; Other amenity values; navigation.	Provides clear guidance on how activities that disturb the CMA are to be carried out to avoid, remedy or mitigate adverse effects on visual amenity, recreational use, navigation, lawfully established activities, commercial activities, and fisheries. Recognises the benefits of beach replenishment.	Recognises the benefits of beach replenishment. Requires dredging and spoil disposal to minimise adverse effects on recreational, commercial, and social values.
Cultural Benefits		
Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Provides clear guidance on how activities that disturb the CMA are to be carried out to avoid, remedy or mitigate adverse effects on kaimoana, natural character, recreational use, cultural values. Prohibits fracking in the CMA. There is strong opposition to the use of fracking in the Coastal Marine Area of the Bay of Plenty region by tangata whenua and environmental groups, and the environmental effects are considered to be high risk and unacceptable in the CMA.	Requires dredging and spoil disposal to minimise adverse effects on cultural values.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at 7 February 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Natural character and outstanding landscape features; Quality and functioning of the coastal environment; Water quality.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by clear policy advice and rule structure.	Similar to Option 1 – but greater risk due to unclear policy.

Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically restrict opportunities for employment. Rule DD 16 (Prohibited Fracking) is likely to have limited effects on opportunities for employment as there limited petroleum exploration opportunities within the Coastal Marine Area of Bay of Plenty region.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically restrict opportunities for economic growth. Rule DD 16 (Prohibited Fracking) is likely to have limited effects on opportunities for economic growth as there limited petroleum exploration opportunities within the Coastal Marine Area of Bay of Plenty region. To date, oil and gas exploration has not been identified as a major potential development in the region (for example, it is not identified in the Bay of Connections as a focus sector) and there are no known petroleum basins located in the Bay of Plenty region's territorial waters (except for a small part of the Raukūmara Basin).	As per Option 1.
Compliance costs (to resource users).	Compliance costs are those necessary to meet the requirements of the NZCPS and new RPS, and meet the expectations of the Bay of Plenty community.	Compliance costs likely to be slightly lower than Option 1, but activities unlikely to meet the requirements of the new NZCPS and RPS.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources; other amenity values; navigation.	No specific costs identified.	As per Option 1.
Cultural Costs		
Cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by clear policy advice and rule structure.	Possible risk to Māori cultural values and sites due to lack of specific provisions dealing with these matters.

Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.4.2 Effectiveness

Effectiveness	Option 1	Option 2
<i>Relevance and transparency</i>		
Directed towards achieving the objective.	Yes – the policies are to ensure disturbance activities are designed and undertaken in a manner relative to the requirements of the NZCPS, new RPS, and navigation requirements.	Partly – policy direction is not clearly and specifically related to the Objective.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
<i>Usefulness</i>		
Will effectively guide decision-making?	Yes – there is clear guidance on the requirements for disturbance activities to be managed to avoid, remedy or mitigate adverse effects. Matters of particular concern are noted in the policies. Takes a pre-cautionary for specified activities.	No – policy wording is not as directive as Option 1.
Meets sound principles for writing policies and rules?	Yes – the policies and rules specify the effects to be addressed and contain clear direction.	No (as per above).
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Medium (due to lack of clear guidance).
<i>Achievability</i>		
Within BOPRC's functions and powers.	Yes – (section 12(1)(c), (d), (f) and (g) RMA).	Yes – as per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – uses RMA rules and resource consent processes.	Yes – as per Option 1.
Rules can be complied with and enforced.	Yes – the rules and rule conditions are clear and can be complied with and enforced. The rule conditions are relevant to the activity.	Partly – the rule structure is unclear in parts.
Degree of uncertainty in the ability to achieve.	Low.	Low-Medium.

Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – provides for a number of permitted activities that allow sustainable use of the coast and restoration/rehabilitation activities, or consent processes to allow assessment of effects on cultural values.	Not specifically.
Overall assessment	<i>High.</i>	<i>Low-Medium.</i>

12.4.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The disturbance of the CMA can be of high significance depending on the location and size of the activity. However, there is sufficient policy guidance to reduce the complexity of the matter.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the disturbance of the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on such activities in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents. It is also necessary to have policies and rules in the RCEP to give effect to relevant provisions of the RPS and NZCPS.	As per Option 1.

12.4.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

12.4.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Provides clear policy guidance, links to other policy in the RCEP, consistent with the NZCPS and RPS.
Option 2.	Medium.	Low-Medium.	No.	-

12.4.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

12.4.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy DD 1.	Clearly states that the disposal of spoil to the CMA from land-based activities is not appropriate. Replaces Policy 14.2.3(a) of the Operative RCEP. Implemented by Rule DD 17(4) – prohibited.
Policy DD2.	Replaces Policy 14.2.3(c) of the Operative RCEP. Clearly states how the use of vehicles on the foreshore and seabed will be managed. Consistent with Policy 20 NZCPS. Links to Policy RA 5 RCEP. Implementation links to Method 61 RPS. Implemented by Rules DD 8, DD 9 and DD 17(8).

Policy DD7.	<p>Provides clear direction on how activities that disturb the CMA shall be managed to avoid, remedy or mitigate adverse effects on the environment.</p> <p>Subsection (a) is consistent with Policy 11 NZCPS.</p> <p>(a)(i) is consistent with Policy 11(b) (i), (ii) and (v) NZCPS.</p> <p>(a)(ii) is consistent with Policy 11(b)(iii) NZCPS.</p> <p>(a)(iii) is consistent with Policy 11(b)(iv) NZCPS.</p> <p>Subsection (b) is consistent with Policy 14(c) NZCPS.</p> <p>Subsection (c) is consistent with Policy CD 1 RCEP.</p> <p>Subsection (d) addresses adverse effects on existing lawful activities and is consistent with Policy RA 2 RCEP.</p>
Policy DD8.	<p>Replaces Policy 14.2.3(h) of the Operative RCEP. Gives effect to the RPS. Consistent with Policies NH 4 and 6 RCEP.</p>
Policy DD9.	<p>Replaces Policy 14.2.3(i) of the Operative RCEP. Consistent with Policy 3 NZCPS.</p> <p>Subsection (a), (b) and (c) are directly from the Operative RCEP.</p> <p>Subsections (a) and (c) are consistent with Policy 3(2) NZCPS.</p> <p>Subsections (b) and (d) consistent with Policy 3(1) NZCPS.</p> <p>Subsection (e) clearly cross-references to the relevant policy in the NZCPS.</p>
Policy DD10.	<p>Provides clear direction on appropriate conditions for sand, shell, shingle and mineral extraction in the CMA to ensure the ability to review consents and assess adverse environmental effects. Consistent with Policy DD 8 RCEP, and Policy 3 NZCPS.</p>
Policy DD 11.	<p>Replaces Policy 14.2.3(k) of the Operative RCEP. Clearly recognises the potential of using sand from dredging for beneficial purposes. This is consistent with Policy 14(b) NZCPS.</p>
Policy DD 12.	<p>Replaces Policy 14.2.3(r) of the Operative RCEP. Clearly states the criteria for how deposition sites in the CMA will be selected.</p> <p>Subsections (a) to (e) are directly from the Operative RCEP, with a minor change to (a) for clarification.</p> <p>Subsection (a) is consistent with Policy 11 NZCPS.</p> <p>Subsection (b) is consistent with navigation safety requirements.</p> <p>Subsection (c) is consistent with Policy CD 1 RCEP.</p> <p>Subsection (d) is consistent with the intent of Policy DD 9 RCEP.</p> <p>Subsection (e) is consistent with Policy DD 10.</p>

Policy DD 15.	<p>Replaces Policy 14.2.3(q) of the Operative RCEP. Provides clear guidance on how dredging and spoil disposal activities are to be carried out.</p> <p>Subsection (a) is largely from the Operative RCEP with minor formatting amendment. (a)(i) is consistent with Policies NH 4, 6, 7, 7A RCEP. (a)(i) and (ii) is consistent with Policy RA 1A, existing use rights, and Policy IW 2 RCEP.</p> <p>Subsection (b) is consistent with Policy CD 2 RCEP.</p>
Rule DD 2.	<p>Permits the burial of dead animals in the CMA. Replaces Rule 14.2.4(g) of the Operative RCEP.</p> <p>Is restricted to the burial of dead animals that have washed up on the foreshore to avoid the burial of other animals (e.g. dead farm animals) being deliberately brought into the CMA.</p> <p>Condition (a) implements Policy HH 1 RCEP.</p> <p>Condition (b) restricts the people and organisations undertaking the burial to those with statutory functions in the CMA or adjacent land, or with public health obligations.</p>
Rule DD 4.	<p>Permits the taking of driftwood without the use of vehicles on the foreshore. Replaces Rule 14.2.4(l) of the Operative RCEP.</p> <p>Provides certainty that the minor activity of taking driftwood is allowed, subject to vehicles not being used. This approach is efficient and consistent with Policy DD 2.</p>
Rule DD 5.	<p>Permits the planting of indigenous plants species in the CMA. There is no equivalent rule in the Operative RCEP.</p> <p>Provides for a beneficial activity, where requiring a resource consent would not be efficient.</p> <p>Condition (a) is to limit the disturbance of the CMA to a minimum.</p> <p>Condition (b) implements Policy HH 1 RCEP.</p>
Rule DD 6.	<p>Permits the enhancement of wetlands in the CMA. There is no equivalent rule in the Operative RCEP. Rule DD18 is consistent with Rule 79 of the Regional Water and Land Plan.</p> <p>Condition (1) is consistent with the approach taken in the Regional Water and Land Plan.</p> <p>Condition (2)(a) to (e) limits the scope of permitted enhancement works in wetlands in the CMA to reduce the risk to the environment. Lists activities which can be covered by the rule and may be necessary for wetland enhancement. The matters are those under the functions and responsibilities of BOPRC under the Resource Management Act 1991.</p> <p>Conditions (a) and (b) are to minimise the disturbance of the CMA associated with the activity.</p> <p>Condition (b) is to minimise adverse effects on water quality, and transportation of disturbed sediment into other areas of the CMA.</p>

	<p>Condition (d) is necessary to prevent discharges of contaminants (i.e. fuel) to the CMA.</p> <p>Condition (e) is to protect the stability of land in the CMA.</p> <p>Condition (f) is for the purpose noted above for condition (b), and to avoid the infilling of the CMA from the activity.</p> <p>Condition (g) is to avoid adverse effects on whitebait species spawning. The time period is consistent with that used in the Regional Water and Land Plan.</p> <p>Condition (h) implements Policy HH 1 RCEP.</p> <p>Condition (i) is consistent with Policies RM 1, 2, 3, 4 and 5 RCEP.</p>
<p>Rule DD 7.</p>	<p>Permits the disturbance of the CMA from the use of vehicles for specified purposes (excludes activities covered by Rule DD 20). Replaces Rule 14.2.4(f) of the Operative RCEP. Consistent with Policy RA 5 RCEP, and Policy 20 NZCPS.</p> <p>Condition 1 is a practical necessity, and links to older resource consents for structures which may not specifically provide for associated vehicle access.</p> <p>Condition 2 excludes vehicle access in Indigenous Biodiversity Area A due to the high risk of significant adverse effects to the values of those sites.</p> <p>2(a) is consistent with Rule DD 2.</p> <p>2(b) is appropriate to allow for maintaining the recreational and visual amenity of the CMA.</p> <p>2(c) is consistent with Reserve Management Plans, which have a public process.</p> <p>2(d) is consistent with navigation safety statutory functions and obligations.</p> <p>2(e), (f), (h), (j) allow for recreational use of the CMA.</p> <p>2(g) provides for rehabilitation and restoration activities.</p> <p>2(i) is consistent with Rule SO 1 and Policy RA 5(c)(iv) RCEP.</p> <p>2(k) recognises the importance of maintaining infrastructure.</p> <p>2(l) is consistent with Rule DD 3. 2(m) provides for environmental monitoring activities.</p> <p>2(j) and (e) are also consistent with Policy RA 5(c)(i) RCEP.</p> <p>2(a), (b), (c), (d), (g), (k) and (m) are also consistent with Policy RA 5(c)(ii) RCEP.</p> <p>2(h) is also consistent with Policy RA 5(c)(iii) RCEP.</p> <p>Condition (a) is to prevent the discharge of contaminants to the CMA.</p> <p>Condition (b) is to protect shellfish beds, vegetated areas (to avoid erosion), and bird nesting areas.</p> <p>Condition (c) is consistent with the speed specified in district rules and bylaws, and the speed in Policy RA 5(c)(iii).</p> <p>Conditions (d), (e), (f) are to minimise the disturbance of the CMA associated with the activity.</p>

Rule DD 8.	<p>Permits the disturbance of the CMA from the use of vehicles for emergency or law enforcement. Replaces Rule 14.2.4(f) second bullet point of the Operative RCEP. Consistent with Policy 20(1) NZCPS, and Policy RA 5(i) RCEP.</p> <p>Conditions 1, 2 and 3 list the activities permitted by the Rule. The weight limit in 3 is consistent with Rule DD 19 condition 2(m).</p> <p>Condition (a) is to prevent the discharge of contaminants to the CMA.</p> <p>Condition (b) is to protect shellfish beds, vegetated areas (to avoid erosion), and bird nesting areas.</p> <p>Condition (c) is to minimise the disturbance of the CMA associated with the activity.</p>
Rule DD 9.	<p>Applies controlled activity status to soft coastal hazard protection methods, including beach replenishment, dune slope modification and dune rebuilding. Rule DD 6 is consistent with Policy CE 11B RPS. There is no equivalent rule in the Operative RCEP.</p> <p>Condition (a) ensures the activities covered by the rule are specifically for the purpose of providing protection against coastal hazards, and not for other purposes.</p> <p>Condition (b) requires the works are designed by an appropriately qualified and experienced person. This is to ensure the works will provide protection against coastal hazards and best practice knowledge is used.</p> <p>The matters over which Council retains control are:</p> <ul style="list-style-type: none"> • (a) and (b) – administrative matters required under the RMA. • (c), (e) and (f) – allows appropriate limits on the size of the activity relative to the characteristics and values of the site. • (d) allows assessment of effects in accordance with the provisions in Part Three of the RCEP. • (g) allows for rehabilitation of the site after disturbance works have been carried out.
Rule DD 14.	<p>Clarifies the default activity status for disturbance, deposition, dredging, removal of sand, shingle and shell in the CMA, where the activity is not otherwise addressed by another rule in the RCEP. Discretionary activity status is consistent with the restrictive presumption of s12 RMA and requires council to consider any activities in light of the policy guidance.</p>
Rule DD 15.	<p>Applies discretionary activity status to the disturbance of the CMA and other activities in Indigenous Biodiversity Area A for specific purposes. Clarifies the activity status of the specified works in relation to other rules in the RCEP, and provides for restoration projects in Indigenous Biodiversity Area A. Rule DD 7A is consistent with Policy NH 1 and Rule SO 7A RCEP. There is no equivalent rule in the Operative RCEP.</p> <p>Conditions (a) and (b) provide for beneficial activities.</p> <p>Condition (c) is consistent with Policy EI 4B RPS.</p> <p>Condition (d) implements Policy DD4 RCEP.</p>

<p>Rule DD 16.</p>	<p>Prohibits fracking (hydraulic fracturing) in the CMA of the Bay of Plenty. There is no equivalent rule in the Operative RCEP.</p> <p>There is strong opposition to the use of fracking in the Coastal Marine Area of the Bay of Plenty region by tangata whenua and environmental groups, and the environmental effects are considered to be high risk and unacceptable in the CMA.</p> <p>Rule DD 16 (Prohibited Fracking) is likely to have limited effects on opportunities for economic growth as there limited petroleum exploration opportunities within the Coastal Marine Area of Bay of Plenty region. To date, oil and gas exploration has not been identified as a major potential development in the region (for example, it is not identified in the Bay of Connections as a focus sector) and there are no known petroleum basins located in the Bay of Plenty region's territorial waters (except for a small part of the Raukūmara Basin).</p>
<p>Rule DD 17.</p>	<p>Prohibits specified activities in the CMA. The rule clearly identifies the activities that are not appropriate or acceptable under any circumstances. Replaces Rules 14.2.4(a), (d), (k), (p) of the Operative RCEP.</p> <p>Subsections (1), (2), (3) and (8) implement Policy NH 4 RCEP. Clearly indicates activities that are not appropriate in high value areas due to the risk of significant adverse effects on those values.</p> <p>Subsection (4) implements Policy DD 1 RCEP. Clearly states that the disposal of spoil to the CMA from land-based activities is not appropriate, and such disposal must be to sites on land.</p> <p>Subsection (5) gives effect to Policy 21(d) NZCPS. It is not appropriate for stock (excluding horses) to access the CMA due to the damage caused to indigenous plants and habitats, and trampling and erosion.</p> <p>Subsection (6) is consistent with Policy DD 8 RCEP, and continues implementation of the policy approach in the Operative RCEP to protect the active beach system on the open coast from mining of sand, shell and shingle.</p> <p>Subsection (7) implements Policy DD 3 RCEP. Clearly indicates activities that are not appropriate in high value areas due to the risk of significant adverse effects on those values.</p> <p>Subsection (8) excludes activities provided for by other rules (e.g. Rule DD 6).</p>

12.5 Policies, Methods and Rules to achieve Objective 30

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
<p>Plan provision(s)</p>	<p>Policy DD 6. Rules DD 11 and 14.</p>	<p>Policy 14.2.3(g). Rules 14.2.4(a) and (b).</p>

12.5.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; natural character and outstanding landscape features; natural hazards; water quantity.	Discourages the channelization and piping of watercourses flowing into the CMA, which may have significant adverse effects on the environment. Objective 30 (c) and (d) provides for situations where these activities are for the purposes of restoring, rehabilitating, maintaining or improving aspects of the coastal environment. Rule structure ensures any proposed activities are properly assessed through consent processes relative to the scale of the activity, and the values and characteristics of the site.	Discourages the channelization and piping of watercourses flowing into the CMA, which may have significant adverse effects on the environment.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Human safety.	Implementation of Policy DD 6 and Rule DD 11, with guidance from Objective 30(a), provides for activities that are necessary to protect human safety from flooding. Implementation of Policy DD 6 with Objective 30(b) provides activities that are necessary to protect navigation safety. This is consistent with Objective 31 and Rule DD 13.	No specific benefits identified.

Cultural Benefits		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Discourages activities that may have significant adverse effects on cultural values and sites. Allows all proposals for such activities to be checked through resource consent processes.	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; natural character and outstanding landscape features; natural hazards; water quantity.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by a clear Objective and Policy, and rule structure that reflect the restrictive presumption of the RMA around such activities.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Compliance costs are lower than for Option 2 as Rule DD 11 is likely to have lesser resource consent costs.	Higher than Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Human safety.	No specific costs identified.	Does not provide for situations where the maintenance of artificial or modified watercourses is necessary to protect human safety from flooding.

Cultural Costs		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by clear policy advice and rule structure that requires consents.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.5.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – does rely on Objective 30 to direct where the diversion of watercourses is appropriate.	Yes.
Will clearly achieve, or partly achieve the objective.	Yes.	Yes.
Usefulness		
Will effectively guide decision-making?	Partly – when used in conjunction with Objective 30.	As per Option 1.
Meets sound principles for writing policies and rules?	Yes.	Rule structure is not as clear as Option 1.
Assumptions made.	No – specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.
Achievability		
Within BOPRC's functions and powers.	Yes – (section 12(1)(c) and section 14(1)RMA).	Yes – as per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – uses RMA rules and resource consent processes.	Yes – as per Option 1.
Rules can be complied with and enforced.	Yes – the rules and rule conditions are clear and can be complied with and enforced. The rule conditions are relevant to the activity.	Rule structure is not as clear as Option 1.
Degree of uncertainty in the ability to achieve.	Low.	Low.

Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.5.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The disturbance of the CMA in terms of sediment and diversion of water can be of high significance depending on the location and size of the activity. However, there is sufficient policy guidance to reduce the complexity of the matter.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the disturbance of the CMA and the diversion of water within the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on such activities in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient and effective to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents and to provide for situations where such activities are appropriate.	As per Option 1.

12.5.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

12.5.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The policy package provides clear guidance on how to manage channelisation and piping of water courses into the CMA in a way that is consistent across the lien of MHWS. Rule DD 11 achieves Objective 30(a).
Option 2	Medium.	Medium.	No – not as appropriate as Option 1. Provides significantly less guidance for decision-makers.	-

12.5.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.
Alternative options for Rule DD 11.	<p>Permitted activity status: Staff advice is that a permitted rule allowing drain maintenance in sensitive ecological areas is inappropriate due to the potential for such activities to cause significant adverse effects. This is particularly relevant for Ōhiwa Harbour given its outstanding natural character rating, and the requirement of the New Zealand Coastal Policy Statement 2010 to avoid adverse effects on areas of natural character and biodiversity.</p> <p>Restricted discretionary activity status: As it is unlikely a consent application for the purposes described in Rule DD 11 would be declined, it is more effective and efficient to clearly indicate controlled activity status, recognising the balance between managing environmental effects and social and economic implications.</p>

12.5.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy DD 6.	The policy is to discourage channelisation or piping of watercourses flowing into estuaries and harbours. It replaces Policy 14.2.3(g) of the Operative RCEP with only minor grammatical change. Objective 30 qualifies exceptions where channelization may be provided for.
Rule DD 11.	<p>Applies controlled activity status to the maintenance of existing artificial or modified watercourses in the CMA for the purpose of protecting existing houses from flooding. There is no equivalent rule in the Operative RCEP. The rule is consistent with Objective 30(a) RCEP as it is to protect human safety (protection from flooding resulting from lack of drainage for flood waters).</p> <p>Controlled activity status is applied due to the importance of protecting human safety, but the necessity to ensure works under the rule are carried out appropriately, and that adverse effects are appropriately avoided, remedied or mitigated. Areas where the rule is likely to be used are low-lying communities around estuaries and harbours (e.g. Kutarere on the Ōhiwa Harbour).</p> <p>Term (a) limits the organisations which can use the rule to those with statutory functions and responsibilities for human health and safety (i.e. BOPRC and territorial authorities). These organisations have the expertise and abilities to carry out the necessary works.</p> <p>Term (b) implements Policy HH 1 RCEP.</p> <p>The matters over which Council retains control are:</p> <ul style="list-style-type: none"> • (a) and (b) – administrative matters under the RMA. • (c), (e), and (f) - allows appropriate limits on the size of the activity relative to the characteristics and values of the site. • (d) – allows assessment of effects in accordance with the provisions in Part Three of the RCEP.
Rule DD 14.	Refer to section 12.4.7 above.

12.6 Policies, Methods and Rules to achieve Objective 31

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies DD 4 and DD 5. Rules DD1, DD 10, DD 12.	Policies 14.2.3(e) and 10.2.3(d). Rules 14.2.4(a), (b), (c), (m).

12.6.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quality or quantity.	<p>Applies appropriate mechanisms to maintain the values of Indigenous Biodiversity Area A, while providing for the maintenance of existing river and land drainage schemes and private drainage systems.</p> <p>Requires existing river and drainage schemes maintenance works to undertake remedial works in estuaries where these are being adversely affected.</p> <p>Includes appropriate permitted rule conditions, and matters of which Council retains control or discretion to avoid, remedy or mitigate adverse effects on ecosystems, cultural values, land stability, and water quality.</p>	<p>Protects the Coastal Habitat Protection Zone, excluding from the maintenance of existing river and drainage schemes.</p> <p>Encourages existing river and drainage schemes maintenance works to undertake remedial works in estuaries where these are being adversely affected.</p>
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	The provisions do not specifically provide for opportunities for employment.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth. However, Rule DD 12 provides for maintaining existing private land drainage in Indigenous Biodiversity Area A, which could allow for increased productivity.	The provisions do not specifically provide for opportunities for economic growth.
Social Benefits		
Natural hazards.	Provides for the maintenance of existing river and drainage schemes that provide flood protection to the community.	As per Option 1.

Cultural Benefits		
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Requires existing river and drainage schemes maintenance works to undertake remedial works in estuaries where these are being adversely affected. Rule DD 10 and Rule DD 12 retain control/discretion over measures to avoid, remedy or mitigate adverse effects on cultural values. This will be implemented via the policies in the Iwi Resource Management section of the RCEP.	Encourages existing river and drainage schemes maintenance works to undertake remedial works in estuaries where these are being adversely affected. Rule 14.2.4(m) retains control over any adverse effects on cultural values.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Water quality or quantity.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by the rule structure that reflects restrictive presumption of the RMA around such activities.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically restrict opportunities for employment.	The provisions do not specifically restrict opportunities for employment.
Opportunities for economic growth reduced.	The provisions do not specifically restrict opportunities for economic growth.	The maintenance of existing private land drainage in the Coastal Habitat Protection Zone is prohibited, which may restrict productivity.
Compliance costs (to resource users).	Lower than Option 2.	The effect of Rule 14.2.4(a) (prohibiting construction of open drains in the Coastal Habitat Protection Zone) on landowners may increase other operational costs.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Medium – due to the impact of Rule DD 12 (however, costs may be recovered from the landowners who benefit from works under that rule).	Low.

Social Costs		
Social costs.	No specific costs identified.	As per Option 1.
Cultural Costs		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by the rule structure that requires consents.	As per Option 1.
Overall assessment	High	Medium

12.6.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	Yes.
Will clearly achieve, or partly achieve the objective.	Yes.	Yes.
Usefulness		
Will effectively guide decision-making?	Yes.	Partly – Policy 10.2.3(d) is not as directive as Policy DD 4A.
Meets sound principles for writing policies and rules?	Yes.	Partly (as per comment above).
Assumptions made.	Important to balance flood management issues with impacts on CMA. No other specific assumptions made.	As per Option 1.
Risk involved.	Low-Medium.	Medium – there is a risk that a prohibitive rule such as 14.2.4(a) would be ignored.

Achievability		
Within BOPRC's functions and powers.	Yes – (section 12(1)(c) and section 14(1)RMA). Aligns with intent of Regional Water and Land Plan.	Yes – as per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – uses RMA rules and resource consent processes.	Yes – as per Option 1.
Rules can be complied with and enforced.	Yes – the rules and rule conditions are clear and can be complied with and enforced. The rule conditions are relevant to the activity.	Rule structure is not as clear as Option 1. There is a risk that a prohibitive rule such as 14.2.4(a) would be ignored.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.6.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The disturbance of the CMA and diversion of water can be of high significance depending on the location and size of the activity. However, there is sufficient policy guidance to reduce the complexity of the matter.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the disturbance of the CMA and the diversion of water within the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on such activities in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient and effective to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents and to provide for situations where such activities are appropriate.	As per Option 1.

12.6.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

12.6.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The inclusion of this group of policies and rules provides a more balanced approach to achieving the purpose of the RMA.
Option 2.	Medium.	Medium.	No.	-

12.6.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

<p>Alternative activity status for Rule DD 12.</p>	<p>The Operative RCEP identifies 41 sites in the coastal marine area that together comprise the Coastal Habitat Preservation Zone (CHPZ). The purpose of the CHPZ is <i>‘the preservation in perpetuity of its constituent habitats’</i>. There is a stringent regulatory and policy framework in the current Plan to achieve this purpose.</p> <p>In certain areas of Ōhiwa Harbour, CHPZ areas are located landward of Wainui Road, which acts as a ‘causeway’ across certain parts of the harbour. These areas are still in the coastal marine area. The New Zealand Transport Authority has raised similar concerns in relation to the Wainui Estuary CHPZ, due to the importance of Wainui Road as a transport link, and the need to carry out necessary maintenance and upgrade works.</p> <p>In the Operative RCEP there is a permitted activity rule (meaning resource consent is not required) for the maintenance of drains in the coastal marine area. However, areas of ecological significance (including the CHPZ) are specifically excluded from this rule.</p> <p>Construction of open drains, removal of sand, shingle and minerals, dredging and spoil disposal within CHPZ are prohibited activities under rule 14.2.4(a) of the Operative RCEP. It is not clear whether this rule was intended to capture maintenance of existing (rather than newly constructed drains). However, the present understanding is a resource consent application for drain maintenance in CHPZ cannot be made due to this rule.</p> <p>Part 4 of the Land Drainage Act 1908 (the Act) outlines the powers of private owners. Under section 78 of the Act, the wilful obstruction of drains or drain improvements is subject to a fine of up to \$100. Additional penalties (including imprisonment) can be imposed under section 82 of the Act for malicious damage to drains or drainage works. In the context of the Land Drainage Act 1908, drains include natural watercourses as well as constructed drainage channels.</p> <p>Any activities outlined in the Land Drainage Act are still subject to the requirements of the RMA (for example, resource consent requirements). In the coastal environment, land held in private title may be ‘affected’ by the way that water flows (or drains) through land that is in the coastal marine area and not subject to private ownership.</p>
	<p>Options considered:</p> <p>Option 1: Provide for Maintenance of existing drains in Significant Indigenous Biodiversity areas as a Permitted Activity.</p> <p>Benefits: Landowners able to alleviate flooding on land neighbouring Significant Indigenous Biodiversity.</p> <p>Negatives: Risk of adverse effects on indigenous biodiversity that are more than minor and inconsistent with the NZCPS 2010. Any permitted activity rule is likely to be subject to numerous conditions, making implementation problematic.</p>

Staff advice is that a permitted rule allowing drain maintenance in sensitive ecological areas is inappropriate due to the potential for such activities to cause significant adverse effects. This is particularly relevant for Ōhiwa Harbour given its outstanding natural character rating, and the requirement of the New Zealand Coastal Policy Statement 2010 to avoid adverse effects on areas of natural character and biodiversity.

Option 2: Retain prohibited status (status quo).

Benefits: Provides for preservation of natural character and indigenous biodiversity values.

Negatives: Flooding of neighbouring land. Risk of unauthorised (and uncontrolled) works being undertaken – potentially creating more adverse effect that would result under a consented regime. Reliance on emergency works provisions of the RMA to alleviate flooding – resulting in ad hoc/reactive approach that again is not controlled by way of consent conditions.

Option 3: Provide for Maintenance of existing drains in Significant Indigenous Biodiversity areas as an activity that requires resource consent.

Benefits: Enables the potential adverse effects of an activity to be considered and appropriately addressed during the resource consent process. Specific policy can be included in the Plan that provides for activities in particularly sensitive and high value areas provided that there is a significant benefit associated with undertaking the works and effects are appropriately managed.

Negatives: Costs to individual landowners and other consent applicants associated with preparing and processing a resource consent application, and any on-going compliance monitoring charges.

BOPRC's Rivers and Drainage section holds an existing 'global' consent (consent number 64684) for works outside river and drainage schemes. The consent was issued in March 2009, and expires in September 2018. In relation to activities in the coastal marine area, the consent allows the removal of debris, sand and shingle; and diversion of coastal water, associated with the realignment of the mouths of specified watercourses in the Matatā and eastern Bay of Plenty areas.

All works are required to be covered by a Management Plan, with specific requirements. Works are carried out by Rivers and Drainage, or their contractors. It is not intended that landowners carry out works under the consent due to the substantive risk of non-compliance with consent conditions, and consequential liability issues for Rivers and Drainage.

There are two alternatives under Option 3:

Option 3A: Controlled rule - only for Rivers and Drainage:

- Note – consent can't be declined.
- Controlled activities are not publicly notified, unless a rule specifically states that it would be notified.

Option 3B: Restricted discretionary rule – only for Rivers and Drainage:

- Include no public notification clause (except in special circumstances as provided by the RMA).
- Allows consent to be declined, or specific sites to be declined.

For both options:

- Rivers and Drainage would apply for the consent.
- The consent is likely to be non-notified (except in special circumstances as provided by the RMA). However, in both options it would be prudent to include requirements to consult with relevant iwi and the Department of Conservation.
- Either one consent could be held for the region, or two consents covering Ōhiwa Harbour and Tauranga Harbour respectively.
- Only Rivers and Drainage (or their contractors under direct control of a staff member) to do the works.
- Landowners would not be able to do works under the consent due to significant risk of non-compliance.
- Include specific standards and terms (and conditions) to control adverse effects (including timing of works and amount of material removed).
- Council would need to consider either cost recovery from landowners, or placing additional budget in the Minor Streams budget (estimated to be a few thousand dollars per year).

Restricted discretionary activity status is a more effective and efficient approach.

Maintenance of existing watercourses needs to be carefully managed. The operative RCEP has an anomaly in the way the rules are written which makes maintenance works (e.g. road repairs) in some ecologically important areas extremely stringent.

A permitted activity status would not effectively protect ecologically significant areas, and is inconsistent with the NZCPS. While prohibited activity status would perpetuate the current anomaly. The latter is also in conflict with the Land Drainage Act 1908. Therefore restricted discretionary activity status is a considered to be a more effective and efficient approach.

12.6.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy DD 4.	Recognises that some activities in the CMA (dredging, disturbance and deposition) are necessary to protect existing flood protection and drainage infrastructure, and recreational and commercial use of existing navigation channels. Replaces Policy 14.2.3(e) of the Operative RCEP. Providing for "... existing navigation channels" implements Objective 28(b) RCEP.
Policy DD 5.	Replaces Policy 10.2.3(d) of the Operative RCEP with minor change to wording to strengthen direction (i.e. "should" changed to "shall"). Has been shifted from the Take, Use, Damming and Diversion section and included in the Disturbance section to improve usability by including relevant provisions to the River and Drainage schemes in one section.
Rule DD 1.	<p>Permits channel clearance and maintenance of existing diversions in existing artificial and modified watercourses in the CMA outside Indigenous Biological Diversity Area A. Replaces Rule 14.2.4(c) of the Operative RCEP.</p> <p>Condition (a) excludes activities in Indigenous Biological Diversity Area A due to the high risk of causing significant adverse effects on the values of these areas.</p> <p>Condition (b)(i) is to prevent diversion of water within a river or stream that is inappropriate. The effects of the permanent diversion of a river or stream to a new course should be assessed through a resource consent process to ensure adverse effects are avoided, remedied or mitigated.</p> <p>Condition (b)(ii) is to ensure the activity has the effect intended (i.e. to clear channels), and does not result in further infilling of the watercourse.</p> <p>Condition (b)(iii) is to prevent ongoing erosion or instability in the CMA, which could have significant adverse effects on the coastal environment.</p> <p>Condition (c) is for similar purposes to (b)(ii), and minimises the discharge of sediment from the activity.</p> <p>Condition (d) implements Policy HH 1 RCEP.</p> <p>Condition (e) is to minimise the disturbance of the CMA by vehicles.</p> <p>Condition (f) is to protect whitebait species spawning (and is consistent with the exclusion period for similar activities in the Regional Water and Land Plan). It implements Policy DD 6(a)(i) RCEP.</p> <p>Condition (g) is to prevent discharges of contaminants (i.e. petrochemicals, fuel) to the CMA.</p> <p>Condition (h) is to prevent the on-going diversion of water that may lead to upstream flooding, to protect the migration and passage of fish species.</p>

Rule DD 10.	<p>Applies controlled activity status to the maintenance of river flood protection and drainage schemes in the CMA. Replaces Rule 14.2.4(m) of the Operative RCEP (which is a controlled rule). Rule DD 10 largely replicates Rule 14.2.4(m), but has been formatted and updated according to current rule-writing standards.</p> <p>Rule DD10 allows Council to assess the effects of the diversion of coastal water necessary to maintain existing flood protection or drainage schemes. These schemes are now part of the landscape, and protect people and property from flooding. A resource consent process under a controlled rule is an appropriate means of assessing the effects of the activity, and determining how the effects should be avoided, remedied or mitigated.</p> <p>Condition (a) limits the rule to those agencies who currently manage river and drainage schemes.</p> <p>Condition (b) excludes new flood protection schemes and the extension of existing schemes. The effects of such works are more effectively assessed through a resource consent process to ensure adverse effects are avoided, remedied or mitigated.</p> <p>The matters over which Council retains control are:</p> <ul style="list-style-type: none"> • (a), (b) – administrative matters under the RMA. • (c), (e), (f) and (g) - allows appropriate limits on the size of the activity relative to the characteristics and values of the site. • (d) – allows assessment of effects in accordance with the provisions in Part Three of the RCEP. • (h) – implements Policy DD 5 RCEP.
Rule DD 12.	<p>Applies restricted discretionary activity status to the maintenance of existing artificial or modified watercourses in the CMA in Indigenous Biodiversity Area A, where the activity sites are not part of an existing river or drainage scheme. It is anticipated that works under this rule will be in discrete areas, and will be small scale. This partly replaces Rule 14.2.4(a) of the Operative RCEP, which prohibits the activity.</p> <p>Condition (a) requires the works to be carried out by BOPRC or its agents. This is because there is a significant risk of non-compliance if other parties undertake works in the highly sensitive Indigenous Biodiversity Area A.</p> <p>Condition (b) implements Policy HH 1 RCEP.</p> <p>The matters over which Council retains discretion are:</p> <ul style="list-style-type: none"> • (a), (b) – administrative matters under the RMA. • (c), (e), (f) - allows appropriate limits on the size of the activity relative to the characteristics and values of the site. • (d) – allows assessment of effects in accordance with the provisions in Part Three of the RCEP.

12.7 Policies, Methods and Rules to achieve Objective 32

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policy DD13, DD 14. Rules DD 13, DD 15(d). Note – policies and rules specific to the Port Zone and Harbour Development Zones are assessed in the respective section 32 reports.</p>	<p>Policy 14.2.4(o). Rule 14.2.4(b). Note – this excludes policies and rules that are specific to the Port Zone and Harbour Development Zones, which are compared in the respective section 32 reports.</p>

12.7.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quality.	No specific benefits identified.	As per Option 1.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for employment. However, the provisions may help maintain existing commercial activities.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; noise; navigation.	<p>Recognises the public benefits and commercial uses of dredging to maintain existing marinas, public boat ramps, and navigation and access channels.</p> <p>Provides for efficient connections between transportation modes (i.e. between sea and land transport options).</p>	Recognises the public benefits and commercial uses of dredging to maintain certain uses (unspecified) in the CMA.

	Maintains existing recreational uses and opportunities relating to marinas and public boat ramps. Maintains existing navigation and access channels, which has public and commercial benefits.	
Cultural Benefits		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; mauri of coastal waters.	No specific benefits identified.	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quality.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by the rule structure that reflects restrictive presumption of the RMA around such activities.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Compliance costs (to resource users).	Compliance costs are slightly lower than directly under the RMA as the policies and rule structure recognise dredging activities with public and commercial benefits.	Higher than Option 1 as the rule structure does not specifically recognise dredging activities with public and commercial benefits.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources; noise; navigation.	No specific costs identified.	As per Option 1.

Cultural Costs		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning disturbance of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; mauri of coastal waters.	Potential for significant adverse effects at an individual activity site – depending on scale of activity and values of the sites. This is largely negated by the rule structure that requires consents.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

12.7.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – particularly around safe navigation.	Uncertain – the policy is unclear and the rule does not specifically provide for safe navigation.
Will clearly achieve, or partly achieve the objective.	Yes.	Uncertain.
Usefulness		
Will effectively guide decision-making?	Yes.	No – for the reasons in the comment above.
Meets sound principles for writing policies and rules?	Yes – the policies give specific direction and the rule structure recognises dredging activities.	No – the policy is vague and does not give specific direction.
Assumptions made.	No specific assumptions made.	No specific assumptions made.
Risk involved.	Low.	Low-Medium (due to lack of good policy direction).
Achievability		
Within BOPRC's functions and powers.	Yes – (section 12(1)(c) RMA).	Yes – as per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – uses RMA rules and resource consent processes.	Yes – as per Option 1.
Rules can be complied with and enforced.	Yes – the rules and rule conditions are clear and can be complied with and enforced. The rule conditions are relevant to the activity.	Rule structure is not as clear as Option 1.

Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

12.7.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The disturbance of the CMA can be of high significance depending on the location and size of the activity. However, there is sufficient policy guidance to reduce the complexity of the matter.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the disturbance of the CMA (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on such activities in the CMA (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient and effective to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents and to provide for situations where such activities are appropriate.	As per Option 1.

12.7.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

12.7.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The policy and rule structure clearly achieve the Objective.
Option 2.	Medium.	Low.	No.	-

12.7.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.
Permitted or controlled activity status for Rules 13 and 15(d).	There is sufficient risk to the environment and cultural values (including cumulative effects) from dredging to maintain existing marina, public boat ramps, and navigation and access channels to justify restricted discretionary and discretionary activity status.

12.7.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy DD 13.	Specifically recognises that maintenance dredging is necessary for existing marinas and public boat ramps in the CMA. With Policy DD 14, replaces Policy 14.2.3(o) of the Operative RCEP. Consistent with the approach applied to the Port Zone and Harbour Development Zone, but on a site-specific basis. Applies to existing marinas and boat ramps only, as new marinas and boat ramps should be sited in areas which can sustain the use and minimise the need for ongoing dredging.
Policy DD 14.	Specifically recognises that maintenance dredging is necessary for existing navigation and access channels for the reasons listed in the policy. With Policy DD 13, replaces Policy 14.2.3(o) of the Operative RCEP. Consistent with the approach applied to the Port Zone and Harbour Development Zone, but in relation to other recreation and commercial areas. Applies to existing navigation and access channels only, as new channels should be sited in areas which can sustain the use and minimise the need for ongoing dredging.

Rule DD 13.	<p>Applies restricted discretionary activity status to dredging of the CMA in existing navigation and access channels, and for existing marinas and public boat ramps outside the Port Zone or Harbour Development Zone. There is no equivalent rule in the Operative RCEP (there are similar rules for the Port Zone and Harbour Development Zone that are not applicable to the situations covered by Rule DD 13). The rule is limited to facilities that are used by the wider community, and does not include privately owned boat ramps.</p> <p>Rule DD 13 applies in Indigenous Biodiversity Area A.</p> <p>The matters over which Council retains discretion are:</p> <ul style="list-style-type: none"> • (a), (b) – administrative matters under the RMA. • (c), (e) - allows appropriate limits on the size of the activity relative to the characteristics and values of the site. • (d) – allows assessment of effects in accordance with the provisions in Part Three of the RCEP. • (f) – consistent with BOPRC’s statutory functions for navigation safety. • (g) – consistent with BOPRC’s statutory functions under the RMA. • (h) – implements Policies NS 2, 3 and 4 RCEP.
Rule DD 15(d).	<p>Applies discretionary activity status to maintenance or enhancement of navigation safety in permanently navigable harbour waters that are in Indigenous Biodiversity Area A. Such activities may otherwise be prohibited under Rule DD 17. There is no equivalent rule in the Operative RCEP. The rule applies to the maintenance or enhancement of new navigation channels in Indigenous Biodiversity Area A. Rule DD 13 applies to existing navigation and access channels in those areas.</p> <p>Rule DD 15(d) is consistent with the general intent of Policies DD 13 and DD 14, while recognising a more restrictive approach in Indigenous Biodiversity Area A is appropriate. Discretionary status is consistent with the restrictive presumption of section 12 RMA.</p>

13 Mangrove Management

13.1 Summary of relationship between issues, objectives, policies, rules and methods

Issues	Objectives	Policy	Rule (or specific rule condition where relevant)	Schedules
Loss of public access due to mangroves: Issues 29, 34.	Objective 35.	DD 16.	DD 18. DD 19. DD 20. DD 21.	Schedule 2.
Integrated management: Issue 1.	Objective 36.	DD 18.	DD 21.	-
Natural heritage degradation: Issues 3, 4, 5.	Objectives 2, 3.	DD 16(c).	DD 21.	Schedule 2.
		DD 17.	DD 19 (i).	
		DD 20(a) and (b).	DD 18 (e),(f),(g). DD 19 (f),(g),(h). DD 20 (f),(g). DD 21.	
Sea level rise: Issue 24.	Objective 20.	DD 17(d).	DD 21.	-

13.2 Evaluation of Objectives 35 and 36

Objectives 2 and 3 are discussed in the Natural Heritage section.

Objective 20 is discussed in the Coastal Hazards section.

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	<p>Objective 35 Provide for a flexible approach to mangrove management that facilitates small-scale, low impact removal activities and provides for mangrove removal in appropriate areas where the activity is consistent with restoration of amenity, cultural or recreation values.</p> <p>Objective 36 Mangrove management activities are undertaken as part of a wider estuary or harbour restoration and catchment management projects.</p>	There are currently no specific provisions regarding mangrove removal in the Operative RCEP. This alternative would, in effect, rely on provisions in the Regional Policy Statement to direct decision-making on mangrove management and the high-level objectives of the current RCEP relating to natural character and significant areas of flora and fauna.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes. Mangrove management is a contentious issue in the Bay of Plenty region. Mangroves are an indigenous species and removal or disturbance of indigenous vegetation falls under section 12(1)(e) of the Resource Management Act, and requires a resource consent unless expressly permitted by a rule in a plan or a resource consent.	No – there is an indirect link through the provisions mentioned above but they do not provide clear guidance on mangrove management.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Ensuring mangroves are only removed where appropriate is consistent with 6(a) and s6(c) of the RMA. Mangrove management being undertaken as part of wider estuary or harbour restoration management is consistent with the purpose of the RMA, in particular sustaining the potential of natural resources and safeguarding the life-supporting capacity of ecosystems. Allowing removal in appropriate circumstances is consistent with s6(d), (e) and 9f).	As per option 1, but status quo provides insufficient guidance.

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Mangrove management is very relevant to Māori resource management issues. In some instances tangata whenua wish to remove mangroves as they are preventing or impeding access to areas of cultural significance in other situations, tāngata whenua support the retention of mangroves, for example where they are providing habitat for kaimoana species. Māori support a whole of catchment approach to resource management – the ‘mountains-to-sea- approach.	As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	BOPRC has a responsibility for the management of land and associated natural and physical resources in the coastal marine areas (s30(d)(i) RMA).	As per option 1.
Gives effect to the RPS and/or the NZCPS?	The objectives give effect to Policy CE 6B of the Proposed RPS.	No.
Usefulness		
Will effectively guide decision-making?	Yes – inclusion of specific objectives provides more direction than the status quo.	No – this option relies on use of high level objectives regarding protection of natural heritage values in the coastal environment. There is no specific guidance on mangroves.
Meets sound principles for writing objectives?	Yes.	No.
Consistent with other relevant Objectives?	Yes – the objectives are consistent with Objective 1 (integrated management), Objectives 2-4 (that relate to natural heritage), Objectives 11-14 (iwi resource management), Objective 17 (historic heritage), Objective 20 (recreation) and Objective 24 (activities in the coastal marine area).	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – achieving the objective means that regulatory costs will be reduced for consent applicants.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	N/A

Overall assessment		
	This option includes the most appropriate objectives to include in the RCEP, as they are consistent with the direction from the RPS, provide clear direction and are achievable.	The option does not specifically address the issues identified in the RCEP, and does not provide explicit guidance for mangrove removal activities in the CMA, and would be difficult to assess whether the objectives are achievable.

13.3 Policies, Methods and Rules to achieve Objectives 2, 3, 20, 35 and 36

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies DD 16, 17, 18, 19 and 20 Rules DD 18, 19, 20 and 21.	Status Quo – All mangrove removal is subject to a resource consent process as a discretionary activity; there is no specific policy in the operative RCEP regarding mangrove removal.

13.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	Policy DD 16 clarifies when mangrove removal may be appropriate. In terms of biodiversity values, the policy directs that mangrove removal may be appropriate where mangroves are having a significant adverse effect on threatened or at risk indigenous coastal flora and fauna and/or their habitats. This is consistent with Policy 11(a) of the NZCPS. Policy DD 17 provides clear direction on when removal of mature mangroves should be avoided, including when the mangroves are located in nationally significant examples of indigenous ecosystems or and where mangroves form an important part of that ecosystem; The mangroves are at the limit of their natural range; or	Option 2 is less efficient at protecting coastal ecosystems and biodiversity values. The current policy approach relies on consideration of the general policies that apply to natural character and significant areas of flora and fauna. The policy direction does not provide specific guidance on the potential effects of mangrove removal on coastal ecosystems and biodiversity, and when mangrove removal should be avoided.

	<p>The mangroves are known to provide significant habitat for threatened or at risk indigenous species.</p> <p>Policy DD 20(b) lists potential adverse effects on flora and fauna from the removal of mangroves that should be avoided or mitigated.</p>	
Quality and functioning of the coastal environment.	<p>Policy DD 18 seeks the consideration of the long-term effects and that a holistic approach is used when developing a proposal to remove mature mangroves. This is consistent with RPS Policy CE 6B. Consideration of these matters, along with those more specific matters addressed in Policies 17, 19 and 20 ensure that the short and long-term quality and functioning of the coastal environment will be given appropriate consideration during the resource consent process.</p>	<p>Option 2 is less efficient than Option 1, as no specific direction is provided - the status quo relies on consideration of s7(e) of the RMA during decision making.</p>
Water quality or quantity.	<p>Consideration of effects on water quality resulting from sediment and/or biomass remobilisation is required under Policy DD 20.</p>	<p>Option 2 is less efficient than Option 1. The status quo relies on a general policy direction to avoid, remedy or mitigate the adverse environmental effects associated with disturbance of the coastal marine area.</p>
Natural character and outstanding landscape features.	<p>Policy DD 20(a) lists potential adverse effects on natural character from the removal of mangroves that should be avoided or mitigated.</p>	<p>Option 2 does contain general policy direction relating to preservation of natural character. As this is not specific to mangrove management activities this is slightly less efficient than Option 1.</p>
Natural hazards.	<p>Mangroves can act as a natural defence to coastal erosion, and their removal can increase susceptibility to erosion. Policy DD 17 specifically directs that removal of mangrove should be avoided when mangroves are providing a buffer against coastal erosion.</p> <p>Policy DD 20(d) directs that potential adverse effects on coastal processes, including an increase in susceptibility to coastal inundation or erosion, from the removal of mangroves that should be avoided or mitigated.</p>	<p>Option 2 is less efficient than Option 1. The status quo relies on general policy in the Coastal Hazards section of the operative RCEP regarding protection of natural features and values that provide natural hazard protection. Mangroves are not specifically mentioned in this policy.</p>
Historic sites.	<p>Maintenance or enhancement of identified historic heritage sites in the coastal marine is one of the circumstances listed in Policy DD 16(a) where mangrove removal may be appropriate.</p>	<p>Option 2 is less efficient than Option 1. Status quo relies on general policies regarding protection of heritage resources.</p>

Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for opportunities for employment.	As per Option 1.
Opportunities for economic growth.	<p>Limited direct economic benefit; however, Policy DD 16(a) allows for the operation, maintenance and safe use of lawful structures and infrastructure (including drainage systems).</p> <p>Rule DD 15 allows for removal of mangroves adjacent to or within the footprint of infrastructure as a permitted activity; thereby providing for the efficient operation of infrastructure.</p> <p>The policy and regulatory framework also allows for mangrove removal to maintain and enhance recreational values. Recreation and tourism is an important component of the region's economy.</p>	The provisions do not specifically provide for opportunities for economic growth.
Compliance costs (to resource users).	<p>Reduced compliance costs when compared to Option 2 as resource consent would no longer be required for minor activities (for example manual removal of mangrove seedlings).</p> <p>Clearer direction on when mature mangrove removal is appropriate and what matters should be considered in a resource consent application should reduce the costs of preparing applications and uncertainty regarding the likely success of an application.</p>	No reduction to current compliance costs.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	This option will provide greater certainty to BOPRC when providing assistance to community groups on Estuary Care projects, which will enable more effective use of resources.	No reduction to current fiscal costs.

Social Benefits		
Recreational use of the coastal environment and resources.	Policy DD 16(a) clarifies that mangrove removal may be appropriate where removal is necessary to restore maintain or enhance the public amenity or recreation values identified for the area.	Less efficient than Option 1. No specific policy direction provided. Relies on consideration of general policies regarding public access and recreation.
Public access to and along the coastal marine areas.	Policy DD 16(a) specifically provides for public access from land and water to and along the coastal marine area; and connections with reserves or publicly owned land and the sea.	As above.
Other amenity values.	Policy DD 16(a)(vi) provides for other recreational values important to the community, such as swimming holes and traditional fishing spots.	As above.
Navigation.	Policy DD 16(a)(v) provides for water access and navigation.	No specific direction provided.
Cultural Benefits		
Cultural well-being of people and communities.	Policy 20(c) directs decision makers and applicants to consider the potential effects of mangrove removal on people and communities, including cultural effects.	Less efficient than Option 1 as no specific policy direction is provided.
Ability to meet Principles of Treaty of Waitangi.	Option 1 is able to meet the Principles of the Treaty of Waitangi, especially those relating to active protection. There are also other provisions in the proposed RCEP that cover these aspects more fully (refer to the Iwi Resource Management provisions).	Less efficient than Option 1 as no specific policy direction provided on protection of Māori values that may be impacted by mangroves or affected by mangrove removal.
Legislative requirements (e.g. MACA, Treaty settlements).	A Treaty of Waitangi settlement is nearing completion for the Tauranga Harbour. One of the requirements of the settlement process will be establishment of a statutory committee called the Tauranga Moana Governance Group; and the preparation, review, amendment and adoption of a Tauranga Moana framework document – Ngā Tai ki Mauāo. Ngā Potiki has made an application for Protected Customary Rights that include Rangataua Bay in Tauranga Harbour.	As per Option 1.

	The policy framework is consistent with the Mountains to Sea approach to resource management that the Tauranga Moana iwi wish to adopt.	
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	<p>Policy DD 16(a) directs that mangrove removal may be appropriate where removal is necessary to maintain or enhance the cultural values of an area. The policy provides specific examples of values that may be affected by the spread of mangroves, but is not an exhaustive list. Values listed are: Tauranga ika, kaimoana beds and other mahinga kai; Access to the coast from marae, or to areas of customary use; and tauranga waka and waka portage route.</p> <p>The policies specific to mangrove management should also be read in conjunction with the more general iwi resource management policies contained in Part 3, section 3.</p>	Less efficient than Option 1 as no specific policy direction provided on protection of Māori values that may be impacted by mangroves or affected by mangrove removal.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	Permitted activity Rules DD 18-20 allow for removal of mangroves, which are an indigenous species. The effects of this are expected to be minor (if undertaken in accordance with the conditions of the rule).	The current policy and regulatory framework provides little direction on the ecosystem value of mangroves, and the potential effects (positive and negative) of their removal.
Quality and functioning of the coastal environment.	Removal of mangroves may impact on sedimentation and change the nature of water and sediment flows.	As per Option 1.
Water quality or quantity.	Water quality may be impacted by removal as sediment becomes re-suspended in the water column.	As per Option 1.
Natural character and outstanding landscape features.	Removal of mangroves can have an adverse effect on natural character.	As per Option 1.
Natural hazards.	Mangroves are a natural defence for landward areas from hazards arising from inundation and storm events. Therefore removal could exacerbate natural hazard effects.	As per Option 1.
Historic sites.	None identified.	As per Option 1.

Economic Costs		
Opportunities for employment reduced.	None.	None.
Opportunities for economic growth reduced.	None.	None.
Compliance costs (to resource users).	As outlined in the economic benefits section, costs are expected to be reduced compared to the status quo.	Under the status quo any mangrove removal activities require resource consent – this adds to compliance costs. The cost to the applicant of processing a non-notified resource consent varies depending on the circumstances, but is likely to be in the order of \$1,500-2,000. The applicant may also incur costs whilst preparing their application (for example, if a consultant or technical expert is engaged). This can be a significant compliance cost for resource users, who are generally volunteer community groups, and have the potential to discourage individuals from participating in Estuary Care projects that have wider benefits.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	As outlined in the economic benefits section, no additional costs are anticipated. There are potential costs associated with monitoring new permitted activities – these are likely to be similar to the costs associated with responding to incidents/complaints regarding non-consented activities under Option 2.	An uncertain regulatory framework means that BOPRC does not have clear direction on when and the nature of assistance to provide to community groups that wish to incorporate mangrove removal within Estuary Care projects. This can lead to resources being used to investigate proposals that are not sustainable. Monitoring and enforcement costs associated with responding to complaints/incidents involving removal of mangroves without a resource consent.
Social Costs		
Recreational use of the coastal environment and resources.	None identified.	Loss of recreational amenity due to mangrove spread, including the ability to access areas by kayaks and by walking, has been identified as an issue – particularly by communities round Tauranga Harbour. Option 2 does not address this issue.
Public access to and along the coastal marine areas.	None identified.	As above.
Navigation.	None identified.	As above.

Cultural Costs		
Cultural well-being of people and communities.	None identified.	Option 1 lacks a specific policy direction that recognises the importance of considering effects of mangrove removal (positive and negative) on people and communities.
Ability to meet Principles of Treaty of Waitangi.	None identified.	Option 1 lacks a specific policy direction that recognises when the relationship of Māori with their moana, kai mahinga and other areas important of cultural purposes may be affected by mangrove spread. This is not consistent with the principle of active protection.
Legislative requirements (e.g. MACA, Treaty settlements).	None identified.	None identified.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	None identified.	Possible that relationship of Māori with their cultural and traditions may be impacted if no specific policy direction provided.
Overall assessment	High.	Low – Option 2 relies on consideration of general policies and does not provide specific direction to consideration of the potential adverse and positive effects of mangrove removal.

13.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	No.
Usefulness		
Will effectively guide decision-making?	Yes.	The status quo approach has been found to be ineffective at directing decision-making – this was highlighted in the Environment Court decision on the appeal to Policy CE 6B of the proposed RPS (ENV 2012 AKL-81 Graeme v BOPRC).

Meets sound principles for writing policies and rules?	Yes.	N/A
Assumptions made.	The extent of mangrove removal permitted under Rules DD 18, 19 and 20 will have minor adverse environmental effects. Mangrove seedlings do not grow where mature mangroves are established; accordingly, seedling removal will only occur in areas currently 'free' from mature mangroves or areas where mangrove clearance has occurred historically. There are circumstances when mature mangrove removal will be appropriate.	N/A
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes.	N/A (no specific rules apply).
Degree of uncertainty in the ability to achieve the objective?	Low.	High – no specific direction provided.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes.	No.
Overall assessment	<i>High.</i>	<i>Low.</i>

13.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is not a large body of New Zealand specific research on the ecosystem value of mangroves. The long-term effects of wide-scale mangrove removal are still being investigated in New Zealand.	As per Option 1.
Is the topic of high significance or complexity?	The topic is of high significance to the community (Tauranga and Ōhiwa Harbours) and environmental groups. It is also complex due to mangroves being an indigenous species and the fact that they are expanding.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The risk of not acting is high - The recent Environment Court decision states that implementation of RPS Policy CE 6B is to be settled through the RCEP. Retaining the status quo will not result in implementation of Policy CE 6B as intended by the Courts. The proposed policy and regulatory framework provide sufficient guidance to assist in decision- making.	

13.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

13.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Option 1 provides a clear framework for decision-making on mangrove removal activities that is consistent with the Environment Court decision on RPS Policy CE 6B.
Option 2.	Low.	Low.	No.	Option 2 relies on consideration of general policies and Part 2 of the RMA and does not provide specific direction to consideration of the potential adverse and positive effects of mangrove removal. Option 2 provides no guidance on when removal is appropriate and does not build on knowledge we have about mangrove clearance.

13.3.6 Other policy options considered

Option	Reason(s) why option rejected
<p>A hierarchy of rules controlling mangrove removal and associated policy and mapping.</p> <p>The RCEP could map areas and introduce rules and associated objectives and policies that provide a hierarchy of permitted to non-complying or prohibited mangrove removal activities.</p>	<p>Benefits: This option will provide certainty to the community and environmental groups regarding where mangrove removal is and is not appropriate.</p> <p>Costs: Tauranga Harbour (which contains most mangroves and is subject to greatest management pressure) is 200 km². Ecological assessments across the entire harbour for the purpose of defining clearance and protection areas would take several weeks of field work (potential \$20,000 - \$40,000 expenditure) and considerable time liaising with adjacent communities. Additional work would be required to identify and assess the recreation, cultural and amenity values of each area of the harbour that may warrant 'protection' from mangrove spread.</p> <p>Similar work would be required in Ōhiwa harbour, albeit at less cost. The total cost of undertaking work necessary to support a zone-based planning model would be considerably more than that required to assess the relatively few likely future clearance areas. Furthermore, it is possible that such an exercise would raise expectations for clearance that did not exist prior to the work being undertaken.</p> <p>Conclusion: There is a net cost to the community of providing a "map-based" policy. If community funds are to be spent to support or facilitate mangrove management, these same funds can be more used more effectively to support seeking consent in appropriate areas and to support wider catchment management.</p>
<p>All mangrove removal is permitted, regardless of location or mechanism of removal.</p>	<p>Benefits: This option is simple to understand and implement. No resource consent is required so it is a very cheap option to administer.</p> <p>Negatives: This option is inconsistent with Part 2 of the RMA, which provides for preservation of natural character and areas of significant indigenous vegetation as matters of national importance. There is a high risk that removal would be undertaken in areas or in a manner that caused significant adverse effects. Long-term, it is possible that the Regional Council would receive more complaints and incur subsequent compliance and enforcement costs.</p> <p>Conclusion: This option is inconsistent with Part 2 of the RMA and the Environment Court decision on RPS Policy CE 6B.</p>

13.3.7 Explanation of Selected Policies and Rules

Plan Provision	Explanation
<p>Policy DD 16 Mature mangrove removal may be appropriate:</p> <p>(a) When mangrove removal is necessary to restore maintain or enhance the public amenity, recreation, or cultural values identified for the area, including:</p> <ul style="list-style-type: none"> (i) Tauranga ika , kaimoana beds and other mahinga kai; (ii) Access to the coast from marae, or to areas of customary use; (iii) Public access from land and water to and along beaches, the harbour and recreation areas in the coastal marine area; (iv) Connections with reserves or publicly owned land and the sea; (v) Water access and navigation, including tauranga waka and waka portage routes; (vi) Other recreational values important to the community, such as swimming holes and traditional fishing spots; (vii) Sites listed in the Regional Historic Heritage Inventory in Schedule 7; or <p>(b) To allow for the operation, maintenance and safe use of lawful structures and infrastructure (including drainage systems); or</p> <p>(c) Where mangroves are having a significant adverse effect on threatened or at risk indigenous coastal flora and fauna and/or their habitats.</p>	<p>The policy gives direction on when mangrove removal may be appropriate and is consistent with RPS policy CE 6B, and the Environment Court decision which stated that there will be cases where the removal of mangrove is justifiable for reasons of amenity, recreational, access, or cultural reasons [paragraph 56 of decision]. The policy gives specific direction on how Objective 35 can be achieved.</p> <p>The policy refers to areas and sites of cultural value referred to in the Iwi resource Management policies of the RCEP.</p> <p>Clause (c) reflects the wording used in Policy 11 of the NZCPS (Indigenous Biological Diversity).</p>
<p>Policy DD 17 Avoid the removal of mature mangroves when:</p> <p>(a) The mangroves are located in nationally significant examples of indigenous ecosystems or and where mangroves form an important part of that ecosystem;</p> <p>(b) The mangroves are at the limit of their natural range;</p> <p>(c) The mangroves are known to provide significant habitat for threatened or at risk indigenous species; or</p> <p>(d) Mangroves provide a buffer against coastal processes causing erosion.</p>	<p>NZCPS Policy 11(a) has been used to identify areas were mangrove removal is inappropriate in terms of indigenous biodiversity. In particular, Policy DD 17 gives effect to the direction to avoid adverse effects of activities on:</p> <ul style="list-style-type: none"> • indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists (11(a)(i)); • taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened (11(a)(ii)); • habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare (11(a)(iv)); and • areas containing nationally significant examples of indigenous community types (11(a)(v). <p>Policy DD 17(d) is consistent with NZCPS Policy 26 and RPS Policy CE 6(b).</p>

<p>Policy DD 18 Proposals to remove mature mangroves should:</p> <p>(a) Be developed as part of a wider integrated catchment management plan or estuary/harbour enhancement programme;</p> <p>(b) Provide for the long-term maintenance of cleared areas; and</p> <p>(c) Include a site-specific assessment of the long-term effect on substrate at the removal site that considers such factors as hydrodynamics and local sediment characteristics.</p>	<p>DD 18(a) – The direction to develop mangrove removal proposal as part of a wider management plan gives effect to RPS Policy CE 6B(g) and is consistent with Objective 1 of the RCEP (integrated management).</p> <p>DD 18(b) – Past experience has demonstrated that long-term maintenance of areas that have been cleared of mature mangroves is required (for example ongoing stump and seedling removal). This should be considered up-front so that the long-term effects and sustainability of a project can be assessed.</p> <p>DD 18(c) – These assessment factors are taken from a 2012 NIWA report⁶ on the effects of mangrove removal, which outlines the site-specific factors that are likely to affect the ability of a site to return to sand flats after mangrove removal.</p>
<p>Policy DD 19 Enhancement of saltmarsh and other wetland habitats, including pest control, may be required prior to (and after) clearance to mitigate or offset the loss of mangrove habitat and any associated adverse effects on natural character.</p>	<p>The policy includes offsetting as enhancement of an alternative habitat will not mitigate the loss of mangrove habitat. Policy direction on biodiversity offsetting policy is included in the Natural Heritage policies of the RCEP.</p>
<p>Policy DD 20 Ensure the removal of mangroves avoids or mitigates the following adverse effects:</p> <p>(a) Effects on natural character including:</p> <p>(i) Creation of unnatural “man-made” vegetated edges, tracks or depositions which persist for more than 6 months from the time of removal;</p> <p>(ii) Presence of plant or machinery in the coastal marine area; and</p> <p>(iii) Significant long-term effects on existing natural character.</p> <p>(b) Effects on fauna or flora including:</p> <p>(i) Restricting faunal migration and movement;</p> <p>(ii) Disturbing ecological corridors and areas important for linking Indigenous Biological Diversity Areas;</p> <p>(iii) Disturbance, displacement or loss of dependent fauna and their habitat, particularly species that are naturally rare, threatened, at risk or located in an Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1);</p> <p>(v) Reducing nearby indigenous biodiversity value, including effects of compaction, sediment redistribution and deposition/storage of mangrove biomass;</p>	<p>Policy DD 20 provides clear direction on the potential adverse effects associated with mangrove removal.</p> <p>Policy DD 20(a)(iii) refers to ‘existing’ natural character. This reflects a 2012 Environment Court decision⁷ on an application to remove mangroves from Mangawhai Harbour that states that historical evidence does not help the Court determine what should be the harbour’s natural state. The Court found that they should consider any landscape and natural character issues from the position of what exists now.</p> <p>Policy DD 20(b)(i), (ii) and (iii) give effect to Policy 11 of the NZCPs and Policy CE 6B(a). In particular, the direction to avoid significant adverse effects on:</p> <ul style="list-style-type: none"> • Habitats, including areas and routes, important to migratory species (11(b)(v)); and • Ecological corridors, and areas important for linking or maintaining biological values identified under this policy (11(b)(vi)). <p>and to avoid adverse effects on:</p> <ul style="list-style-type: none"> • Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists (11(a)(i)); • Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened (11(a)(ii)); and

⁶ NIWA 2012, Physical and ecological impacts associated with mangrove removals using *in situ* mechanical mulching in Tauranga Harbour.

⁷ [2012] NZEnvC 232, Mangawhai Harbour Restoration Society Inc v Northland Regional Council.

<p>(v) Decreasing water quality including impacts arising as a result of sediment or plant biomass remobilising and/or decomposing; and</p> <p>(vi) Removing a buffer to sensitive ecological areas from the activities of people, animals and/or other threats.</p> <p>(c) Effects on people or communities including:</p> <p>(i) Cultural effects to Māori who are kaitiaki for the area in which mangrove clearance is proposed; and</p> <p>(ii) Amenity impacts including noise, visual impacts such as material or plant storage on nearby residents.</p> <p>(d) Effects on coastal processes including:</p> <p>(viii) (i) Potential increase in susceptibility to coastal inundation or erosion.</p>	<ul style="list-style-type: none"> • Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare (11(a)(iv)). <p>Policy DD 20(b)(v) gives effect to RPS Policy CE 6B(f).</p> <p>Policy DD 20(b)(vi) reflects criteria for consideration developed during the Mangawhai Harbour court case (ibid).</p> <p>Policy DD 20(d) gives effect to RPS Policy CE 6B(b).</p>
<p>Rule DD 18 Permitted – Removal of mangrove seedlings.</p> <p>The removal of mangrove seedlings is a permitted activity subject to the following conditions:</p> <p>(a) Plants removed shall be single stemmed and unbranched mangrove plants less than 60 cm in height.</p> <p>(b) Where more than 30 square metres of clearance is proposed in a 24-hour period, the Bay of Plenty Regional Council shall be notified of the proposed time and extent of removal, at least three working days prior to the work being undertaken.</p> <p>(c) Removal shall be undertaken by hand or using hand-held non-motorised tools.</p> <p>(d) Chemical herbicides shall not be used.</p> <p>(e) The activity shall not disturb or damage areas of saltmarsh and/or seagrass.</p> <p>(f) Access to removal areas shall be by existing open areas or paths.</p> <p>(g) In areas that have been identified as bird roosting or nesting sites in Schedule 2 of this Plan, removal must be timed to avoid bird roosting and nesting seasons.</p>	<p>The rule provides for removal of mangrove seedlings using hand-held tools or machinery.</p> <p><u>Explanation for conditions:</u></p> <p>(a) The definition of a seedling is consistent with that used in RPS Policy CE 6B (as determined by the Environment Court).</p> <p>(b) Notification means that the Regional Council is able to monitor compliance with the permitted activity and can provide advice on what steps should be taken to meet the conditions of the rule. A trigger point for requiring notification has been set based on the area used in the current Auckland Regional Coastal Plan. Auckland Council has recently reviewed the mangrove management provisions as part of the Unitary Plan development. The review concluded that the 30 square metre trigger was working effectively.</p> <p>(c) Restricting removal to hand-held tools limits the amount of disturbance to the foreshore and seabed. Use of wheeled and tacked machinery can greatly increase the potential for adverse environmental effects due to increased pressure on the foreshore; potential for discharge of contaminants and potential for disturbance or damage to non-target species.</p> <p>(d) The use of chemical herbicides could have unintended adverse impacts on a variety of other indigenous vegetation and fauna and chemicals may persist in the environment. Controlling their use requires a consideration of wind, ecotoxicity, biodegradability, dispersion and dilution and other factors unable to be adequately managed via permitted activity status.</p>

	<p>(e) Areas of saltmarsh and seagrass are identified as requiring protection as these areas are sensitive to disturbance and this type of habitat has already been significantly decreased in the region – especially in Tauranga Harbour. Condition x gives effect to NZCPS Policy 11(b)(iii) - to avoid significant adverse effects on habitats in the coastal environment that are vulnerable to modification, including estuaries, coastal wetlands and intertidal zones and RCEP Policies NH 6, 7 and 8.</p> <p>(f) Requiring the use of existing open areas or paths minimises the potential for damage to other indigenous vegetation, and gives effect to NZCPS Policy 11(b)(iii) and RCEP Policies NH 6, 7 and 8.</p> <p>(g) Avoiding removal activities in identified bird roosting and nesting sites during roosting and nesting seasons gives effect to NZCPS Policy 11(b)(ii) – to avoid significant adverse effects on habitats in the coastal environment that are important during the vulnerable life stages of indigenous species.</p>
<p>Rule DD 19 Permitted – Small-scale clearance of adult mangroves.</p> <p>The:</p> <p>(a) Removal of adult mangroves located immediately adjacent to or within the footprint of a lawfully established structure, network infrastructure or existing drainage system, or</p> <p>(b) Removal of adult mangroves where the total cleared area does not exceed:</p> <p>(i) 30 square metres in an Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1) within any 12-month period, or</p> <p>(ii) 200 square metres in any other area within any 12-month period.</p> <p>For the purpose of this rule, a clearance area is treated as a separate ‘activity site’ if it is located more than 200 metres from any other area cleared within the preceding 12 month period.</p> <p>is a permitted activity subject to the following conditions:</p> <p>(a) The Bay of Plenty Regional Council shall be notified of the proposed time and extent of removal, at least three working days prior to the work being undertaken.</p> <p>(b) Tracked or wheeled machinery shall not operate within the coastal marine area.</p> <p>(c) Chemical herbicides shall not be used.</p> <p>(d) All cleared vegetation shall be disposed of outside the coastal marine area.</p>	<p>This rule provides for small scale removal of mature mangroves using hand-held tools or machinery.</p> <p>The area restrictions included in the rule are similar to those used in the current Auckland Regional Coastal Plan, which have recently been reviewed during development of the Auckland Unitary Plan. The review concludes that the clearance maximums are reasonable and effective for their purpose. They enable sufficient clearance to provide vessel access through mangroves to open channels or in front of stormwater outfalls and other structures for maintenance and repair purposes.</p> <p><u>Explanation for conditions:</u></p> <p>(a) Notification means that the Regional Council is able to monitor compliance with the permitted activity and can provide advice on what steps should be taken to meet the conditions of the rule. It also means that the Regional Council is able to respond more efficiently to complaints.</p> <p>(b) Use of wheeled and tracked machinery can greatly increase the potential for adverse environmental effects due to increased pressure on the foreshore; potential for discharge of contaminants and potential for disturbance or damage to non-target species.</p> <p>(c) The use of chemical herbicides could have unintended adverse impacts on a variety of other indigenous vegetation and fauna and chemicals may persist in the environment. Controlling their use requires a consideration of wind, ecotoxicity, biodegradability, dispersion and dilution and other factors unable to be adequately managed via permitted activity status.</p>

<p>(e) The activity shall not damage or disturb a site listed in the Regional Historic Heritage Inventory in Schedule 7.</p> <p>(f) The activity shall not disturb or damage areas of saltmarsh and/or seagrass.</p> <p>(g) Access to removal areas shall be by existing open areas or paths.</p> <p>(h) In areas that have been identified as bird roosting or nesting sites in Schedule 2 of this Plan, removal must be timed to avoid bird roosting and nesting seasons.</p> <p>(i) Removal shall not be undertaken in the high value mangrove sites listed below:</p> <ul style="list-style-type: none"> • Ōhiwa Harbour Uretara Island. • Ōhiwa Harbour Motuotu Island Nature Reserve. • Ōhiwa Harbour Pataua Island Scientific Reserve and Extension. • Tauranga Harbour Aongatete Estuary. • Tauranga Harbour Athenree. • Tauranga Harbour Blue Gum Bay 1. • Tauranga Harbour Tirohanga Mangroves. • Tauranga Harbour Te Hopai Island. 	<p>(d) Disposal of material in situ can have adverse effects due to the decomposition of material and the movement and/or accumulation of material. These effects cannot be effectively controlled by permitted activity conditions.</p> <p>(e) Mature mangroves may be growing in and around historic heritage sites, some of which are located in Tauranga and Ōhiwa Harbours.</p> <p>(f), (g) and (h) – see Rule DD 18(e),(f) and (g).</p> <p>(i) Areas identified as having high biodiversity values, and where mangroves significantly contribute to those values, have been excluded from the permitted activity rule.</p>
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<p>Rule DD 20 Permitted - Management of adult mangroves as part of existing Estuary Care works.</p> <p>The removal of mangrove seedlings or adult mangroves from any area from which mangroves have been removed as a consented activity is permitted, subject to the following standards and terms:</p> <ul style="list-style-type: none"> (a) Removal of mangroves is carried out as a part of “estuary care” works that have are being undertaken by an Estuary Care group recognised by the Bay of Plenty Regional Council. (b) The activity shall not damage or disturb a site listed in the Regional Historic Heritage Inventory in Schedule 7. (c) Tracked or wheeled machinery shall not be used in the coastal marine area. (d) Removal shall be undertaken by hand or using hand-held tools. (e) Chemical herbicides shall not be used. (f) The activity shall not disturb or damage areas of saltmarsh and/or seagrass. (g) Access to removal areas shall be by existing open areas or paths. 	<p>This rule provides for the ongoing ‘maintenance’ of areas that have previously been cleared of mangroves under a resource consent. New areas are not included as these should be subject to a site specific assessment to determine the appropriateness of mangrove removal that cannot meet permitted activity Rule DD 18 or DD 19.</p> <p><u>Explanation for conditions:</u></p> <ul style="list-style-type: none"> (a) Ensures that works will be undertaken as part of a broader management/restoration plan for an estuary. (b) Mature mangroves may be growing in and around historic heritage sites, some of which are located in Tauranga and Ōhiwa Harbours. (c), (d),(e),(f),(g) – see Rule 18(e),(f) and (g) and Rule 19(b).
<p>Rule DD 21 Restricted Discretionary – Removal of mangroves</p> <p>The removal of mangroves here the activity is not permitted by Rule DD 18, Rule DD 19 or Rule DD 20 is a restricted discretionary activity.</p> <p>Bay of Plenty Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> (a) The matters listed in policies DD16, DD 17, DD18, DD 19 and DD 20. (b) The positive effects of the activity on amenity, recreation, biodiversity and cultural values, including kaimoana, threatened or at risk indigenous species, threatened indigenous ecosystems, public access and navigational access and safety. (c) The method and timing of mangrove removal and disposal. 	<p>Any mangrove removal activities that don’t meet the permitted activity rules are considered under Rule 21. A restricted discretionary status has been applied as previous experience in this region and in Northland, Waikato and Auckland has provided clear direction on the matters that require consideration.</p> <p>Resource consent can still be declined, and public notification can be made if appropriate.</p> <p>The matters over which the Regional Council has retained its discretion link strongly to the policy framework and specifically include consideration of the positive effects of mangrove removal.</p> <p>The method and timing of mangrove removal are included as these can have a significant influence on the type and extent of adverse effects created.</p>

14 Coastal Discharges

14.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Discharges to the CMA: Issues 13, 14.	Objective 7.	CD 1.	CD 2, CD 3, CD 4, CD 7, CD 8, CD 10, CD 11.	Method 10(e)	-
		CD 2.	CD 8.	-	Schedule 10
		CD 3.		Method 10	-
		CD 4.		-	-
		CD 7.	CD 9.	-	-
		CD 8.	CD 8.	-	-
	CD 9.	-	-	-	
	Objective 8.	CD 1(e).	CD 8.	-	-
Activities in water discharges: Issue 13.	Objective 9.	CD 10.	CD 12, CD 13.	-	-
Stormwater discharge: Issues 9, 10, 11, 30.	Objective 10.	CD 13.	-	-	-
		CD 14.	CD 5, CD 6.	-	Schedule 12
		CD 15.			
		CD 16.	CD 6.	Method 6	-
		CD 17.	CD 6.	-	-
		CD 18.		-	-
CD 19.	-	-			
Hazardous chemicals: Issues 9, 13.	Objective 11.	CD 5.	-	Method 12	-
		CD 6.	CD 8, CD 10.	Method 11	-
		CD 11.		-	-
		CD 12.	CD 1, CD 8.	-	-

14.2 Evaluation of Objectives 7, 8, 9, 10 and 11

14.2.1 Objective 7

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 7.	Objective 9.2.2.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – it address major aspects of Issues 13 and 14 in relation to the effects of coastal discharges on water quality and cultural values, and discharges from activities in water.	No – the objective is too broad and vague to directly relate to the Issue statements in the RCEP.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – the matters specified in Objective 7(a) and (b) aim to achieve s5(2), 6(e), and 7(f) RMA.	Partly – the Objective aims to achieve s6(e), and 7(f) RMA, but lacks specific guidance.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Ye – in particular s6(e) in relation to coastal waters.	Yes – in particular s6(e) in relation to coastal waters.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) RMA.	Yes – as per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes - gives effect to Proposed RPS Policies CE8B, IW 2B, and IW 5B, and NZCPS Policy 23.	No – the objective is too broad and vague to give effect to either the RPS or NZCPS.
Usefulness		
Will effectively guide decision-making?	Yes – contains clear guidance on discharges, reasonable mixing zones, water quality classifications, and cultural values of mana whenua.	No – the objective is too broad and vague to provide guidance.
Meets sound principles for writing objectives?	Yes – the objective is specific about the outcomes to be achieved in relation to water quality classifications, the extent of allowable adverse effects, and mana whenua concerns.	No – (as per comments above).
Consistent with other relevant objectives?	Yes – particularly Objective 26.	No – the objective is broad and vague, compared to the more specific objectives in the new RCEP.

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – (refer to assessment of policies, methods and rules to achieve Objective 7 below).	Unknown – too vague to assess appropriately.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – effects of discharges are controlled through regulatory mechanisms under the RMA.	Uncertain.
Overall assessment	This option is an appropriate objective to include in the RCEP.	Not appropriate due to vagueness and lack of policy guidance.

14.2.2 Objective 8

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 8.	Objective 9.2.2. Note – there is no directly corresponding objective in the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – it address a major aspect of Issues 13 and 14 in relation to the potential for persistent toxic contaminants to be discharged to the CMA, and the consequential effects on water quality, ecosystems and cultural values.	No – the objective is too broad and vague to directly relate to the Issue statements in the RCEP.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – the Objective aims to achieve s5(2), 6(e), and 7(f) RMA.	Partly – the Objective aims to achieve s6(e), and 7(f) RMA, but lacks specific guidance.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – in particular s6(e) in relation to coastal waters.	Yes – in particular s6(e) in relation to coastal waters.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) RMA.	Yes – as per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to Proposed RPS Policies CE8B(f), and NZCPS Policy 23.	No the objective is too broad and vague to give effect to either the RPS or NZCPS.
Usefulness		
Will effectively guide decision-making?	Yes – is specific about preventing the discharge of persistent toxic contaminants into the CMA. The Objective links to the definition of “persistent toxic contaminants” in the RCEP for clarity.	No – the objective is too broad and vague to provide guidance.

Meets sound principles for writing objectives?	Yes – (for the reasons above).	No – (as per comments above).
Consistent with other relevant objectives?	Yes – particularly Objectives 7 and 9.	No – the objective is broad and vague, compared to the more specific objectives in the new RCEP.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes (refer to assessment of policies, methods and rules to achieve Objective 8 below).	Unknown – too vague to assess appropriately.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – effects of discharges are controlled through regulatory mechanisms under the RMA.	Uncertain.
Overall assessment	This option is an appropriate objective to include in the RCEP.	Not appropriate due to vagueness and lack of policy guidance.

14.2.3 Objective 9

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 9.	Objective 9.2.2. Note – there is no directly corresponding objective in the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – it address a major aspect of Issue 13 (iv) in relation to discharges of sewage from ships in sensitive receiving environments and where contact recreation is common.	No – the objective is too broad and vague to directly relate to the Issue statements in the RCEP.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – the Objective aims to achieve s5(2), 6(e), and 7(f) RMA. Also consistent with the Resource Management (Marine Pollution) Regulations 1998.	Partly – the Objective aims to achieve s6(e), and 7(f) RMA, but lacks specific guidance.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – in particular s6(e) in relation to coastal waters.	Yes – in particular s6(e) in relation to coastal waters.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) RMA.	Yes – as per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to NZCPS Policy 23(2).	No – the objective is too broad and vague to give effect to either the RPS or NZCPS.

Usefulness		
Will effectively guide decision-making?	Yes – is specific about preventing the discharge of untreated sewage from ships to harbours and near the open coast (i.e. specific about the activity and the locations of concern).	No – the objective is too broad and vague to provide guidance.
Meets sound principles for writing objectives?	Yes (for the reasons above).	No (as per comments above).
Consistent with other relevant objectives?	Yes - particularly Objective 7.	No – the objective is broad and vague, compared to the more specific objectives in the new RCEP.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes (refer to assessment of policies, methods and rules to achieve Objective 9 below).	Unknown – too vague to assess appropriately.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – effects of discharges are controlled through regulatory mechanisms under the RMA, and the Resource Management (Marine Pollution) Regulations 1998.	Uncertain.
Overall assessment	This option is an appropriate objective to include in the RCEP.	Not appropriate due to vagueness and lack of policy guidance.

14.2.4 Objective 10

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 10.	Objective 9.2.2. Note – there is no directly corresponding objective in the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – it address major aspects of Issues 9, 10 and 11 in relation to the effects of stormwater discharges to the CMA (including harbours and estuaries), and the need for integrated and comprehensive catchment management of stormwater to address those issues.	No – the objective is too broad and vague to directly relate to the Issue statements in the RCEP.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – the Objective aims to achieve s5(2), 6(e), and 7(f) RMA.	Partly – the Objective aims to achieve s6(e), and 7(f) RMA, but lacks specific guidance.

Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – in particular s6(e) in relation to the effects of stormwater on coastal waters.	Yes – in particular s6(e) in relation to coastal waters.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) RMA.	Yes – as per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to NZCPS Policy 23(4).	No – the objective is too broad and vague to give effect to either the RPS or NZCPS.
Usefulness		
Will effectively guide decision-making?	Yes – clearly states the required outcome of integrated and comprehensive stormwater management within catchments or sub-catchments.	No – the objective is too broad and vague to provide guidance.
Meets sound principles for writing objectives?	Yes – (for the reasons above).	No – (as per comments above).
Consistent with other relevant objectives?	Yes – particularly Objectives 5, 6 and 7.	No – the objective is broad and vague, compared to the more specific objectives in the new RCEP.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – (refer to assessment of policies, methods and rules to achieve Objective 10 below).	Unknown – too vague to assess appropriately.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – effects of discharges are controlled through regulatory mechanisms under the RMA.	Uncertain.
Overall assessment	This option is an appropriate objective to include in the RCEP.	Not appropriate due to vagueness and lack of policy guidance.

14.2.5 Objective 11

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 11.	Objective 17.2.2.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – it address major aspects of Issues 9 and 13 in relation activities the store or use hazardous substances within the CMA, and the potential vectors for entry of those substances into the CMA (such as stormwater discharges and boat maintenance activities).	As per Option 1.
Will achieve one or more aspects of the purpose	Yes - the Objective aims to achieve s5(2), 6(e), and 7(f)	As per Option 1.

and principles of the RMA (Part 2).	RMA.	
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes, in particular s6(e) in relation to coastal waters.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) and (v)RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes - gives effect to NZCPS Policy 23(5).	As per Option 1.
Usefulness		
Will effectively guide decision-making?	Yes – clearly identifies that the risk of adverse effects from the storage and use of hazardous substances is to be minimised (as opposed to avoided or remedied).	As per Option 1.
Meets sound principles for writing objectives?	Yes – clearly states what is to be achieved.	No – includes 'transportation' of hazardous substances, which is not able to be controlled by the RCEP (it is controlled under the Marine Transport Act).
Consistent with other relevant Objectives?	Yes – particularly Objectives 8 and 9.	As per Option 1.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes – (refer to assessment of policies, methods and rules to achieve Objective 11 below).	Inclusion of 'transportation' in the Objective exceeds the activities able to be controlled by the RCEP, and may duplicate controls under other legislation.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – risk management of storage and use of hazardous substances can be controlled through regulatory mechanisms under the RMA for associated activities, and spill response capabilities.	As per Option 1.
Overall assessment	This option is an appropriate objective to include in the RCEP.	Not as appropriate as Option 1.

14.3 Policies, Methods and Rules to achieve Objective 7

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policies CD 1, CD 2, CD 3, CD 4, CD 7, CD 8, CD 9. Rules CD2, CD 3, CD 4, CD 7, CD 8, CD 9, CD 10, CD 11. Method 10(e). Schedule 10.</p>	<p>Policies 9.2.3(b), (c), (f), (h). Rules 9.2.4 (b), (d), (f). Thirteenth Schedule.</p>

14.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
<p>Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quality.</p>	<p>The provisions establish requirements for the management of discharges to the CMA that have the following environmental benefits:</p> <ul style="list-style-type: none"> • Avoidance of significant adverse effects on coastal ecosystems; • Minimising adverse effects on life-supporting capacity of coastal waters; • Not altering the salinity of receiving waters in relation to the ability to support indigenous flora and fauna; • Avoiding erosion and scour; • Achieving water quality classification standards; • Establishing the smallest reasonable mixing zones in relation to environmental factors; • Setting clear environmental expectations for discharges of sewage. 	<p>The policies contain requirements for the management of discharges to the CMA that have the following environmental benefits:</p> <ul style="list-style-type: none"> • Avoidance of significant adverse effects on coastal ecosystems; • Achieving water quality classification standards; • Establishing a reasonable mixing zone (although the wording does not require the 'smallest' mixing zone). <p>Policy 9.2.3(h) is to continue to monitoring and report on coastal water quality. However, this only repeats the requirements of Section 35 RMA.</p> <p>The rules largely require consent for discharges to the CMA.</p>

	The rules permit low risk or beneficial activities, prohibit high risk or inappropriate activities, and provide for other activities to be assessed on a case by case basis relative to their effects on the environment.	
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; amenity values.	<p>The provisions establish requirements for the management of discharges to the CMA to:</p> <ul style="list-style-type: none"> • Avoid significant adverse effects on amenity values and kaimoana; • Ensure water quality is suitable for contact recreation (e.g. swimming) and for shellfish gathering for human consumption; • Set the smallest mixing zones in relation to proximity to bathing sites; • Avoid discharge locations such as recreational beaches. 	<p>The provisions establish requirements for the management of discharges to the CMA to:</p> <ul style="list-style-type: none"> • Avoid significant adverse effects on amenity values; • Ensure water quality is suitable for contact recreation (e.g. swimming) and for shellfish gathering for human consumption.
Cultural Benefits		
Mauri of coastal waters.	Policy CD 4 recognises and provides for the effects of discharges on the mauri of receiving waters, and specifies how this may be achieved. Policy CD 4 also cross-references to Policies CD 7, 8 and 9, which also provide for cultural values.	No specific benefits identified.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.

Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; cultural well-being of people and communities.	<p>The provisions establish requirements for the management of discharges to the CMA to:</p> <ul style="list-style-type: none"> • Avoid significant adverse effects on kaimoana; • Ensure water quality is suitable for contact recreation (e.g. swimming) and for shellfish gathering for human consumption; • Set reasonable mixing zones having regard to Māori cultural values; • Recognise and provide for mauri; • Avoid discharge locations such as mahinga kai and other traditional seafood gathering areas. 	No specific benefits identified.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quality.	<p>If there are no controls on discharges, there is the potential to irreversibly impact on coastal ecosystems and the health of coastal waters, thereby also impacting on human uses of the coastal marine area.</p> <p>Policy CD 7 provides for discharges of treated sewage which has not passed through land, soil or wetlands (as a consented activity), but this is consistent with the NZCPS and RMA.</p>	<p>Does not require the 'smallest' mixing zone, so may allow for a large zone that has an adverse on local values and sites. The matters to set reasonable mixing zones are not as comprehensive as Option 1, which could lead to greater adverse effects.</p> <p>Permits the discharge of water from live-fish holding tanks, without limits on volume or other contaminants (e.g. antibiotics, nitrogen). This presents a risk to the environment in from large land-based aquaculture units that could discharge under this rule.</p>
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Additional compliance costs resulting from the provisions are consistent with the requirements of the NZCPS and proposed RPS.	Lower than Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.

Social Costs		
Recreational use of the coastal environment and resources; amenity values.	Recreational uses can be severely impacted by poor water quality.	Does not specifically provide for the effects of discharge locations on bathing sites and recreational beaches. May lead to adverse effects on these areas.
Cultural Costs		
Mauri of coastal waters.	The mauri of water and other cultural uses can be severely impacted by poor water Policy CD 7 provides for discharges of treated sewage which has not passed through land, soil or wetlands (as a consented activity), but this is consistent with the NZCPS and RMA.	Does not specifically recognise and provide for mauri of coastal waters. May lead to greater adverse effects on mauri than Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; cultural well-being of people and communities.	As per comments for 'Mauri of coastal waters' above.	Does not specifically recognise and provide for cultural values. May lead to greater adverse effects on cultural values than Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

14.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – Policies CD 1, 2, 3, 7 and 9 are specifically directed towards achieving Objective 7(a). Policies CD 3(j), 4, 8 and 9 are specifically directed towards achieving Objective 7(b).	No – there are no policies directed at achieving Objective 7(b).
Will clearly achieve, or partly achieve the objective.	Yes.	Partly – (Objective 7(a) only).

Usefulness		
Will effectively guide decision-making?	Yes – contains clear guidance on how the effects of discharges are to be managed (Policy CD 1); the application of the water quality classifications and standards in Schedule 10 (Policy CD 2), defining a reasonable mixing zone (Policy CD 3), how to recognise and provide for mauri (Policy CD 4), and the assessment of sewage discharges (Policies CD 7, 8 and 9).	Partly – however there is insufficient policy guidance on discharges, particularly setting of reasonable mixing zones and Māori cultural values, compared to Option 1.
Meets sound principles for writing policies and rules?	Yes – the policies are clearly structured, address the effects that need to be addressed, use plain English where possible, and state the circumstances where the policy applies (e.g. for sewage discharges).	Partly – lacks clear structure, and repeats requirements in Policies 9.2.3(b) and (c).
Assumptions made.	That water quality is highly valued by the community and care must be taken to ensure it is managed carefully into the future.	As per Option 1.
Risk involved.	Low as a result of the policy approach taken. There is a high risk to people's health and well-being and to coastal ecosystems if water quality is not managed carefully.	Medium – as only partly directed to achieving Objective 7.
Achievability		
Within BOPRC's functions and powers.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – discharges are controlled through regulatory mechanisms under the RMA.	As per Option 1.
Rules can be complied with and enforced.	Yes – the rule conditions are clear and relevant to the activity.	Partly – Rule 9.2.4(d) is a risk due to the lack of volume limits.
Degree of uncertainty in the ability to achieve.	Low.	Medium.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – particularly Policies CD 4, 8 and 9.	Not specifically.
Overall assessment	<i>High.</i>	<i>Medium.</i>

14.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Discharges are not necessarily complex, but have the potential to be highly significant in relation to effects on the environment, cultural values and recreational use of the CMA.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants and water to coastal water. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, and to provide for low-risk discharges as permitted activities.	As per Option 1.

14.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No. Note – the Resource Management (Marine Pollution) Regulations 1998 apply to the coastal marine area, but are not a NES.	No.
Are there any restrictions greater than required by a relevant NES?	N/A. Note – Rule CD 13 increases the distances seaward and depth specified in Regulation 11 of the Resource Management (Marine Pollution) Regulations 1998.	N/A

14.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Gives effect to the NZCPS and provides greater policy guidance for decision-making.
Option 2.	Medium.	Medium.	No.	-

14.3.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. It is more efficient and effective to review and update discharge provisions specific to the Bay of Plenty.
Include Rule 9.2.4(d) of the Operative RCEP.	<p>The rule permits the discharge of seawater from live-fish holding tanks to the CMA. The rule only contains conditions limiting suspended solids and ammonia. It does not include volume limits.</p> <p>Land-based aquaculture discharge may contain antibiotics, nitrogen and other contaminants not addressed by the rule.</p> <p>There is substantial opportunity for land-based aquaculture in the Bay of Plenty. Due to this potential and the lack of suitable conditions in Rule 9.2.4(d), it is more appropriate for discharges to be assessed on a case by case basis through a resource consent process.</p>

14.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy CD 1.	<p>Provides guidance on the expected quality of discharges to coastal waters. The words “reasonable mixing” are added in the relevant sub-sections, as ‘reasonable mixing’ is not applicable to every sub-section. Replaces Policies 9.2.3(c) and (e) of the Operative RCEP.</p> <p>Explanation of sub-sections:</p> <ul style="list-style-type: none"> (a) The words “avoid significant adverse effects” are consistent with Policy 23 NZCPS, and s107 RMA. ‘Ecosystems’ and ‘habitats’ are from Policy 23(1)(d) NZCPS. ‘Aquatic life’, ‘feeding grounds’ and ‘amenity values’ are from Policy 9.2.3(b) Operative RCEP. ‘Kaimoana’ has been added in relation to Objectives 13 and 15. (b) Is directly from Policy 23(1)(f) NZCPS. (c) Relates to Objectives 4, 13 and 15. The effects of changing salinity are particularly important in the coastal environment. (d) Is directly from Policy 9.2.3(c) of the Operative RCEP. It is focused on the areas where contact recreation and shellfish. (e) gathering for human consumption is most likely to occur (i.e. harbours, estuaries and the open coast to 400 metres from MHWS). It is to maintain recreational use of the CMA, including for kaimoana purposes. (f) Implements Objective 8 RCEP. There is a definition of ‘persistent toxic contaminants’ in the RCEP for clarity. The definition is the same as used in the Regional Water and Land Plan. (g) Is necessary to ensure the rate or volume of discharge is managed to avoid, remedy or mitigate land instability and erosion in the CMA. Similar requirements are applied in the Regional Water and Land Plan. (h) Is consistent with section 5(2)(b) RMA. (i) Is consistent with Policy 23(1)(a), (b) and (c) NZCPS.
Policy CD 2.	<p>Provides clear guidance on how water quality classification and standards in Schedule 10 RCEP will be applied to discharges to the CMA. Replaces Policy 9.2.3(b) and (c) of the Operative RCEP.</p>
Policy CD 3.	<p>Provides clear guidance on how a reasonable mixing zone will be determined in relation to discharges to the CMA. Uses wording similar to Method 115 of the Regional Water and Land Plan for consistency. Replaces Policy 9.2.3(f) of the Operative RCEP.</p> <p>Explanation of sub-sections:</p> <ul style="list-style-type: none"> (a) is consistent with Policy 23(1)(e) and (f) NZCPS. (b) is consistent with Policy CD 2 RCEP. (c) is to account for the flow and quantity of water in the receiving water. (d), (e) are to ensure Policy CD 2 can be met.

	<p>(f) is to account for existing authorised activities in the area.</p> <p>(g) is consistent with Policy 23(1)(d) NZCPS.</p> <p>(h) is consistent with the Policies in Part Three of the RCEP, and assessing effects on a site-by-site basis.</p> <p>(i) is consistent with section 6(e) and (g), 7(a) RMA, and the policies in the Iwi Resource Management section of the RCEP.</p> <p>(j) is consistent with Policy 6(2)(b) NZCPS.</p> <p>(k) specifically provides for assessment of cumulative effects.</p> <p>(l) and (m) link to other subsections (including (j), (i), (h)) to assess the discharge point in relation to other matters.</p> <p>(n) and (o) provide for other information relevant to the proposed activity that should be considered when assessing consent application.</p>
Policy CD 4.	Provides clear guidance on how to recognise and provide for the effects on the mauri of receiving environments. The policy is consistent with Objective 15 RCE, Objective 17 and Policy IW 5B(b) RPS, and Policy 42 of the Regional Water and Land Plan.
Policy CD 7.	Provides clear guidance on where discharges of treated human sewage to coastal water that has not passed through land, soil or wetlands may be consented. Replaces Policy 9.2.3(g) of the Operative RCEP. <p>(a) is consistent with Policy 23(2)(b) NZCPS.</p> <p>(b) is consistent with the requirements of section 87A(5)(b) RMA in relation to non-complying activities (Rule CD 8 covers activities subject to Policy CD 7, and is a non-complying rule).</p> <p>(c) replaces Policy 9.2.3(g) of the Operative RCEP. It is consistent with section 5 RMA.</p>
Policy CD 8.	The policy is a clear statement on a matter that is of particular concern to tangata whenua in the Bay of Plenty region.
Policy CD 9.	Provides clear policy guidance on matters that will be assessed as part of resource consent applications for the discharge of treated human sewage to the CMA. Adapted from wording in S13.3 (Schedule 13) of the Operative RCEP, which is better as a policy than the water quality classification standards. <p>(a) is consistent with Policy WQ 1A RPS (efficient use of water), and best management practice to discourage disposal of toxic materials to wastewater systems.</p> <p>(b) is consistent with Policy CD 7 RCEP.</p> <p>(c) is consistent with Policy IW 1(a) RCEP, and Policy 6(2)(b) NZCPS.</p>
Rule CD 2.	Permits the discharge of dye or gas tracer material to coastal water for monitoring or research purposes. The rule is consistent with Rule 18 of the Regional Water and Land Plan (with minor amendments for coastal waters). There is no equivalent rule in the Operative RCEP. The rule is intended to allow the use of inert dye and tracers for water research, where the activity is expected to have less than minor adverse effects on the environment. The discharge of radioisotope tracers is excluded from the rule as such discharges are better addressed through a resource consent application.

	<p>Condition (a) addresses effects on affected parties, and ensures the community is aware of the activity occurring so they do not become unduly concerned about possible water discolouration, etc.</p> <p>Condition (b) addresses potential adverse effects on authorised water users.</p> <p>Condition (c) is to ensure the activity is a low risk to the environment.</p> <p>Condition (d) is to ensure BOPRC is informed should Pollution Hotline complaints be made, and that BOPRC can then efficiently address the complainant's concerns.</p>
Rule CD 3	<p>Permits minor discharges of water to water in the CMA. The rule is consistent with Rule 33 of the Regional Water and Land Plan. It is also consistent with the approach taken by other regional councils. There is no equivalent rule in the Operative RCEP. The rule is intended to allow minor discharges where the activity is expected to have less than minor adverse effects on the environment.</p> <p>Explanation of conditions:</p> <p>(a) Is to place a temporal limit any adverse effects on visual water quality.</p> <p>(b) Is to protect the stability of land in the CMA.</p> <p>(c) Addresses potential adverse effects on other parties.</p> <p>(d) Is consistent with Policy IW 1(a) RCEP.</p> <p>(e) Ensures that the discharge is a discharge of water, and not a discharge of contaminants.</p> <p>(f) and (g) are consistent with Schedule 10 – Water quality classification RCEP. (f) is also consistent with section 70(1)(c)RMA.</p> <p>(h) Is consistent with Policies NH 4, 6 and 7 RCEP.</p>
Rule CD 4.	<p>Permits the discharge of substances from aircraft for avoiding, remedying or mitigating oil spills. The rule implements Regulation 8 of the Resource Management (Marine Pollution) Regulations 1998. Links to the Bay of Plenty Marine Oil Spill Contingency Plan (Tier II Plan).</p>
Rule CD 7.	<p>Applies discretionary activity status to the dumping of specified matter in the CMA from any ship, aircraft or offshore installation. The rule implements Regulation 4 of the Resource Management (Marine Pollution) Regulations 1998.</p>
Rule CD 8.	<p>Clarifies the default activity status for any discharges of contaminants or water to the CMA. Replicates the restrictive presumption of section 15 RMA. Replaces Rule 9.2.4(b) of the Operative RCEP.</p>
Rule CD 9.	<p>Applies non-complying activity status to discharges of treated human sewage from land-based systems that has not passed through land, soil or wetlands. Implements Policy CD 7 RCEP, and is consistent with Policy 23(2)(b) NZCPS. Non-complying activity status clearly indicates that such proposed discharges must comply with the objectives and policies of the RCEP to be consented. There is no equivalent rule in the Operative RCEP.</p>
Rule CD 10.	<p>Prohibits the dumping of waste or other matter (excluding activities covered by Rule CD 7) in the CMA from any ship, aircraft or offshore installation. The rule implements Regulation 4 of the Resource Management (Marine Pollution) Regulations 1998.</p>

Rule CD 11.	Prohibits the incineration of waste or other matter in any marine incineration facility in the CMA. The rule implements Regulation 6 of the Resource Management (Marine Pollution) Regulations 1998.
Method 10(e).	Consistent with Policy CD 2.
Schedule 10.	<p>Schedule 10 addresses the matters that are necessary to substantially achieve Objective 7, and implement Policy 2 when used in conjunction with Rules CD 8 and 9 RCEP. Schedule 10 is consistent with the intent of the Third Schedule to the Resource Management Act 1991, and section 69 of the RMA. Refer to Schedule 10 - Explanation of Coastal Water Quality Classifications below.</p> <p>Additional standards for areas within all harbours and estuaries, and into the open coast out to a distance of 400 m from the line of mean high water springs, and within 500 m of any consented aquaculture farm is consistent with Policy CD 1(d) RCEP, and to protect consented aquaculture farms that rely on good water quality.</p>

14.4 Schedule 10 – Explanation of Coastal Water Quality Classifications

Qualitative Standard	Quantitative Standard	Coastal Water Classification	Section 32 Explanation
There shall be no conspicuous change in the colour or visual clarity.	The decrease in secchi disc vertical depth or black disc horizontal range shall not be greater than 20%.	All coastal waters.	<p>Qualitative – Consistent with section 70(1)(d) RMA.</p> <p>Quantitative – consistent with S13.2.3 (Schedule 13) of the Operative RCEP.</p>
There shall be no significant adverse effects on aquatic life.	Refer to: Australian and New Zealand Guidelines for Fresh and Marine Water Quality Australian and New Zealand Environment and Conservation Council, 2000.		<p>Qualitative – Implements Policy CD 1(a) RCEP. Consistent with section 70(1)(g) RMA.</p> <p>Quantitative – uses current guidelines that are relevant and applicable in New Zealand.</p>
There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.	None.		Qualitative – Consistent with section 70(1)(c) RMA.

Qualitative Standard	Quantitative Standard	Coastal Water Classification	Section 32 Explanation
There shall be no emission of objectionable odour.	Refer to the Bay of Plenty Regional Air Plan.		The Regional Air Plan applies in the Coastal Marine Area. Qualitative – Consistent with section 70(1)(e) RMA. Quantitative – references the appropriate regional planning document that addresses discharges of contaminants (including odour) to air.
The visual clarity of the water shall be suitable for bathing.	The horizontal sighting distance of a 200 mm black disc should exceed 1.6 m (in the active surf zone it is not possible to use this method). Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Environment and Conservation Council, 2000.	Within all harbours and estuaries and into the open coast out to a distance of 400 m from the line of mean high water springs, and within 500m of any consented aquaculture farm.	Qualitative – Consistent with Class CR Water condition (1) in Schedule 3 to the RMA. 'CR' relates to contact recreation. Quantitative – consistent with S13.2.3 (Schedule 13) of the Operative RCEP. Also uses current guidelines that are relevant and applicable in New Zealand.
The water shall not be rendered unsuitable for bathing by the presence of contaminants.	Microbiological: The concentration of enterococci must not exceed 280 cfu/100 ml. See Microbiological Water Quality Guidelines for methodology (MfE AND MoH, 2003).		Qualitative - Consistent with Class CR Water condition (2) in Schedule 3 to the RMA. CR' relates to contact recreation. Quantitative – applies current relevant New Zealand guidelines.
Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.	Microbiological The median faecal coliform content of samples taken over a shellfish-gathering season shall not exceed a Most Probable Number (MPN) of 14/100 mL, and not more than 10% of samples should exceed an MPN of 43/100 mL (using a five-tube decimal dilution test). See Microbiological Water Quality Guidelines for methodology (MfE and MoH, 2003).		Qualitative – Consistent with Class SG Water condition (3) in Schedule 3 to the RMA. SG' relates to shellfish for human consumption. Quantitative – applies current relevant New Zealand guidelines.
There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.	None		Qualitative – Consistent with Class CR Water condition (3) in Schedule 3 to the RMA. 'CR' relates to contact recreation.

Qualitative Standard	Quantitative Standard	Coastal Water Classification	Section 32 Explanation
The natural temperature of the water shall not be changed by more than 3 degrees C.			Qualitative – Consistent with Class SG Water condition (1) in Schedule 3 to the RMA. ‘SG’ relates to shellfish for human consumption.
The concentration of dissolved oxygen shall exceed 80% of saturation concentration.			Qualitative – Consistent with Class AE Water condition (3), Class FE Water condition (2), and Class FS Water condition (2), and Class SG Water condition (2) in Schedule 3 to the RMA. ‘AE’ relates to shellfish for human consumption; ‘FE’ fishery purposes; ‘FS’ fish spawning purposes; ‘SG’ shellfish for human consumption.

14.5 Policies, Methods and Rules to achieve Objective 8

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy CD 1(e). Rule CD 8.	Policy 9.2.3(e). Rule 9.2.4(b).

14.5.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Water quality; Risk of hazardous substances and contaminated sites.	Avoids the discharge of persistent toxic contaminants into the Coastal Marine Area. Avoiding such activities is a better environmental option than allowing for ‘remedying or mitigating’. Remediating areas contaminated with persistent toxic contaminants is likely to be difficult and expensive.	As per Option 1.

	Persistent toxic contaminants are those with a long-duration that have the capability of causing ill-health, injury or damage to living organisms. As such, avoiding such discharges will have benefits to coastal ecosystems, cultural values, recreational uses, and human health.	
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	Refer to comments above for Environmental Benefits.	As per Option 1.
Cultural Benefits		
Mauri of coastal waters; Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Refer to comments above under Environmental Benefits.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Water quality; Risk of hazardous substances and contaminated sites.	No specific costs identified.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.

Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	No change from status quo under Operative RCEP. Compliance costs in short-term may be greater for resource users to comply. However, in the long-term this is likely to be less costly than contaminated site remediation where persistent toxic contaminants have entered the environment.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources.	No specific costs identified.	As per Option 1.
Cultural Costs		
Mauri of coastal waters; Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	No specific costs identified.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>High.</i>

14.5.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	Yes.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly – the wording of Policy 9.2.3(e) is not as directive as Option 1, and applies a lesser standard (e.g. uses the word ‘should’) than required by Objective 8.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction that the discharge of persistent toxic contaminants is to be avoided.	Partly - the wording of Policy 9.2.3(e) is not as clear as Option 1. It refers to ‘activities’ rather than ‘discharges’, and uses ‘should’ rather than ‘must’.
Meets sound principles for writing policies and rules?	Yes.	No – for the reasons above.
Assumptions made.	That persistent toxic contaminants should not be disposed of in the coastal marine area.	As per Option 1.
Risk involved.	Low.	Medium – for the reasons above.
Achievability		
Within BOPRC’s functions and powers.	Yes – s15(1)(a), (b), (c); and s30(d)(iv) RMA.	As per Option 1.
Within the scope of BOPRC’s available tools and resources.	Yes – discharges are controlled through regulatory mechanisms under the RMA.	As per Option 1.
Rules can be complied with and enforced.	Yes – the rule conditions are clear and relevant to the activity.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Medium.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

14.5.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is sufficient scientific information about the adverse effects of persistent toxic contaminants.	As per Option 1.
Is the topic of high significance or complexity?	The discharge of persistent toxic contaminants has the potential to be highly significant, particularly to iwi and hapū, residents around proposed discharge sites, and recreational and commercial users of the CMA.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants and water to coastal water. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, particularly how the discharge of persistent toxic contaminants will be assessed.	As per Option 1.

14.5.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

14.5.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The wording of Policy CD 1(e) provides clear direction on how the discharge of persistent toxic contaminants will be assessed.
Option 2.	High.	Medium.	No.	-

14.5.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. It is more efficient and effective to review and update discharge provisions specific to the Bay of Plenty.

14.5.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy CD 1(e).	Subsection (e) implements Objective 8 RCEP. There is a definition of 'persistent toxic contaminants' in the RCEP for clarity. The definition is the same as used in the Regional Water and Land Plan.
Rule CD 8.	This rule applies to discharges that are not otherwise addressed by other rules under the Resource Management (Marine Pollution) Regulations 1998. In relation to the discharge of persistent toxic contaminants, discretionary activity status is applicable (rather than non-complying or prohibited) due to the wide definition of 'persistent toxic contaminants' and the overlap with Hazardous Substances and New Organisations (HSNO) legislation (i.e. many substances provided for by HSNO would be captured by the RCEP definition). Discretionary status is appropriate to allow BOPRC to assess proposed discharges on a case by case basis, while allowing proposed discharges to be declined subject to an assessment of effects.

14.6 Policies, Methods and Rules to achieve Objective 9

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy CD 10. Rules CD 12, CD 13. Note – the discharge of sewage from ships and offshore installations is also addressed by the Resource Management (Marine Pollution) Regulations 1998.	Policy 9.2.3(i). Rules 9.2.4(c), 9.2.4(e).

14.6.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
<p>Water quality.</p>	<p>Prohibits discharges of untreated sewage from land-based activities to the CMA (i.e. such discharges must be appropriately treated, and are assessed against Policies CD 1, 2, 3, 4, 7, 8 and 9).</p> <p>Prohibits the discharge of untreated sewage from vessels and off-shore installations to sensitive waterbodies (i.e. Tauranga Harbour, Ōhiwa Harbour and estuaries), the area of the open coast commonly used for contact recreation (within 2km of the coast), marine reserves, marine farms and mātaimai reserves.</p> <p>In relation to marine reserves and mātaimai reserves, sewage discharges would adversely affect water quality, aquatic ecosystems and the health of people using those areas.</p> <p>In relation to marine farms, sewage discharges would adversely affect water quality and the suitability of the farmed organisms for human consumption.</p>	<p>Prohibits discharges of sewage, other than from vessels, activities to harbours and estuaries which have not passed through soil of wetlands.</p> <p>Prohibits the discharge of untreated sewage from vessels in Tauranga Harbour and Ōhiwa Harbour, and within 500 m seawards of harbour entrances, and within 500 m of a marine farm or mātaimai reserve. (The limits are less than in Option 1.)</p> <p>The water quality benefits of the rules are:</p> <ul style="list-style-type: none"> • Reduced bacteria levels (important for bathing suitability and contact recreation). • Reduced nutrients and biological growths. • Reduced visual effects from colour, clarity, scums, floatable or suspended materials. • Reduced odour issues. • Shellfish suitability for human consumption.

	<p>The water quality benefits of the policy and rules are:</p> <ul style="list-style-type: none"> • Reduced bacteria levels (important for bathing suitability and contact recreation). • Reduced nutrients and biological growths. • Reduced visual effects from colour, clarity, scums, floatable or suspended materials. • Reduced odour issues. • Shellfish suitability for human consumption. 	
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; Other amenity values.	Refer to comments above under Environment Benefits, particularly in relation to benefits for bathing suitability and contact recreation, visual effects, and shellfish suitability for human consumption.	As per Option 1.
Cultural Benefits		
Mauri of coastal waters; Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	<p>The discharge of sewage to water (including coastal waters) is offensive to tangata whenua. Avoiding such discharges will have benefits to cultural well-being, the mauri of coastal waters, and the relationship of Māori with traditional coastal sites.</p> <p>Also refer to comments above under Environment Benefits, particularly in relation to benefits for bathing suitability and contact recreation, visual effects, and shellfish suitability</p>	As per Option 1.

	for human consumption.	
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.

Costs		
Environmental Costs		
Water quality.	No specific costs identified.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Additional costs to owners and operators of vessels to comply with Rule CD 13, especially for small recreational boats and the 2km limit from MHWS on the open coast. However, advice from small boat owners is that this distance is achievable. Compliance costs also are associated with land-based systems as treatment of sewage is required.	Compliance costs are less than Option 1 due to lesser limits in Rule 9.2.4(e).
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Medium – due to difficulties with enforcement around discharges of untreated sewage from boats in Tauranga and Ōhiwa Harbours. May be mitigated by an education and communication programme.	Medium (as per Option 1).
Social Costs		
Recreational use of the coastal environment and resources; Other amenity values.	No specific costs identified.	As per Option 1.
Cultural Costs		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	No specific costs identified.	As per Option 1.
Legislative requirements (e.g. MACA, Treaty settlements)	There are currently no MACA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Overall assessment	High.	Medium.

14.6.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	Partly – Policy 9.2.3(i) uses the words ‘To discourage ...’ which is not directed towards the wording in the Objective.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction about what is not acceptable around the discharge of sewage.	Partly – for the reason noted above.
Meets sound principles for writing policies and rules?	Yes – for the reasons noted above.	No – the policy wording does not match the clear direction of the Objective, and the rules are not clearly written and formatted.
Assumptions made.	300 gross tonnes is a size at which vessels are required to meet a number of other regulatory standards (under the Maritime Rules) and represents a size of vessel on which holding tanks would be expected. Discharges from land based sewage systems must be treated.	No specific assumptions made.
Risk involved.	Medium due to enforcement issues noted above.	Medium (as per Option 1).
Achievability		
Within BOPRC’s functions and powers.	Yes – s15(1)(a) and s30(1)(d)(iv) RMA.	As per Option 1.
Within the scope of BOPRC’s available tools and resources.	Yes – discharges are controlled through regulatory mechanisms under the RMA.	As per Option 1.
Rules can be complied with and enforced.	Yes – the rule conditions are clear and relevant to the activity.	Partly – the rules are not as clear as Option 1.
Degree of uncertainty in the ability to achieve.	Medium due to enforcement issues noted above.	Medium (as per Option 1).

Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – the discharge of sewage to water is offensive to tangata whenua, and prohibiting the discharge of untreated sewage recognises this concern.	As per Option 1.
Overall assessment	Medium-High	Low-Medium

14.6.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	The discharge of sewage to water is of high significance to tangata whenua.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants and water to coastal water. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance that the discharge of untreated sewage to coastal water is not acceptable or appropriate.	As per Option 1.

14.6.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A.	N/A.

14.6.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	Medium-High.	Yes.	Policy CD 10 is clear and directive. Rule CD 12 provides a strong directive regarding untreated sewage and Rule CD 13 extends the prohibited zone for untreated sewage from vessels.. The rule formatting is clear.
Option 2.	Medium.	Low-Medium.	No.	-

14.6.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and due to be reviewed itself. Therefore it is not efficient or effective to replicate policy that is likely to change in the near future.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne district has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. It is more efficient and effective to review and update discharge provisions specific to the Bay of Plenty.

14.6.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy CD 10.	Provides clear direction to prevent specified discharges to the CMA. Replaces Policy 9.2.3(i) of the Operative RCEP. (a) Is consistent with the Resource Management (Marine Pollution) Regulations 1998. (b) Links clearly to Rules CD 12 and 13. (c) Will be implemented through Rules CD 9 (non-complying discharges of sewage) and CD 8 (discretionary discharges). The policy provides direction that discharges of sewage to harbours and estuaries is not acceptable or appropriate.
Rule CD 12.	Prohibits the discharge of untreated sewage from land-based activities to the CMA. Replaces Rule 9.2.4(c) of the Operative RCEP. Implements Policy CD 10(b). The rule is consistent with Policy 23(2)(a) NZCPS, which does not allow discharge of human sewage directly to water in the CMA without treatment.

Rule CD 13.	<p>Prohibits the discharge of untreated sewage from ships and off-shore installations to the CMA in specified areas. Replaces Rule 9.2.4(e) of the Operative RCEP. The rule increases the distances seaward and the depth specified in Regulation 11 of the Resource Management (Marine Pollution) Regulations 1998. The increases in distances are necessary to protect human health and recreational values and uses. It is also important to highlight that discharges of sewage to water are offensive to tangata whenua.</p> <p>Explanation of conditions:</p> <p>(a) Prohibits discharges in any part of the Tauranga Harbour and Ōhiwa Harbour. Both these harbours are taonga to the respective iwi and hapū in the areas. The harbours are high use areas for contact recreation, shellfish gathering and fishing. They are also important ecological areas. As such, it is important to protect water quality from discharges of untreated sewage.</p> <p>(b) Prohibits discharges in estuaries across the region. Estuaries are generally high use areas for contact recreation and whitebait fishing. They are also important ecological areas. As such, it is important to protect water quality from discharges of untreated sewage.</p> <p>(c) Prohibits discharges on the open coast in specified areas.</p> <p>(c)(i) applies a distance of 2 km of Mean High Water Springs for ships less than 300 gross tonnage. The 2 km limit is consistent with that used by Auckland Council. 300 gross tonnes is a size at which vessels are required to meet a number of other regulatory requirements. 2 km is also a practicable distance for small boat owners to comply with.</p> <p>(c)(ii) applies a distance of 10 km of Mean High Water Springs for ships more than 300 gross tonnage. The 10 km limit is consistent with that used by Auckland Council, and is a reasonable limit relative to the potentially large discharges from larger vessels.</p> <p>(c)(iii), (iv) and (v) are consistent with the restrictions imposed by Regulation 11(2)(a),(b) and (c) of the Resource Management (Marine Pollution) Regulations 1998.</p>
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14.7 Policies, Methods and Rules to achieve Objective 10

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies CD 13, 14, 15, 16, 17, 18, 19. Rules CD 5, 6. Method 6. Schedule 12.	Policy 9.2.3(d). Rules 9.2.4(a) and (b).

14.7.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
<p>Coastal ecosystems; water quality; risk of hazardous substances and contaminated sites.</p>	<p>Achieves the integrated management of stormwater with the Regional Water and Land Plan (RWLP), reflecting a 'mountains to sea' approach.</p> <p>Applies a consistent approach with the RWLP, except where policy improvements are necessary as a result of compliance monitoring and consenting experiences with high risk facilities.</p> <p>Stormwater quality is managed to minimise contaminants and sediment loading into coastal waters. At source controls are required as these are effective, encourage self-responsibility by stormwater dischargers, and may be less expensive than end of pipe treatment options.</p> <p>Stormwater quantity is managed to avoid erosion and scour. Protecting land stability in the coastal environment has environmental benefits (less sediment released, less adverse effects on ecosystems), and protects coastal property.</p> <p>On-going monitoring allows improved management and environmental outcomes over time.</p> <p>Clear policy on offsets (where offsets are necessary) is to avoid, remedy or mitigate adverse effects on natural heritage and iwi values.</p> <p>Rule CD 5 (permitted stormwater discharges) sets appropriate standards to avoid or mitigate adverse effects on water quality (sediment levels, clarity and avoiding other contaminants), land stability, and adverse effects on other parties.</p>	<p>Requires stormwater to be managed to meet Water Quality Classifications in Schedule 13 Operative RCEP.</p> <p>Encourages consideration of source controls, integrated management, minimising contamination, and quantity management.</p> <p>Rule 9.2.4(a) (permitted stormwater discharges) sets limits for sediment, volume and visual effects.</p>

Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	Refer to comments above under Environmental Benefits, particularly in relation to water quality and land stability. Also aims to avoid adverse effects on other parties (i.e. land owned by other people).	Refer to comments above for Environmental Benefits, particularly in relation to water quality.
Cultural Benefits		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Refer to comments above under Environmental Benefits, particularly in relation to water quality and land stability. Managing stormwater discharges in an integrated manner may have benefits to cultural well-being, the mauri of coastal waters, and the relationship of Māori with traditional coastal sites. Takes a 'mountains to sea' integrated policy approach, which is consistent with Māori resource management.	Refer to comments above for Environmental Benefits, particularly in relation to water quality.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems; water quality; risk of hazardous substances and contaminated sites.	Potential for localised adverse effects on water quality where Policies CD 18 and 19 are applied. However, the requirement for an offset under these provisions will mean the environment is improved in another location.	Potential for moderate to significant adverse effects to the environment due to lack of substantive quality conditions in Rule 9.2.4(a). Also lacks integrated approach with RWLP.

Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Higher than Option 2 as requires stormwater discharges from High Risk Facilities (listed in Schedule 12 RCEP) to be consented. Previously these may have been permitted if complied with Rule 9.2.4(a) Operative RCEP). However, this is necessary to achieve Objective 8 and recognise the risk to the environment from such discharges.	Less than the RMA baseline as permits some stormwater discharges subject to Rule 9.2.4(a) Operative RCEP.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources.	Refer to comments above under Environmental Costs, particularly as these relate to localised effects on recreational sites in the CMA.	Refer to comments above under Environmental Costs. Adverse effects on the environment will affect recreational uses at specific sites, or resources adversely affected by environmental degradation.
Cultural Costs		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Refer to comments above under Environmental Costs, particularly as these relate to localised effects on water quality, important sites to tangata whenua, and coastal resources (e.g. kaimoana).	Refer to comments above under Environmental Costs. Higher risk in relation to Cultural Costs than Option 1.
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

14.7.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – the policies have a clear purpose to achieve the integrated and comprehensive management of stormwater.	Partly – Policy 9.2.3(d) considers integrated management of stormwater catchments, but there is a lack of appropriate conditions in Rule 9.2.4(a) to achieve the Objective.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear policy direction on the management of stormwater quality and quantity, integrated management, and offsets in specific circumstances.	Partly – only contains clear policy direction on stormwater quality in relation to the Water Quality Classifications in Schedule 13 Operative RCEP.
Meets sound principles for writing policies and rules?	Yes – provides clear policy direction.	No – wording of Policy 9.2.3(d) is vague in relation to integrated stormwater management. Rule 9.2.4(a) lacks a full set of appropriate conditions.
Assumptions made.	There are some discharges of sediment contaminated stormwater to the CMA from land disturbance activities, and that this will continue. Comprehensive stormwater discharge consents will largely be issued under the Regional Water and Land Plan.	No specific assumptions made.
Risk involved.	Low.	Medium-High.
Achievability		
Within BOPRC's functions and powers.	Yes – s15(1)(a) and s30(1)(d)(iv) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – discharges are controlled through regulatory mechanisms under the RMA.	As per Option 1.
Rules can be complied with and enforced.	Yes – the rule conditions are clear and relevant to the activity.	Partly – Rule 9.2.4(a) lacks a full set of appropriate conditions.
Degree of uncertainty in the ability to achieve.	Low.	Medium.

Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

14.7.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Discharges of stormwater are not necessarily complex, but have the potential to be highly significant in relation to effects on the environment.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants and water to coastal water, including stormwater. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, and to provide for low-risk discharges as permitted activities.	As per Option 1.

14.7.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A.	N/A.

14.7.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Provides clear policy direction around integrated management of stormwater discharges. Takes a risk-based approach to discharges from High Risk Facilities. Rule CD 10 has an appropriate set of conditions.
Option 2.	Low.	Low.	No.	-

14.7.6 Other policy options considered

Option	Reason(s) why option rejected
Discharges of stormwater not permitted by Rule CD 5 are discretionary under Rule CD 8.	This would delete Rule CD 6 and would apply discretionary activity status to stormwater discharges not permitted under Rule CD 5. Rule CD 6 (restricted discretionary), and the matters over which Council retains discretion is an appropriate means of managing stormwater discharges.
Use Schedule 4 from the RWLP (as Schedule 12 RCEP).	Schedule 4 RWLP was developed prior to Hazardous Activities and Industries List (HAIL) and as such is not as complete as the selected option (Schedule 12 RCEP).

14.7.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy CD 13.	Provides a clear link to the provisions in the RWLP that apply to stormwater management and discharges on land, and that encourage or require the integrated and comprehensive management of stormwater. Consistent with Objective 10 and Policies WQ 1, WQ 2 RCEP. The provisions in the Regional Water and Land Plan are consistent with Policy 23(4) NZCPS, and Policy CE 9B RPS.

Policy CD 14.	<p>Provides clear guidance on the requirement to manage stormwater quality to avoid more than minor adverse effects, and methods to achieve this requirement. Consistent with Policy 23(4) NZCPS, Policy CE 9B RPS, and Policy 51RWLP. Replaces Policy 9.2.3(d) of the Operative RCEP.</p> <p>Explanation of sub-sections:</p> <p>(a) is from Policy 9.2.3(d) first bullet point Operative RCEP and Policy 51(a) RWLP. Consistent with Policy 23(4)(b) NZCPS; and Policy CE 9B (a), (c) and (f) RPS. Takes a preventative approach to stormwater management to minimise contamination and sediment loading of stormwater.</p> <p>(b) is from Policy 51(b) RWLP. Consistent with Policy 23(4)(b) NZCPS; and Policy CE 9B (c), (f), (g) and (h) RPS. Clearly states that best practicable options will be required to manage stormwater quality entering coastal waters. Use of 'best practicable option' is consistent with section 2 RMA.</p> <p>(c) is from Policy 51(c) RWLP. Consistent with Policy CD 1 and 2 RCEP. Clearly states that treatment of stormwater is required to minimise adverse effects on the receiving environment.</p> <p>(d) is consistent with Policy 23(4)(a), (b) NZCPS; and Policy CE 9B(c) RPS. Clearly indicates that stormwater systems are for stormwater, and not the discharge of other contaminants.</p>
Policy CD 15.	<p>Provides clear guidance that stormwater discharges and outlet structures are to be designed and managed to avoid or mitigate erosion and scour in the CMA. This is to protect land stability, and reduce sedimentation resulting from erosion. Consistent with Policy 54 RWLP and Policy 23(4)(d) NZCPS.</p>
Policy CD 16.	<p>Provides clear guidance to the community and resource users that there will be ongoing monitoring of stormwater discharges. This is necessary to support the implementation of Method 6 (modelling stormwater assimilative capacities for sub-catchments), and is consistent with monitoring requirements under the RMA.</p>
Policy CD 17.	<p>Provides clear guidance around resource consents for the discharge of stormwater to the CMA for the inclusion of a specific review clause. This policy links to Policy CD 18 and Method 6; and also to Policy CD 20.</p>
Policy CD 18.	<p>Provides clear guidance around what will happen where a stormwater discharge can't meet the required water quality classifications and standards or has the potential to cause accumulation of contaminants that would have adverse effects on marine life. This is linked to Policy CD 19 and the requirement for progressive improvement of stormwater discharges, and Policy CD 21 which specifies how an offset under Policy 20 will be assessed.</p>
Policy CD 19.	<p>Provides clear guidance on how an offset in relation to Policy CD 20 will be assessed. The matters in Policy CD 21 link to other relevant parts of the RCEP.</p> <p>Explanation of subsections:</p> <p>(a) Provides a clear and explicit linkage to Policy NH 11 RCEP, which lists the relevant matters for a biodiversity offset. This is an effective and efficient means of achieving consistency.</p> <p>(b) Provides clear and explicit linkage to specific provisions in the Iwi Resource Management section of the RCEP that are relevant to assessing an offset in relation to iwi and hapū values.</p> <p>(c) Clearly links to the Financial Contributions section of the RCEP to allow application of these mechanisms.</p> <p>(d) Is consistent with Schedule 4 RMA.</p>

Rule CD 5.	<p>Permits the discharge of stormwater to coastal waters subject to appropriate conditions. Replaces Rule 9.2.4(a) Operative RCEP. Consistent with Rule 30 RWLP.</p> <p>Explanation of conditions:</p> <p>(a) Sets a limit on the permitted suspended solid concentration, while providing for specified rainfall events where sediment loads are expected to be higher. This limit is consistent with that used in the Operative RCEP and RWLP, and indicates a level after which stormwater discharges are likely to cause more than minor adverse effects.</p> <p>(b) Is consistent with section 70(1)(c) RMA.</p> <p>(c) Has been determined by BOPRC technical engineering staff to be a discharge rate that is unlikely to cause adverse effects on the environment. (c) is to set an appropriate scale to the permitted discharge in relation to the risk of erosion and scour, and has been determined in accordance with the following calculations:</p> <ul style="list-style-type: none"> • The stormwater run-off co-efficient from urban areas (impervious surfaces >35%) = 0.45. In a 10 year (10% AEP) event [10 minute storm] this results in 125 litres per second from a 1 hectare site. • The stormwater run-off co-efficient from commercial areas (impervious surfaces >60%) = 0.65. In a 10 year (10% AEP) event [10 minute storm] this results in 90 litres per second from a ½ hectare site. • The stormwater run-off co-efficient from fully impervious sites (impervious surfaces 100%) = 0.9. In a 10 year (10% AEP) event [10 minute storm] this results in 125 litres per second from a ½ hectare site. • It is not appropriate to permit a discharge rate of greater than 125 litres per second due to the potential risks to the environment. <p>(d) Implements Policy CD 17 RCEP.</p> <p>(e) and (f) address potential adverse effects of stormwater discharges on affected parties.</p> <p>(g) Is consistent with section 70(1)(g) RMA.</p> <p>(h) Is consistent with Schedule 10 - Water Quality Classifications.</p> <p>(i) Is necessary to ensure discharges of stormwater from high risk facilities are properly assessed through a resource consent process. It is more effective and efficient to assess such proposed activities on a case by case basis through consent processes. BOPRC compliance monitoring has indicated problems with stormwater discharges from high risk facilities. Links to Schedule 12 - refer to explanation below.</p> <p>(j) Is necessary to ensure the discharge is limited to stormwater, rather than other contaminants that present a risk to the environment. It is consistent with section 15(1) RMA for discharges of wastes from a trade or industrial process to be assessed through a resource consent process.</p>
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<p>Rule CD 6.</p>	<p>Applies restricted discretionary activity status to any discharge of stormwater to coastal water that is not permitted by Rule CD 10. The default would otherwise be discretionary under Rule CD 9. Replaces Rule 9.2.4(b) of the Operative RCEP in relation to stormwater discharges.</p> <p>When considered with the matters over which BOPRC retains discretion, restricted discretionary status is an effective and efficient means of assessing adverse effects and applying appropriate conditions on resource consents. Council can decline resource consent applications if the proposed activity does not meet the requirements of the RCEP or does not meet the purpose of the RMA.</p> <p>Explanation of matters over which BOPRC retains discretion:</p> <ul style="list-style-type: none"> (a) Considers requiring a Stormwater Management and Maintenance Plan that covers measures to achieve the matters in Policies CD 16 RCEP. (b) Implements Policy CD 3 RCEP. (c) Implements Policy CD 17 RCEP. (d) Implements Policies 17, 2 (or 20 and 21 if Policy 2 can't be met), policies in Part Three RCEP, and addresses adverse effects on other parties. (e) Implements the monitoring, reporting and review requirements of the RMA, and Policies 18 and 19 RCEP.
<p>Method 6.</p>	<p>Supports further research to model sub-catchments in sensitive or at-risk coastal areas to determine assimilative capacity for stormwater. Will apply to sediment-contaminated stormwater from land disturbance activities, and urban/industrial stormwater. The method is an effective and efficient means of gaining sufficient knowledge to manage cumulative effects and contaminant loading from stormwater. Method 6 is also consistent with BOPRC's functions under section 30(1)(f) and (fa) RMA.</p>
<p>Schedule 12</p>	<p>Schedule 12 – High Risk Facilities, lists facilities that present a high risk to the environment and are excluded from permitted Rule CD 10. Schedule 12 updates Schedule 4 of the Regional Water and Land Plan, and is consistent with the Hazardous Activities and Industries List (HAIL).</p> <p>Refer to Schedule 12 - Explanation of High Risk Facilities below.</p>

14.8 Schedule 12 - Explanation of High Risk Facilities

HAIL – Hazardous Activities and Industries List. The HAIL is referenced in the [Resource Management \(National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health\) Regulations 2011](#).

	Activity	Reason for High Risk Classification	Section 32 EXPLANATION
A	Chemical manufacture, application and bulk storage		
1	Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application.	The risk of spillages associated with hazardous substances used in these industries can be high.	From HAIL.
2	Gasworks including the manufacture of gas from coal or oil feedstocks.	The risk of spillages associated with hazardous substances used in these industries can be high.	From HAIL.
3	Paint manufacture or formulation (excluding retail paint stores).	The risk of spillages associated with hazardous substances used in these industries can be high.	From HAIL.
4	(1) Pesticide manufacture (including animal poisons, insecticides, fungicides or herbicides) including the commercial manufacturing, blending, mixing or formulating of pesticides. (2) Persistent pesticide bulk storage.	The risk of spillages associated with hazardous substances used in these industries can be high.	(1), (2) from HAIL.
5	Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application.	The risk of spillages associated with hazardous substances used in these industries can be high.	From HAIL.
6	Pharmaceutical manufacture including the commercial manufacture, blending, mixing or formulation of pharmaceuticals, including animal remedies.	The risk of spillages associated with hazardous substances used in these industries can be high.	From HAIL.
7	Storage tanks or drums for fuel, chemicals or liquid waste.	The risk of spillages associated with hazardous substances used in these industries can be high.	From Schedule 4 RWLP and HAIL.
8	Printers.	Relatively large quantities of dyes and paints are handled at these sites. The risk of spillages is relatively high.	From Schedule 4 RWLP and HAIL.

	Activity	Reason for High Risk Classification	Section 32 EXPLANATION
A	Chemical manufacture, application and bulk storage		
9	Spray painting facilities.	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.	From Schedule 4 RWLP.
10	Manufacturing and bulk storage of fertiliser.	This classification applies to permanent storage facilities that are uncovered, or where there are dispensing activities that increase the risk that fertiliser material will enter stormwater. Fertiliser can cause water quality degradation (due to eutrophication) where it enters surface water bodies.	From Schedule 4 RWLP and HAIL.
11	Manufacture of paper and paper products.	Hazardous substances such as chlorine based bleaches and dyes are regularly handled on these sites. The risk of spillages, entering stormwater can be high.	From Schedule 4 RWLP.
12	<ul style="list-style-type: none"> (1) Manufacture or processing of chemicals, and of petroleum, coal, rubber and plastic products. (2) Chemical manufacture, formulation or bulk storage. (3) Corrosives including formulation or bulk storage. (4) Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products. 	The risk of spillages associated with hazardous substances used in these industries can be high.	<ul style="list-style-type: none"> (1) From Schedule 4 RWLP. (2) From HAIL. (3) From HAIL. (4) From Schedule 4 RWLP.
13	Concrete batching plants and asphalt manufacturing plants.	The risk of spillages associated with hazardous substances used in these industries can be high.	From Schedule 4 RWLP.
14	<ul style="list-style-type: none"> (1) Bulk storage of petroleum products. (2) Petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground. 	The discharge of stormwater from these sites has a high risk of contaminants entering the stormwater system.	<ul style="list-style-type: none"> (1) From Schedule 4 RWLP. (2) From HAIL.

	Activity	Reason for High Risk Classification	Section 32 EXPLANATION
A	Chemical manufacture, application and bulk storage		
B	Electrical and electronic works, power generation and transmission		
15	Batteries including the commercial assembling, disassembling, manufacturing or recycling of batteries (but excluding retail battery stores).	There is a risk that hazardous substances used in these industries can be present in stormwater discharges.	From HAIL.
16	Electrical transformers including the manufacturing, repairing or disposing of electrical transformers or other heavy electrical equipment. Excludes electrical transformers that: <ul style="list-style-type: none"> contain less than 1500 litres oil; and do not contain PCBs. 	There is a risk that hazardous substances used in these industries can be present in stormwater discharges.	From HAIL. Industry standard transformers are sealed or self-contained and contain less than 1,500 litres of oil. The occurrence of leakage or spillage from such equipment is low and it is inappropriate to require consent to be obtained for stormwater discharges from such equipment provided that they do not contain PCBs, which have historically been used in electrical transformers.
17	Electronics including the commercial manufacturing, reconditioning or recycling of computers, televisions and other electronic devices.	There is a risk that hazardous substances used in these industries can be present in stormwater discharges.	From HAIL.
C	Explosives and ordinances production, storage and use		
18	<p>(1) Explosive or ordinance production, maintenance, dismantling, disposal, bulk storage or re-packaging.</p> <p>(2) Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors.</p> <p>(3) Training areas set aside exclusively or primarily for the detonation of explosive ammunition.</p>	There is a risk that hazardous substances used in these industries can be present in stormwater discharges.	(1), (2) and (3) from HAIL.

D Metal extraction, refining and reprocessing, storage and use			
19	<p>(1) Foundry operations including the commercial production of metal products by injecting or pouring molten metal into moulds.</p> <p>(2) Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds.</p> <p>(3) Metalliferous ore processing including the chemical or physical extraction of metals, including smelting, refining, fusing or refining metals.</p>	<p>There is a risk that hazardous substances used in these industries can be present in stormwater discharges.</p>	<p>(1), (2) and (3) from HAIL.</p>
20	<p>Manufacture of fabricated metal products, machinery and equipment.</p>	<p>The risk of spillages associated with hazardous substances used in these industries can be high.</p>	<p>From Schedule 4 RWLP, consistent with HAIL.</p>
21	<p>Electroplaters, foundries, galvanising plants and metal surfacing.</p>	<p>The risk of spillages associated with hazardous substances used in these industries can be high.</p>	<p>From Schedule 4 RWLP.</p>
E Mineral extraction, refining and reprocessing, storage and use			
22	<p>(1) Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant).</p> <p>(2) Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process.</p> <p>(3) Commercial concrete manufacture or commercial cement storage.</p> <p>(4) Coal or coke yards.</p>	<p>The risk of spillages associated with hazardous substances used in these industries can be high.</p>	<p>(1), (2), (3), (4), (5), (6) From HAIL.</p>
	<p>(5) Hydrocarbon exploration or production including well sites or flare pits.</p> <p>(6) Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings.</p>		

F	Vehicle refuelling, service and repair		
23	<p>(1) Mechanical workshops, service stations, and automotive dismantlers.</p> <p>(2) Airports including fuel storage, workshops, washdown areas, or fire practice areas.</p> <p>(3) Brake lining manufacturers, repairers or recyclers.</p> <p>(4) Engine reconditioning workshops.</p> <p>(5) Port activities including dry docks or marine vessel maintenance facilities.</p> <p>(6) Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas.</p>	<p>These sites use and handle large volumes of oils and other petroleum products. Spillages of these substances are not uncommon; hence the greater risk of stormwater discharges to the environment.</p>	<p>(1) From Schedule 4 RWLP.</p> <p>(2), (3), (4), (5), (6), (7) From HAIL.</p> <p>(8) new addition to recognise the risk of stored fuel. Also consistent with Policy CD 6.</p> <p>Exclusions are to recognise appropriate industry guidelines for manned refuelling facilities. Unmanned refuelling facilities are not excluded due to the higher risk associated with such facilities.</p>
	<p>(7) Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances.</p> <p>(8) Marinas.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> Manned refuelling facilities that comply with the <i>Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand</i>, Ministry for the Environment. 1996. 		
24	Truck wash facilities.	The activity of truck washing can discharge hazardous contaminants off trucks as well as sediments and wastes from spillages on site.	From Schedule 4 RWLP.
25	Car wash and valet services.	High oil, solvent and solid discharges can occur from these activities.	From Schedule 4 RWLP.

G Waste recycling, treatment and disposal			
26	<ul style="list-style-type: none"> (1) Drum or tank reconditioning or recycling. (2) Landfill sites. (3) Scrap yards including automotive dismantling, wrecking or scrap metal yards. (4) Waste disposal to land (excluding where biosolids have been used as soil conditioners). (5) Waste recycling or waste or wastewater treatment. (6) Waste Management sites (transfer stations, compost sites, landfills, recycling operations, etc.) 	Litter, hazardous substances and high BOD wastes can all enter stormwater systems from these sites.	(1), (2), (3), (4), (5) From HAIL. (6) From Schedule 4 RWLP.
H Food Processing			
27	<ul style="list-style-type: none"> (1) Meat, fish and shellfish processing industries, food and pet food processing. (2) Dairy products processing. 	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects when discharged into water bodies.	(1), (2) From Schedule 4 RWLP.
28	Bakeries.	Outside washing of trays, discharges and pans can result in high BOD, fats, greases and detergents entering stormwater systems.	From Schedule 4 RWLP.
I Textiles, fibre and leather			
29	<ul style="list-style-type: none"> (1) Textile fibre and textile processing industries where dyeing and washing of fabric occurs. (2) Tanneries and leather finishing. (3) Skin or wool processing including a tannery or fell mongery, or any other commercial facility for hide curing, drying, scouring or finishing or storing wool or leather products. (4) Footwear manufacture. 	Large quantities of dye and high BOD wastes (from wool scourers for instance) are handled on these sites. The risk of spillages that could enter stormwater is high.	(1), (2), (4) From Schedule 4 RWLP. (3) From HAIL.
30	<ul style="list-style-type: none"> (1) Commercial laundries (excluding service laundrettes and laundromats). (2) Dry-cleaning plants including dry-cleaning premises or the bulk storage of dry-cleaning solvents. 	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.	(1) From Schedule 4 RWLP. (2) From HAIL.

J Wood and timber			
31	Furniture/wood manufacturing and refinishing industries.	Some of these industries work outside extensively, usually with no stormwater treatment. Contaminants such as sawdust, glues, alkali stripper solution in the stormwater coming off these sites can include high solids, BOD and high pH.	From Schedule 4 RWLP.
32	Timber preservation, treatment and storage sites where chemically treated timber is stored.	A range of hazardous substances are used on these sites (e.g. Copper Chrome, Arsenic, Boron and copper-quinoline compounds). In addition, timber treatment chemicals have been shown to be able to leach from treated wood in storage, contaminating water bodies and soil.	From Schedule 4 RWLP and HAIL.
33	Bulk log storage.	The discharge of stormwater from these sites has a high risk of contaminants entering the stormwater system.	From Schedule 4 RWLP.
K Other			
34	Stock sale yards.	High BOD runoff can be associated with these sites.	From Schedule 4 RWLP.
35	Paint stripping or abrasive blasting operations.	May produce wastes containing heavy metals. The risk and effect of spillages is relatively high.	From Schedule 4 RWLP.

14.9 Policies, Methods and Rules to achieve Objective 11

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies CD 5, 6, 11, 12. Rules CD 1, 8, 10. Methods 11, 12.	Coastal Discharges section: Policies 9.2.3(j), (k) Rule 9.2.4(b) Methods 9.2.8(a), (b), (e) Hazardous Substances section: Policies 17.2.3(a) to (g). Rule 17.2.4. Methods 17.2.5(a), (b), 17.2.6.

14.9.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems; Water quality; Risk of hazardous substances and contaminated sites.	<p>Promotes or requires the provision of facilities to collect, treat and dispose of hazardous substances from vessel maintenance and cleaning.</p> <p>Maintains Council’s capability to respond to spills and illegal discharges of contaminants to the environment.</p> <p>Controls off-target effects of the use of herbicide or pesticide in the CMA under Rules CD 1 and CD 8.</p> <p>Prevents the disposal of hazardous substances to the CMA, which has benefits for water quality, ecosystems, fisheries (see Rule CD 10).</p> <p>Avoids the creation of new contaminated sites in the CMA.</p>	<p>Promotes or requires the provision of facilities to collect, treat and dispose of hazardous substances from vessel maintenance and cleaning.</p> <p>Maintains Council’s capability to respond to spills and illegal discharges of contaminants to the environment.</p> <p>Prevents the disposal of hazardous substances to the CMA, which has benefits for water quality, ecosystems, fisheries (see Rule CD 3A).</p> <p>Avoids the creation of new contaminated sites in the CMA.</p>
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	<p>Protects recreational use of the CMA and associated resources by:</p> <ul style="list-style-type: none"> • Preventing the disposal of hazardous substances to the CMA, which has benefits for water quality, and fisheries. • Controlling off-target effects of the use of herbicide or pesticide in the CMA (including effects on recreational use). 	<p>Protects recreational use of the CMA and associated resources by:</p> <ul style="list-style-type: none"> • Preventing the disposal of hazardous substances to the CMA, which has benefits for water quality, and fisheries.

Cultural Benefits		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Refer to the comments in Environmental Benefits, and Social Benefits. Aims to avoid activities that would adversely affect the mauri of coastal waters and the cultural well-being of people and communities. Also aims to avoid creation of contamination of sites that would adversely affect the relationship of Māori with coastal waters and sites in the coastal environment.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems; water quality; risk of hazardous substances and contaminated sites.	There is a remaining risk to the environment from the spill or illegal discharge of hazardous substances to the CMA causing adverse effects on ecosystems and water quality.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	The compliance costs are less than Option 2 due to Rule CD 1 permitting the discharge of herbicide in the CMA (which is a discretionary activity in Option 2).	Higher than Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Medium (costs of implementing Policy CD 5 and Method 12).	Medium (costs of implementing Policy 9.2.3(j) and Method 9.2.8(e)).
Social Costs		
Recreational use of the coastal environment and resources.	There is a remaining risk to recreational use from the spill or illegal discharge of hazardous substances to the CMA causing adverse effects on water quality and fisheries.	As per Option 1.

Cultural Costs		
Mauri of coastal waters; Cultural well-being of people and communities; Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	There is a remaining risk to cultural values and uses from the spill or illegal discharge of hazardous substances to the CMA causing adverse effects on water quality, mauri of coastal waters, important sites and fisheries.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning discharges to the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>Medium-High.</i>	<i>Medium.</i>

1.7.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes – aimed at minimising the adverse effects of hazardous substances in the CMA.	Yes (as per Option 1).
Will clearly achieve, or partly achieve the objective.	Yes.	Yes.
Usefulness		
Will effectively guide decision-making?	Yes – Policies CD 5, 6, 11 and 12 provide clear guidance around hazardous substances in the CMA.	Partly – there is some overlap with territorial authority functions around hazardous substances, which may be confusing.
Meets sound principles for writing policies and rules?	Yes – the provisions are clear and targeted at BOPRC's functions.	Partly – the separation of some provisions into a separate Hazardous Substances (apart from Coastal Discharges) decreases usability of the Plan.
Assumptions made.	In order to minimise accidental discharges of hazardous contaminants, proactive management is far better than reactive management.	As per Option 1.
Risk involved.	Medium – There is a remaining risk to the environment from the spill or illegal discharge of hazardous substances to the CMA.	As per Option 1.

Achievability		
Within BOPRC's functions and powers.	Yes – section 15(1)(a) and section 30(d)(iv), (d)(iva) and (d)(v) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – discharges are controlled through regulatory mechanisms under the RMA.	As per Option 1.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Medium - There is a remaining risk to the environment from the spill or illegal discharge of hazardous substances to the CMA.	Medium – as per Option 1.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Provides for input into resource consent decisions (via application of Policies in Iwi Resource Management section of RCEP in these processes).	As per Option 1.
Overall assessment	<i>Medium-High.</i>	<i>Medium.</i>

14.9.2 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	Discharges or spills of hazardous substances have the potential to be highly significant in relation to effects on the environment.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants to coastal water. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, to provide for low-risk discharges as permitted activities, and provide certainty to the community about Council's capability to respond to spills and illegal discharges.	As per Option 1.

14.9.3 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

14.9.4 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	Medium-High.	Medium-High.	Yes.	Provides clear guidance for decision making on resource consents, provides for low-risk discharges as permitted activities, and provides certainty to the community about Council's capability to respond to spills and illegal discharges.
Option 2.	Medium.	Medium.	No.	-

14.9.5 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy CD 5.	Clearly states BOPRC will maintain a response capability for unauthorised or accidental discharges or spills of contaminants to the CMA. Replaces Policy 9.2.3(j) Operative RCEP (no change to wording). Links to BOPRC's pollution prevention activities.
Policy CD 6.	Provides clear guidance when considering resource consent applications for marinas. Highlights activities that present a high risk to the environment. Replaces Policy 9.2.3(k) and Method 9.2.8(b) Operative RCEP. Consistent with Policy 23(5)(c) NZCPS. Policy CD 6(b) is also consistent with Objective 8 RCEP.
Policy CD 11.	Prevents the disposal of hazardous substances to the CMA. Identifies an activity that presents a significant risk to the environment. Replaces Policy 17.2.3(a) Operative RCEP, with only minor change to the wording. Implemented by Rules CD 3A and CD 9. Consistent with Objective 8 RCEP.

Policy CD 12.	<p>Provides clear guidance around off-target effects of herbicide or pesticide use. This is an issue of particular concern to the community.</p> <p>Replaces Policy 17.2.3(c) Operative RCEP, with only minor change to the wording. Consistent with the Regional Air Plan.</p>
Rule CD 1.	<p>Permits the discharge of aquatic herbicide over coastal water for weed control purposes. Consistent with Rule 16 RWLP, with minor changes to refer to 'coastal waters'. There is no equivalent rule in the Operative RCEP.</p> <p>The purpose of the rule is to permit spraying of emergent weeds on the surface of coastal waterbodies. This activity should have less than minor adverse effects on the environment, including areas beyond the activity site, if carried out in compliance with the conditions. It would not be efficient to require resource consents for some plant pest or weed control activities. This rule allows the motorised and non-motorised application of agrichemicals.</p> <p>Discharges of herbicide and pesticide in the CMA that do not comply with Rule CD 1 are discretionary activities under Rule CD 9.</p> <p>Explanation of rule conditions:</p> <p>(a) Limits the use of the rule to appropriate uses, is consistent with provisions under the Biosecurity Act, and ensures indigenous plants are not targeted.</p> <p>(b) Consistent with requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO). The Environmental Protection Authority (EPA) approves pesticides and herbicides for use in New Zealand under HSNO.</p> <p>(c) and (f) Consistent with best management practices and intended use of product. Implements Objective 11 and Policy CD 12.</p> <p>(d) To avoid adverse effects on aquatic biota, in accordance with sections 6(c) and 7(h) of the Resource Management Act 1991.</p> <p>(e) Addresses effects on affected parties.</p> <p>(g) Is to protect spawning areas in tidal reaches of rivers and streams during spawning periods of indigenous fish species.</p> <p>(h) Is consistent with the Regional Air Plan.</p>
Rule CD 10.	Refer to section 1.3.7 above for explanation.
Rule CD 8.	Refer to section 1.3.7 above for explanation.
Method 11.	<p>States that BOPRC, in conjunction with city and district councils, will promote or otherwise ensure there are facilities for the collection, treatment and disposal of residues from vessel maintenance and cleaning, sewage from vessel holding tanks, and contaminated bilge water. Without such facilities these contaminants would be discharged to the CMA, either illegally or under a resource consent.</p> <p>Replaces Method 9.2.8(e) Operative RCEP. Assists the implementation of Policy CD 6.</p>
Method 12	States that BOPRC will continue to participate in the Hazardous Substances Technical Liaison Committee for the prevention and clean-up of spills of hazardous substances. Replaces Method 17.2.5(b) Operative RCEP, with no change to the wording.

15 Reclamation

15.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Inappropriate reclamations: Issues 3, 5, 14, 33.	Objective 28.	RM 1.	RM 5	-	-
		RM 2.	RM 3, 4.	-	-
		RM 3.	RM 2.	-	-
		RM 4.		-	-
		RM 5.		-	-
		RM 6.	RM 1, RM 2.	Method 5	-

15.2 Evaluation of Objective 28

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 28.	Retain current objective 15.2.2(a) RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 3, 5, 14 and 33, in particular the effects of reclamation on natural character, natural heritage values, the relationship of tangata whenua with the coastal environment, and other adverse effects.	Yes – as per Option 1.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – It manages the use and development of the CMA by reclamation activities in a way that achieves the purpose of the RMA	Yes – as per Option 1.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e) matters.	As per Option 1.

Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – S12(1)(a) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to NZCPS Policy 10.	The current objective is generally consistent with the NZCPS Policy 10, but does not provide clear direction that reclamation is to be avoided unless deemed appropriate. The wording structure of the objective is not as clear as Option 1.
Usefulness		
Will effectively guide decision-making?	The objective gives clear direction on how to manage reclamation in the coastal marine area at a regional level.	No – the objective largely repeats the RMA.
Meets sound principles for writing objectives?	Yes.	No.
Consistent with other relevant objectives?	Yes.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – Achieving the objective can be achieved through resource consent processes, and working with territorial authorities in the Tauranga Harbour (where most reclamations are located).	Yes.
Overall assessment	The most appropriate objective to include in the RCEP.	Does not meet current planning practice for writing objectives.

15.3 Policies, Methods and Rules to achieve Objective 28

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies RM 1, 2, 3, 4, 5, 6. Rules RM 1, 2, 3, 4 and 5. Method 5. Note – these provisions exclude the Port Zone and the Harbour Development Zone. Reclamation in those zones is addressed by provisions in the respective sections of the RCEP.	Policies 15.2.3 (a) to (i) inclusive. Rules 15.2.4(a) to (e) inclusive. Methods 15.2.5(a) to (d) inclusive. Note – these provisions also cover the Port Zone, and the Harbour Development Zone.

15.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; natural character and outstanding landscape features.	<p>Specifically protects ecological values of Indigenous Biological Diversity Area A.</p> <p>The provisions are to ensure:</p> <ul style="list-style-type: none"> Reclamation is only consented where it is appropriate, and necessary for the associated activities. The adverse effects and future implications of reclamation is fully assessed and addressed. Reclamation is only consented where it is land is used efficiently. Reclamation is not consented where it is likely to have a significant adverse effect on the environment. <p>The provisions also provide:</p> <ul style="list-style-type: none"> For the removal of reclamations where removal will have beneficial outcomes, and if adverse effects are managed appropriately. 	Protects the Coastal Habitat Preservation Zone. Takes a precautionary approach in relation to specified adverse effects.
	<ul style="list-style-type: none"> Certainty to the community around the commitment of the relevant councils to the restoration of Tauranga Harbour margins, and contributes to the restoration of Tauranga Harbour margins. 	
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.

Social Benefits		
Recreational use of the coastal environment and resources.	Protects recreational use by restricting reclamation where specific criteria are met, as consistent with Policy 10(1) NZCPS.	None specifically identified – provisions largely focus on environmental effects.
Public access to and along the coastal marine areas.	Protects public access by restricting reclamation unless specific criteria are met, for consistency with Policy 10(1) NZCPS. Considers whether reclamation will provide for public access. Provides for the removal reclamations to provide for more public open space, for consistency with Policy 10(4) NZCPS.	None specifically identified – provisions largely focus on environmental effects.
Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; cultural well-being of people and communities.	Protects cultural values by restricting reclamation where specific criteria are met, for consistency with Policy 10(1) NZCPS. Policy RM 2 specifically includes assessment of effects on kaimoana beds.	None specifically identified – provisions largely focus on environmental effects.
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning reclamations in the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	There are potential adverse impacts on ecosystems and biodiversity where reclamations are introduced into the CMA.	As per Option 1.
Quality and functioning of the coastal environment; Natural character and outstanding landscape features.	Reclamations can adversely impact on the natural functioning of waves and sediments. The natural character of the coastal edge is also lost through reclamations.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.

Opportunities for economic growth reduced.	The provisions do not specifically provide for or restrict opportunities for economic growth. Policy RM2 provides for reclamation where there is significant regional or national benefit.	As per Option 1.
Compliance costs (to resource users).	<ul style="list-style-type: none"> No additional costs over what is required by the NZCPS. Provides less restrictive activity status for the removal of existing reclamations. 	No additional costs above the RMA baseline.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources.	Loss of existing recreational use where new reclamations are consented. Low risk due to restrictions in Policy RM 2.	Loss of existing recreational use where new reclamations are consented. Medium risk due to lack of specific policy guidance.
Public access to and along the coastal marine areas.	Loss of existing public access where new reclamations are consented. Low risk due to restrictions in Policy RM 2.	Loss of existing public access where new reclamations are consented. Medium risk due to lack of specific policy guidance.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; cultural well-being of people and communities.	Risk that cultural values could be adversely affected due to lack of policy guidance in provisions. Potential loss of kaimoana beds.	Risk that cultural values could be adversely affected due to lack of policy guidance in provisions.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning reclamations in the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low-Medium.</i>

15.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	Partly.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
Usefulness		
Will effectively guide decision-making?	<p>Provides clear direction for reclamation activities. Provides certainty about the location and effects of reclamation activities. Provides certainty to resource users and developers:</p> <ul style="list-style-type: none"> • on the required management of adverse effects of reclamation. • about the circumstances where reclamation activities may be consented. • on the purposes of reclamation. • on the need for efficient use of land rather than reclamation. • the matters to consider when assessing reclamation. • the inappropriate purposes of reclamation. <p>Provides clear direction for reclamation activities and encourages the efficient use of existing land. Provides certainty to resource users (particularly infrastructure operators) that removal of reclamations is only encouraged where the reclamation is redundant and the removal would have beneficial outcomes.</p>	Partly – lacks consistency with the NZCPS.
Meets sound principles for writing policies and rules?	Yes.	No – some provisions repeat the requirements of the RMA and don't add value to the RCEP.
Assumptions made.	That reclamations are only allowed in exceptional circumstances as the CMA is public space that needs to be managed carefully.	As per Option 1.

Risk involved.	Low.	Medium.
Achievability		
Within BOPRC's functions and powers.	Yes – S12(1)(a) RMA.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes – regulatory rules are within scope.	Yes.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Medium.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – through resource consent processes, when implemented with policies in the Iwi Resource Management section of the RCEP.	Not specifically.
Overall assessment	<i>High.</i>	<i>Low-Medium.</i>

15.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	No.	No.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	There are only a small number of consents for the reclamation of the Coastal Marine Area in the Bay of Plenty region. The RMA restricts reclamation. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents.	As per Option 1.

15.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

15.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Gives effect to the NZCPS.
Option 2.	Low-Medium.	Low-Medium.	No.	-

15.3.6 Other policy options considered

Option	Reason(s) why option rejected
Do nothing (no policy or rules).	This option would rely on provisions of Resource Management Act 1991 and NZCPS 2010 Policy 10. In the absence of action by Council there is no guidance provided at a regional level and the quality of the coastal environment may deteriorate as a result of the effects of use, development and subdivision and will not necessarily meet the requirements of the Resource Management Act 1991.
Broad policy around reclamation.	Not effective. Specific direction on resource management decision making around this activity is needed in the RCEP.
Replicate Policy 15.2.3(b) and Policy 15.2.3(f) RCEP.	This policy has been superseded by the clear direction given in NZCPS Policy 10(1) on where reclamation is considered to be appropriate, and the requirements of NZCPS Policy 10(2)(c) around the use of contaminated materials for reclamations.
All reclamation and removal of reclamations as discretionary (no prohibited or discretionary restricted rules).	This option would mean all reclamations and removal of reclamations would be fully assessed under the requirements of the RMA. While this would be a highly effective option, it would not be efficient as this option is not as consistent with NZCPS Policy 10 as the selected options.
Identification or investigation.	Identification of existing reclamations has already been carried out. No additional method is needed.

15.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy RM 1.	The policy replaces 15.2.3(a) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy, with minor amendment to reflect updated terminology in the new Plan.
Policy RM 2.	The policy largely replicates NZCPS Policy 10(1), with minor amendment for consistency with RCEP wording structure.
Policy RM 3.	The policy largely replicates NZCPS Policy 10(2), with very minor amendment for consistency with RCEP wording structure.
Policy PM 4.	It is consistent with NZCPS Policy 10(1)(a). The policy replaces 15.2.3(e) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy.
Policy RM 5.	The policy replaces 15.2.3(g) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy.
Policy RM 6.	It is consistent with NZCPS Policy 10(4). The last sentence of the policy replaces 15.2.3(i) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy.
Rule RM 1.	This rule is to implement Policy RM 6, and NZCPS Policy 10(2). It provides for removal of reclamations for specified purposes. A discretionary restricted status allows Council to assess an application against Policy RM 6, and to decline the consent should the adverse effects of the proposed removal outweigh any beneficial outcomes. The matters over which Council retains discretion are consistent with other provisions in the RCEP.
Rule RM 2.	This rule allows Council to assess the adverse effects of the reclamation or removal of reclamation in the CMA on a case by case basis. A discretionary activity status is appropriate to assess the full extent of effects, and to fully consider all the requirements of the RMA. The policy replaces 15.2.4(b) and (c) of the Operative RCEP, with minor reformatting and provision for new Rule RM 3.
Rule RM 3.	This rule clearly indicates that reclamation associated with regionally significant infrastructure in Indigenous Biodiversity Area A and Outstanding Natural Character areas is a non-complying activity. It implements Policy RM 2(e), which is consistent with Policy 10(1) NZCPS. The approach is also consistent with Policies CE 2A, EI 3B, EI 4B, EI 5B RPS. There is no equivalent rule in the Operative RCE.

Rule RM 4	The rule clearly indicates where reclamation is not appropriate and will not be given resource consent. It implements Policy RM 2. The rule replaces 15.2.4(a) of the Operative RCEP.
Rule RM 5.	The rule clearly indicates where reclamation is not appropriate in high value areas and will not be given resource consent due to the risk of significant adverse effects on those values. It implements Policy RM 1, and Objective 2. The rule replaces 15.2.4(d) of the Operative RCEP. Excludes reclamation for regionally significant infrastructure, which is consistent with Policy EI 4B of the proposed RPS.
Method 5.	This method is to work with the territorial authorities to consider the removal of reclamations as part of work to improve Tauranga Harbour. The method implements Policy RM 6, and the Tauranga Harbour programme.

16 Taking, using, damming or diversion of coastal water

16.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Adverse effects of development in CMA: Issues 32, 33.	Objective 29.	TD 1.	TD 1, TD 2, TD 3, TD 4.	-	-
		TD 2.		-	-
	Objective 30.	TD 3.	TD 4.	-	-
	Objective 31.	TD 4 Refer to Policies DD 4 and DD 5 in the Disturbance, deposition and extraction section 32 report.	Refer to Rules DD 1 and DD 10 in the Disturbance, deposition and extraction section 32 report.	-	-

16.2 Evaluation of Objectives 29, 30 and 31

16.2.1 Objective 29

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 29.	Objective 10.2.2(a)
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 32 and 33, as they relate to the take, use, damming or diversion of coastal water. It recognises that the main adverse effect of the take, use, damming or diversion of coastal water is the effects on marine ecosystems.	Objective 27A is Objective 10.2.2(a) from the Operative RCEP. It has been retained (although renumbered) in accordance with the recommendation from the <i>Regional Coastal Environment Plan Review</i> , April 2012. As such, Option 2 is not assessed in this Section 32 report. Refer to Option 1 for the assessment.

Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – It manages the protection of natural resources in a way that achieves the purpose of the RMA.	
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly S7(a). Protected customary rights may also be affected if marine ecosystems are significantly changed.	
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – Protection of marine ecosystems falls under the regional council in the coastal marine area.	
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to: <ul style="list-style-type: none"> NZCPS – Objective 1, Policy 11(b). Proposed RPS – Objective 2, Policy CE 8B. 	
Usefulness		
Will effectively guide decision-making?	Yes – The objective gives clear direction on the main adverse effects to be managed. It sets a limit of 'no significant change', which provides clear guidance to resource users and decision makers. Achieving the objective can be achieved through resource consent processes and appropriate permitted rules.	
Meets sound principles for writing objectives?	Yes.	
Consistent with other relevant Objectives?	Yes.	
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	
Overall assessment	An appropriate objective to include in the RCEP.	

16.2.2 Objective 30

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 30.	10.2.2(b) from the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 32 and 33, as they relate to the diversion of coastal water. It recognises that the diversion of natural watercourses in the CMA is only justified in specific circumstances.	Yes – It addresses major aspects of Issues 29 and 30, as they relate to the diversion of coastal water. It recognises that the diversion of natural watercourses in the CMA is only justified to protect human safety.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – The objective discourages diversion of natural watercourses in the CMA except for the purposes listed, and therefore protects the environment.	Yes – however, the objective is restricted only to human safety, and does not provide for other beneficial purposes.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly S6(e).	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – section 30(d)(iii) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	The objective is not inconsistent with the RPS and NZCPS.	As per Option 1.
Usefulness		
Will effectively guide decision-making?	Yes – Objective 30 is an amendment of Objective 10.2.2(b) from the Operative RCEP. It has been expanded to include other positive activities in accordance with the recommendation from the <i>Regional Coastal Environment Plan Review</i> , April 2012. The objective gives clear direction on where diversion of natural watercourses in the CMA is considered to be appropriate. Achieving the objective can be achieved through resource consent processes.	No – the recommendation from the <i>Regional Coastal Environment Plan Review</i> , April 2012 is to expand the Objective to include other situations where consent has been granted for diversion of coastal water. These are navigational safety (refer to Objective 30 of the proposed RCEP), environmental restoration and enhancement, and to maintain or improve water quality. Objective 10.2.2(b) is too restrictive, does not allow for other positive activities, and therefore is not the most appropriate means of achieving the purpose of the RMA.
Meets sound principles for writing objectives?	Yes.	Yes.
Consistent with other relevant Objectives?	Yes.	No – the option is overly restrictive.

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	No.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	No.
Overall assessment	The objective is the most appropriate option to include in the RCEP.	The objective is overly restrictive, and does not provide for other beneficial circumstances.

16.2.3 Objective 31

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 31.	No Objective – there is no corresponding objective in the Operative RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 32 and 33, as they relate to the protecting the integrity of existing flood protection and drainage schemes while avoiding, remedying or mitigating adverse effects on the CMA.	No.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – seeks to recognise the need to protect existing infrastructure that protects human safety and economic use of land, unless those purposes are changed or those schemes are unsustainable.	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e).	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – section 30(d) (i) and (iii) RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	The objective is not inconsistent with the NZCPS. Gives effect to Proposed RPS Policy EI 4B.	No.

Usefulness		
Will effectively guide decision-making?	<p>Yes – Objective 31 specifically provides for the management of existing flood protection and drainage schemes in the CMA. Such schemes are necessary to protect human safety (from flooding), and to maintain land productivity in low-lying areas. The existing schemes in the Bay of Plenty have been in place for many years, and are now part of the physical landscape. The objective gives clear direction that protecting the integrity of existing flood protection and drainage schemes in the CMA is considered to be appropriate. Achieving the objective can be achieved through appropriate regulatory provisions and resource consent processes.</p>	<p>No – This option would rely on provisions of the Resource Management Act 1991, NZCPS 2010 and the Regional Policy Statement. In the absence of any clear objective there is no specific guidance provided at a regional level for the management of existing flood protection and drainage schemes in the CMA. As a result, protecting the integrity of such schemes may not be recognised and appropriately provided for, which may not necessarily meet the purpose of the Resource Management Act 1991.</p>
Meets sound principles for writing objectives?	Yes.	N/A.
Consistent with other relevant Objectives?	Yes – The option is consistent with Policy 10.2.3(a) of the Operative RCEP, which has been retained as per the intent of the review of June 2012.	N/A.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	N/A.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	No – does not achieve an outcome.
Overall assessment		
	The objective is the most appropriate option to include in the RCEP.	This option is not as effective as Option 1.

16.3 Policies, Methods and Rules to Achieve Objective 29

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP).
Plan provision(s)	Policy TD 1, TD 2. Rule TD 1, TD 2, TD 3, TD 4.	Policies – 10.2.3(a) to (d) (inclusive). Rules – 10.2.4(a) to (g) (inclusive).

16.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quantity.	<ul style="list-style-type: none"> Protects marine fauna, ecosystems and natural character from adverse effects of use and development. Rule TD 4 ensures that adverse effects on the environment are avoided, remedied or mitigated; and environmental quality and values are maintained. Due to the quantity of coastal water, the use of this resource is unlikely to have an adverse effect on the environment. 	<ul style="list-style-type: none"> Protects marine fauna and ecosystems from adverse effects of use and development.
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; navigation.	Due to the quantity of coastal water, the use of this resource is unlikely to have an adverse effect on the environment.	As per Option 1.

Cultural Benefits		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Due to the quantity of coastal water, the use of this resource is unlikely to have an adverse effect on the environment.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; water quantity.	<ul style="list-style-type: none"> • There is a very low risk that the take and use of water permitted under the rules may cause adverse effects in localised areas. • Adverse effects of larger, consented takes will be managed to avoid, remedy or mitigate adverse effects on the environment. 	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	<ul style="list-style-type: none"> • May restrict or prevent the use or development of coastal water where adverse effects cannot be avoided. May restrict or prevent the damming or diversion of coastal water where adverse effects cannot be avoided. 	As per Option 1.
Compliance costs (to resource users).	<ul style="list-style-type: none"> • Low. • Low risk activities provided for as permitted activities in Rules TD 1, 2, and 3. This saves resource consent costs for resource users. 	Low. Low risk activities are provided for by Rules 10.2.3(a) to (c).
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.

Social Costs		
Recreational use of the coastal environment and resources; navigation.	Due to the quantity of coastal water, the use of this resource is unlikely to have an adverse effect on the environment.	As per Option 1.
Cultural Costs		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Due to the quantity of coastal water, the use of this resource is unlikely to have an adverse effect on the environment.	As per Option 1.
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Overall assessment	High – this option is preferred as the wording in these provisions is more consistent with current policy structures and legal wording requirements.	Medium.

16.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	Yes.
Will clearly achieve, or partly achieve the objective.	Yes.	Yes.
Usefulness		
Will effectively guide decision-making?	Yes - Policy TD 1 Provides clear direction on a core matter of concern and required management of adverse effects when managing the take of coastal water – effects on marine fauna and ecosystems. The policy replaces 10.2.3(a) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy.	Yes.

	Policy TD 2 Provides clear direction on a core matter of concern when managing the damming or diversion of coastal water – effects on ecosystems and natural character, and not increasing the danger of flooding. The policy replaces 10.2.3(b) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy.	
Meets sound principles for writing policies and rules?	Yes.	No – Policy 10.2.3(a) uses the word “should” instead of the legally correct “shall”.
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.
Achievability		
Within BOPRC’s functions and powers.	Yes – section 30(d)(iii) RMA.	Yes – section 30(d)(iii) RMA.
Within the scope of BOPRC’s available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes.	Yes.
Overall assessment	<i>High.</i>	<i>Medium.</i>

16.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	As per Option 1.
Is the topic of high significance or complexity?	No.	As per Option 1.

<p>Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).</p>	<p>There are only a very small number of consents for the take, use, damming or diversion of coastal water in the Bay of Plenty region. The RMA restricts the take, use, damming and diversion of coastal water, unless the take and use is for specific purposes (refer to s14(3) RMA). The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to permit activities with less than minor effects on the environment, and guide decision making on resource consents.</p>	<p>As per Option 1.</p>
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16.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

16.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	The policy and rule wording is more correct and consistent with current structures and planning practice.
Option 2.	Medium.	Medium.	No.	-

16.3.6 Other policy options considered

Option	Reason(s) why option rejected
Do nothing (no provisions on the take, use, damming and diversion of coastal water).	This option would rely on provisions of Resource Management Act 1991, NZCPS 2010 and the Regional Policy Statement. In the absence of action by Council there is no specific guidance provided at a regional level for the take, use, damming or diversion of coastal water. As a result, the effects of such activities may result in significant changes to marine ecosystems, and will not necessarily meet the requirements of the Resource Management Act 1991. Lack of certainty about the management of take, use, damming and diversion in the CMA. Potential for lower standards to be applied to development activities due to lack of specific policy.
Broad policy around the take, use, damming or diversion of coastal water.	Not effective. Specific direction on resource management decision making around these activities is needed in the RCEP.
Classify all take, use, damming and diversion of coastal water as discretionary.	This option would mean all take, use, damming and diversion activities, excluding the take and use allowed by s14(3) RMA, would require resource consent. While this would be a highly effective option, it would not be efficient as minor activities would require consent. Additional and unnecessary costs (relative to risk) to resource users and developers for resource consent process compared to the selected option.

16.4 Policies, Methods and Rules to Achieve Objective 30

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy TD 3. Rule TD 4.	Policy 10.2.3(b). Rule 10.2.4(e), 10.2.4(g).

16.4.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Water quantity.	Protects ecosystems and the coastal marine area from adverse effects of unnecessary and inappropriate damming and diversion activities.	Protects ecosystems and the coastal marine area from adverse effects of unnecessary and inappropriate damming and diversion activities.

	Restricts diversion of natural watercourses to circumstances where the activities are either necessary or will have a beneficial outcome.	
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources; navigation.	Provides for navigation safety where required.	No social benefits identified.
Cultural Benefits		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Provides for coastal restoration or enhancement (including wetlands), and activities to maintain or improve water quality. Protects ecosystems and the coastal marine area from adverse effects of unnecessary and inappropriate damming and diversion activities.	No specific benefits identified.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Quality and functioning of the coastal environment; Water quantity.	Provides for activities (as listed in Objective 30) where there may be short or long term adverse effects on the CMA.	As per Option 1 – but allowable diversion of natural watercourses is more restricted.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	May restrict or prevent the damming or diversion of coastal water where adverse effects cannot be avoided, or do not otherwise comply with Objective 30.	As per Option 1.

Compliance costs (to resource users).	Medium.	High (due to greater restriction on diversion of natural watercourses).
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources; navigation.	No social costs identified.	No social costs identified.
Cultural Costs		
Mauri of coastal waters; cultural well-being of people and communities; relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Provides for activities (as listed in Objective 28) where there may to short or long term adverse effects on the CMA.	As per Option 1 – but allowable diversion of natural watercourses is more restricted.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>Medium.</i>

16.4.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	No.
Usefulness		
Will effectively guide decision-making?	Yes – Policy TD 3 implements Objective 30. It gives clear direction on where diversion of natural watercourses in the CMA is considered to be appropriate, and discourages diversion of natural watercourses in the CMA except for the purposes listed, and so protects the environment. The policy is implemented through Rule TD 4.	No – not as effective as Option 1.

	Provides certainty to resource users and developers on the required management of adverse effects.	
Meets sound principles for writing policies and rules?	Yes.	Yes.
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes.	Yes.
Overall assessment	<i>High.</i>	<i>Medium.</i>

16.4.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	As per Option 1.
Is the topic of high significance or complexity?	No.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	There are only a very small number of consents for damming or diversion of coastal water in the Bay of Plenty region. The RMA restricts the damming and diversion of coastal water. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to guide decision making on resource consents and provide certainty to the community.	As per Option 1.

16.4.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A.	N/A.

16.4.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Provides for a greater range of beneficial activities.
Option 2.	Medium.	Medium.	No.	-

16.4.6 Other policy options considered

Option	Reason(s) why option rejected
Broad policy around the take, use, damming or diversion of coastal water.	Not effective. Specific direction on resource management decision making around these activities is needed in the RCEP.
No policy in the RCEP – rely on RMA, NZCPS 2010 and RPS.	It is more effective to include specific policy in the RCEP. Lack of certainty about the management of take, use, damming and diversion in the CMA. Potential for lower standards to be applied to development activities due to lack of specific policy.

16.5 Policies, Methods and Rules to achieve Objective 31

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy TD 4. Also refer to Policies DD 4 and DD 5, and Rules DD 1 and 10 in the Disturbance, deposition and extraction section 32 report.	Policy 10.2.3(c), 10.2.3(d). Rule 10.2.4(f), 10.2.4(g).

16.5.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; natural character and outstanding landscape features; water quantity.	Adverse effects on estuaries are remediated where practicable, so improving the environment. Adverse effects on the coastal environment are avoided, remedied or mitigated as appropriate.	Adverse effects on estuaries are remediated where practicable, so improving the environment. Adverse effects on the coastal environment are avoided, remedied or mitigated as appropriate. If an activity can't meet the controlled activity requirements in Rule 10.2.4(f), it becomes a discretionary activity under Rule TD 10.2.4(g).
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.
Opportunities for economic growth.	Rules DD 1 and 10 provides certainty to those protected by the river and drainage schemes that consent will be granted, and that the services provided by the schemes will continue.	Rule 10.2.4(f) provides certainty to those protected by the river and drainage schemes that consent will be granted, and that the services provided by the schemes will continue.
Social Benefits		
Recreational use of the coastal environment and resources.	No specific social benefits identified.	No specific social benefits identified.
Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; Cultural well-being of people and communities.	Rules DD 1 and 10 specifically provide for measures to avoid, remedy or mitigate effects on cultural values to be considered as part of consent under the rule.	As per Option 1 (refer to Rule 10.2.4(f)).
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.

Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; quality and functioning of the coastal environment; natural character and outstanding landscape features; water quantity.	May allow for greater adverse effects on the coastal environment by protecting scheme integrity.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth reduced.	The provisions do not specifically reduce opportunities for economic growth.	As per Option 1.
Compliance costs (to resource users).	Requires river and drainage scheme administrators to undertake remedial works. No additional costs from baseline as this is an existing requirement of the Operative RCEP.	Requires river and drainage scheme administrators to undertake remedial works. No additional costs from baseline as this is an existing requirement of the Operative RCEP.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources.	No specific social costs identified.	As per Option 1.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga; cultural well-being of people and communities.	Existing flood protection and drainage schemes may not properly provide for cultural values and sites.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Overall assessment	<i>High.</i>	<i>High.</i>

16.5.2 Effectiveness

Effectiveness	Option 1	Option 2
<i>Relevance and transparency</i>		
Directed towards achieving the objective.	Yes.	Partly.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly.
<i>Usefulness</i>		
Will effectively guide decision-making?	Yes – Policy TD 4 implements Objective 31. It gives clear direction on how the adverse effects of flood protection and drainage schemes on estuaries are to be addressed. The policy is implemented through Rules DD 1 and 10. The policy replaces Policy 10.2.3(c) of the Operative RCEP, but retains the wording of the original policy as recommended by the RCEP review. Provides certainty to river and drainage scheme administrators on the required management of adverse effects.	No – insufficient policy guidance around managing adverse effects of the environment while maintaining scheme integrity.
Meets sound principles for writing policies and rules?	Yes.	No – Policy 10.2.3(d) is not a policy. It is written similar to an Objective.
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.
<i>Achievability</i>		
Within BOPRC's functions and powers.	Yes – section 30(d) RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.

Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes.	Yes.
Overall assessment	High.	Medium.

16.5.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	As per Option 1.
Is the topic of high significance or complexity?	No.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	There are only a very small number of consents for the damming or diversion of coastal water in the Bay of Plenty region. The RMA restricts the damming and diversion of coastal water. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to guide decision making on resource consents, and to provide certainty for river and drainage scheme administrators.	As per Option 1.

16.5.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

16.5.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Provides stronger policy guidance than Option 2.
Option 2.	High.	Medium.	No.	

16.5.6 Other policy options considered

Option	Reason(s) why option rejected
Broad policy around managing the effects of flood protection and drainage schemes on the coastal environment.	Not effective. Specific direction on resource management decision making around these activities is needed in the RCEP.
Classify all diversion of coastal water as discretionary.	<ul style="list-style-type: none"> This option would mean all diversion activities, including by existing flood protection and drainage schemes, would require resource consent. While this would be a highly effective option, it would not be efficient as it would not recognise major existing activities that are now part of the landscape. Additional costs to resource users and developers for resource consent process compared to the selected option.
No policy in the RCEP – rely on RMA, NZCPS 2010 and RPS.	<ul style="list-style-type: none"> It is more effective to include specific policy in the RCEP. Possible reduced costs to resource users and developers as not required to comply with specific policy. Lack of certainty about the management of take, use, damming and diversion in the CMA. Potential for lower standards to be applied to use and development activities due to lack of specific policy.

16.5.7 Explanation of Selected Policies and Methods (including rules)

Plan Provision	Explanation
Policy TD 1.	The policy replaces 10.2.3(a) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy. The only change is replacing 'should' with 'shall' for consistency with legal advice on policy wording.
Policy TD 2.	The policy replaces 10.2.3(b) of the Operative RCEP. The April 2012 review of the operative plan recommends retaining the policy. The only change is replacing 'should' with 'shall' for consistency with legal advice on policy wording.

Policy TD 3.	The policy implements Objective 30. The wording is consistent with that Objective and provides clarity around when it would be appropriate to divert natural watercourses.
Policy TD 4.	The policy implements Objective 31. The wording is consistent with both the requirements of the RMA and the Objective. It provides for integration between flood protection schemes and management of the CMA.
Rule TD 1.	<p>Rule TD1 (permitted) is to provide for the use of coastal water, which is unlikely to have an adverse effect on the environment. Provides certainty to resource users and developers and removes the need for a consent for an activity that is unlikely to have adverse environmental effects.</p> <p>The rule provides for the use of coastal water, which is unlikely to have an adverse effect on the environment. The take of coastal water is addressed by rules TD 2 and TD 3.</p> <p>The rule replaces 10.2.4(a) of the Operative RCEP.</p> <p>There are no conditions in the rule due to the vast volume of available coastal water (i.e. scarcity of resources and efficient use is not an issue to address).</p>
Rule TD 2.	<p>The rule provides for the take of water from open coastal areas, which is unlikely to have an adverse effect on the environment.</p> <p>The rule replaces 10.2.4(b) of the Operative RCEP.</p> <p>There are no conditions in the rule due to the vast volume of available coastal water (i.e. scarcity of resources and rate of take is not an issue to address).</p>
Rule TD 3.	<p>Rule TD 3 (permitted) is to provide for the take of coastal water from within a harbour or estuary at a volume that is minor and unlikely to have an adverse effect on the environment.</p> <p>The rule replaces 10.2.4(c) of the Operative RCEP.</p> <p>A volume limit is included in this Rule to recognise the tidal nature, and increased sensitivity of harbours and estuaries. The limit of 15 cubic metres per day per property is consistent with the limits for surface water takes in the Regional Water and Land Plan.</p>
Rule TD 4.	<p>Rule TD 4 (discretionary) allows Council to assess the effects of any take, damming or diversion of coastal water that is not otherwise addressed by other rules. There are no additional costs to resource users and developers as these activities are already restricted under the RMA. The resource consent process is an appropriate means of assessing those effects.</p> <p>The rule replaces rules 10.2.4(d), 10.2.4(g) and 10.2.4(e) of the operative RCEP.</p>

17 Aquaculture

17.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Tangata whenua aquaculture: Issue 36.	Objective 34	AQ 2, AQ 9.	AQ 1, AQ 2.	-	-
Economic benefits of aquaculture: Issues 35, 37, 39.	Objective 33.	AQ 1, AQ 2, AQ 3, AQ 8, AQ 9, AQ 10, AQ 11, AQ 12, AQ 13.	AQ 1-AQ 5.	-	-
Appropriate infrastructure is provided: Issue 38.	Objectives 1, 46.	AQ 4, HD 8, HD 12.	AQ 4, AQ 5 HD 1-HD 9.	-	Schedule 8
Aquaculture occupation of the CMA: Issue 40.	Objective 37.	AQ 1, AQ 6, AQ 8.	AQ 1(b). AQ 6.	-	-
	Objectives 22, 23, 24.	AQ 5, AQ 7.	AQ 1(e). AQ 5.	-	-
Water quality for aquaculture: Issue 41.	Objective 1.	AQ 14.	AQ 4, AQ 5.	-	-
	Objective 5.	WQ 1, WQ 2.	-	Methods 7, 8.	-

17.2 Evaluation of Objectives 33, 34 and 37

17.2.1 Objective 33

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 33 Encourage and provide for the sustainable development of aquaculture in the Bay of Plenty that provides social, economic and cultural benefits for the Bay of Plenty Region and its communities.	The current RCEP does not include an objective specific to aquaculture; therefore the status quo is equivalent to doing nothing.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – the objective addresses key aspects of issues 35, 37 and 39, which relate to the potential for significant aquaculture growth in the region; the aspirations of tangata whenua with regard to aquaculture and the uncertainty that the current RCEP provides to resource users and the community with regard to the consideration of aquaculture.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective seeks to achieve sustainable development of aquaculture in a manner that is consistent with s5 of the RMA. The objective achieves s7(b) of the RMA: the efficient use and development of natural and physical resources.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Some iwi and hapū have expressed a desire to be more involved in aquaculture – interest ranges from participating in large-scale commercial operations; providing training and education opportunities for Māori related to aquaculture, small scale commercial aquaculture; aquaculture to provide kaimoana for marae-based activities and other customary uses; aquaculture as a means of restocking or enhancing existing kaimoana resources. There are also areas of the coastal marine area that iwi and hapū have previously identified as being inappropriate for aquaculture (or at least some forms of aquaculture). Some iwi have also expressed concerns about the potential adverse effects of aquaculture on water quality.	N/A

Relevant to BOPRC's statutory functions and powers under the RMA.	Yes under s12(1) and (2) and s30()(d) and (3) of the RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Gives effect to Proposed RPS Policy CE 12B and NZCPS Policy 8.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction that sustainable aquaculture is an appropriate activity in the region.	No.
Meets sound principles for writing objectives?	Yes – the objective is clear and states a desired outcome. The objective addresses resource management issues identified for the region.	N/A
Consistent with other relevant Objectives?	Yes, consistent with other aquaculture objectives (34 and 37).	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No.	No.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the resource consent process, involvement as a key stakeholder in the Regional Aquaculture Organisation and implementation of the Bay of Connections Aquaculture Strategy 2013.	N/A
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

17.2.2 Objective 34

Plan Provision(s)	Objective 34 Provide for tāngata whenua aspirations for sustainable aquaculture.	The current RCEP does not include an objective specific to aquaculture; therefore the status quo is equivalent to doing nothing.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes, the issue addresses Issue 36, which is that tangata whenua wish to investigate aquaculture options but are constrained by existing water quality, potential conflicts with other users and/or the capacity of iwi and hapū groups.	N/A

Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective seeks to achieve sustainable development of aquaculture in a manner that is consistent with s5 of the RMA. The objective achieves s7(b) of the RMA: the efficient use and development of natural and physical resources.	N/A
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly the ability to exercise kaitiakitanga (s7(a)).	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes under s12(1) and (2) and s30()(d) and (3) of the RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Not directly – although linked to Proposed RPS Policy IW 1B Enabling development of multiple-owned Māori land.	N/A
Usefulness		
Will effectively guide decision-making?	Partially – highlights the potential importance of aquaculture in terms of economic and social well-being of tangata whenua.	No.
Meets sound principles for writing objectives?	The objective is written at a relatively high level, and is more aspirational than other objectives contained within the Proposed RCEP.	N/A
Consistent with other relevant Objectives?	Yes – particularly Objective 33.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No.	No.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes, can be achieved through consent processing and implementation of Bay of Connections' strategies relating to Aquaculture and Māori Economic Development.	N/A
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

17.2.3 Objective 37

Plan Provision(s)	Objective 37 Protect significant natural, social, recreational and cultural values from the adverse effects of aquaculture development.	The current RCEP does not include an objective specific to aquaculture; therefore the status quo is equivalent to doing nothing.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – addresses issue 40 which identifies that aquaculture can have adverse effects on values.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – achieves s6(a),s6(b),s6(c),s6(d) and s6(e) of the RMA.	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes, aquaculture can have adverse effects on cultural values if inappropriately located or designed.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – under s12(1) and (2) and s30()(d) and (3) of the RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Yes – particularly NZCPS Policies 2, 11, 13, 15 and 18 and Proposed RPS Policy CE 12 B.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides guidance that although development of aquaculture is promoted within the region, protection of significant values is still an important consideration.	No.
Meets sound principles for writing objectives?	Yes – the objective is clear and states a desired outcome. The objective addresses resource management issues identified for the region.	N/A
Consistent with other relevant objectives?	Yes – particularly those relating to natural heritage, iwi resource management and recreation.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No – the protection of these values is already directed by the RMA, NZCPS and Proposed RPS.	No.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily through the resource consenting process.	N/A
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

17.3 Policies, Methods and Rules to achieve Objectives 33, 34 and 37

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
<p>Plan provision(s)</p>	<p>Policies AQ 1-AQ 14. Rules AQ 1-AQ 6.</p>	<p>The existing RCEP only contains two policies that relate to aquaculture: <i>12.2.3(b) Environment Bay of Plenty will take into account the environmental advantages of land-based aquaculture operations which avoid occupation of the coastal marine area.</i> <i>14.2.3(b) To avoid, remedy or mitigate adverse effects from dumping into the coastal marine area of aquaculture processing wastes.</i></p> <p>The existing RCEP does not contain any rules specific to aquaculture. Activities generally fall under the ‘catch-all’ discretionary rules, except:</p> <ul style="list-style-type: none"> • Maintenance of existing structures which is permitted under Rule 13.2.4(f). • Structures in permanently navigable waters, which are prohibited under Rule 13.2.4(b). • Structures in the Coastal Habitat Preservation Zone, which are prohibited under Rule 13.2.4(l).

17.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	New commercial aquaculture is prohibited in IBDA A. This gives effect to the NZCPS Policy 11 direction to avoid adverse effects on the matters listed in clause (a) of that policy.	Less efficient. Aquaculture is prohibited within the coastal habitat preservation zone; however this zone was not assessed and identified using criteria consistent with the NZCPS or Proposed RPS.
Quality and functioning of the coastal environment.	Option 1 provides clear direction on the matters to be considered when assessing the potential effect on aquaculture on fisheries resources (Policy AQ 13).	No direct benefits identified.
Water quality or quantity.	Policy AQ 1 specifically lists the effects of aquaculture on water quality as an aspect that requires consideration.	No direct benefits identified.
Natural character and outstanding landscape features.	New commercial aquaculture is prohibited in areas of outstanding natural character. This gives effect to the NZCPS Policy 13 direction to avoid adverse effects on such areas.	Not as efficient as Option 1 - the existing RCEP does include policy direction regarding preservation of natural character, but does not refer to outstanding natural character as defined in the NZCPS and identified in the Proposed RPS.
Biosecurity.	Policy AQ 1(c) requires consideration of biosecurity risks when consenting aquaculture; Policy AQ 3 sets out the matters that should be included in a management plan – included is a biosecurity monitoring plan; Policy AQ 13 lists biosecurity as one of the matters that should be considered when assessing the effects of aquaculture on fisheries resources.	No benefits identified.

Economic Benefits		
<p>Opportunities for employment and economic growth.</p>	<p>Option 1 (particularly Policy AQ 2) specifically recognises the potential economic and social benefits of aquaculture development in the region. Specific direction on consent requirements is included in the policies to provide certainty to resource users and encourage investment.</p> <p>The goal of the Bay of Connections Aquaculture Strategy 2013 is to grow an integrated and sustainable aquaculture industry in the Bay of Plenty with export sales of \$250 million by 2025.</p> <p>Research has found that the region's waters are among the most productive in New Zealand. The region has a significant marine farm in development at a 3,800 ha site located 8 km offshore from Ōpōtiki. This site is being used for commercial mussel farming trials and will potentially contribute \$41-\$55 million (16-22%) to the export sales target set by the region.</p>	<p>No benefits identified.</p>
<p>Reduced compliance costs (to resource users).</p>	<p>Option 1 contains specific direction on what an application for an application for a new commercial aquaculture venture should cover. This gives certainty to resource users, thereby reducing compliance costs.</p> <p>Option 1 also includes a more permissive consenting framework for small scale aquaculture, and re consenting existing commercial aquaculture.</p> <p>Aquaculture New Zealand has advised, via feedback on the draft RCEP, that one of the primary areas where marine farmers face significant uncertainty and barriers to investment is when looking to renew consents for existing farms. In particular Aquaculture New Zealand raises concerns about developing an entirely new resource consent application which may require a full spectrum of information and consultation, including the associated potential costs and time delays.</p> <p>Rule AQ 3 is a restricted discretionary activity and specifically directs that public notification is not required unless special circumstances exist. The matters of discretion are largely limited to operational matters; however the list does included consideration of effects</p>	<p>No specific benefits identified.</p>

	<p>on ecology, natural character, cultural values and recreation. As aquaculture uses 'public' space and resources it is appropriate that the Regional Council is able to assess whether any changes to existing operation are needed to appropriately manage adverse effects.</p> <p>Controlled activity status has not been applied as there may be circumstances where changing circumstances, including community expectations, national policy direction, legislation or improved knowledge of environmental systems, mean that a particular aquaculture activity is no longer appropriate in a given location.</p>	
Reduced fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Clear policy direction means that the requirements for implementation via the resource consent process are able to be easily identified, thereby reducing implementation costs.	No specific benefits identified.
Social Benefits		
Recreational use of the coastal environment and resources.	Policies AQ 5 and AQ 7 provide a strong direction on protection of recreational values, particularly in harbours and estuaries. Rules AQ 1(e) and AQ 5 implement these policies.	<p>The introductory text to the Occupation chapter of the existing RCEP states that: <i>Environment Bay of Plenty believes there is sufficient existing recreational usage of all estuaries and harbours within the Bay of Plenty to warrant a prohibition of any structures (whether associated with aquaculture or not) which would have an adverse impact on navigation and recreational activities within tidal channels.</i></p> <p>Existing Rule 13.2.4(b) prohibits structures in permanently navigable waters.</p>
Public access to and along the coastal marine areas.	No specific benefits identified.	No specific benefits identified.
Navigation.	Proper marking of marine farms and associated structures is important to navigational safety. Policy AQ 3(d) addresses this matter.	No specific benefits identified (aside from those already mentioned with regard to navigation).
Cultural Benefits		
Cultural well-being of people and communities.	Policy AQ 2 recognises that aquaculture may be an important economic development mechanism for Māori and to supplement natural seafood resources.	No direct benefits identified (existing policies of the RCEP do provide some high-level guidance on cultural value).

	Policy AQ 2 provides a less permissive consenting framework for non-commercial and non-research aquaculture. The activities anticipated to fall within this rule are aquaculture to restock indigenous species for biodiversity purposes and aquaculture for customary purposes, for example Marae-based aquaculture and kaimoana harvesting that is used to meet and satisfy expectations of kawa and mana of the Marae and its tangata whenua.	
Ability to meet Principles of Treaty of Waitangi.	Policy AQ 6 enables Active Protection of Māori interests and sites of significance.	No benefits identified.
Legislative requirements (e.g. MACAA, Treaty settlements).	The Māori Commercial Aquaculture Settlement provides a full and final settlement of all Maori claims to commercial aquaculture space since 21 September 1992. The settlement provides iwi with 20 percent of all new space created after 1 January 2005 – the new space obligation. The settlement also provides iwi with the equivalent of 20 percent of existing space created between 21 September 1992 and 1 January 2005 – the pre-commencement space obligation. Iwi are able to elect to receive a cash pay-out rather than aquaculture space.	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Policy AQ 6 recognises that aquaculture may be inappropriate in certain areas – these areas were identified through the Coastal Use and Values mapping undertaken as part of the Aquaculture Management Area project. The Iwi Resource Management policies also apply to consideration of aquaculture activities.	No benefits identified.

Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; natural character.	<p>Aquaculture activities can have an adverse effect on natural character, coastal ecosystems and biodiversity.</p> <p>Non-commercial aquaculture is provided for as a controlled activity in IBDA A and ONC (Rule AQ 2). Aquaculture to provide kaimoana for non-commercial customary use is necessarily going to occur where marae and tribal whenua is located. These locations are often in parts of the coastal environment that have not been extensively modified, especially in the eastern bay of plenty, and have high biodiversity values.</p>	<p>The existing rules prohibit aquaculture structures in the coastal habitat preservation zone; however there is no aquaculture specific policy guidance for aquaculture occurring outside this zone.</p> <p>The existing rules do not include policies or rules specific to areas of outstanding natural character.</p>
	<p>The activities anticipated to occur under Rule AQ 2 are small scale and limited to use of indigenous species. Use of animal medicines is not included in this rule. The matters for control are comprehensive enough to allow adverse effects on natural character and biodiversity to be minimised, whilst still allowing the activities anticipated by the Rule to occur.</p>	
Quality and functioning of the coastal environment.	No costs identified.	Option 2 provides no specific guidance on the potential effects of aquaculture on fisheries resources and the coastal environment.
Water quality.	Aquaculture can have adverse effects on water quality.	
Outstanding landscape features.	Option 1 does not prohibit new commercial aquaculture in Outstanding Natural Features and Landscapes (ONFLs).	As per Option 1.
Biosecurity.	Aquaculture can have adverse effects related to biosecurity; however the policies and rules address these effects.	Inefficient – the existing RCEP does not recognise the potential biosecurity risks associated with aquaculture activities (except risks associated with the introduction of new species for marine farming) and doesn't contain any policy direction on this issue.

Economic Costs		
Opportunities for employment and economic growth reduced.	Option 1 prohibits aquaculture in areas of Outstanding Natural Character and IBDA A. The majority of these areas are located in estuaries and harbours or around offshore islands. This restricts the area available for aquaculture; however, this is consistent with Policy 11(a) and 13 of the NZCPS and Policy CE 12B(g), which states (with regard to aquaculture) that: <i>The harbours and estuaries are not generally considered to be appropriate locations.</i>	Similar economic costs to Option 1.
Compliance costs (to resource users).	Some of the policies contain strong direction on what should be considered and included as part of an application to undertake aquaculture. This could be regarded as a compliance cost. However, the requirements are in line with best practice and for small scale activities with minor effects, an applicant can be guided by s88 RMA, which requires an assessment of adverse effects to correspond with the scale and significance of the effects that the activity may have on the environment.	The uncertainty created by lack of specific policy direction increase compliance costs for resource users in terms of compiling a resource consent application. This can include experts being engaged to undertake technical assessments that aren't required or consent processing being delayed as a result of further information requests. The lack of policy direction can also lead to inconsistent and ad-hoc decision-making.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No – costs identified.	Implementation costs (consent processing related) potentially higher than Option 1 due to the lack of certainty.
Social Costs		
Recreational use of the coastal environment and resources.	Option 1 introduces a more relaxed approach to structures in permanently navigable water (non-complying rather than prohibited activity status). This could be regarded as providing less protection to recreational values than Option 2.	Although Option 2 is highly efficient at protecting recreational values within permanently navigable waters, no policy guidance provided specific to consideration of effects of aquaculture activities on recreation values outside these areas.
Public access to and along the coastal marine areas.	No – costs identified.	No costs identified.
Navigation.	No – costs identified.	No guidance is provided in the policies on how to appropriately manage the navigation hazard that can be created by introducing new marine farms into the CMA.

Cultural Costs		
Mauri of coastal waters.	Aquaculture can have an adverse effect on the mauri of coastal waters – this is addressed via the iwi resource management policies.	Limited guidance provided by the tangata whenua values chapter of the existing RCEP.
Cultural well-being of people and communities.	No – costs identified.	No costs identified.
Ability to meet Principles of Treaty of Waitangi.	No – costs identified.	No costs identified.
Legislative requirements (e.g. MACA, Treaty settlements).	The Māori Commercial Aquaculture Settlement provides a full and final settlement of all Maori claims to commercial aquaculture space since 21 September 1992.	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Aquaculture can have adverse effects on cultural values if inappropriately located and/or designed and operated.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

17.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Clearly achieves Objective 33 and 37. Partly achieves Objective 34 – full achievement of this objective will require use of mechanisms outside the RMA process, for example through implementation of the Bay of Connections Aquaculture Strategy 2013 and Māori Economic Development Strategy 2014.	Achieves Objective 37, as the existing general policies seek to protect significant natural heritage values, cultural and recreation values. Aquaculture structures are currently prohibited in permanently navigable harbour/estuary waters and the coastal habitat preservation zone. Does not contribute to achieving Objectives 33 and 37.
Usefulness		
Will effectively guide decision-making?	Yes – the policies are specific to aquaculture and reflect the direction of the NZCPS and Proposed RPS. The policies also reflect the experience and outcomes of the Eastern Sea Farms Ltd consent process (marine farm of 3,800 hectares located 8 km off Ōpōtiki).	No.

Meets sound principles for writing policies and rules?	Yes, the policies give specific guidance for decision-making and relate to the stated objectives of the Proposed RCEP.	N/A
Assumptions made.	Development of aquaculture in the Bay of Plenty can create significant economic and social benefits. Small scale non-commercial aquaculture can be undertaken in areas of high natural heritage value without creating significant adverse effects on those values.	None made.
Risk involved.	This option provides for the continued operation of the oyster farms currently located in Ōhiwa harbour, which has been identified as having Outstanding Natural Character. This could be regarded as not giving effect to NZCPS Policy 13.	A lack of direction in the RCEP creates significant uncertainty for those considering investment in aquaculture development, and may deter such investment. The lack of specific policy guidance creates unnecessary complexity during the resource consent process, thereby increasing the cost and time taken to obtain resource consents.
Achievability		
Within BOPRC's functions and powers.	Yes – aquaculture activities fall under s12 and s15 of the RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – primarily implemented through the resource consenting process.	As per Option 1.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve the objectives.	Low.	High.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – the iwi resource management policies apply to decision-making on aquaculture.	As per Option 1.
Overall assessment	<i>High.</i>	<i>Low.</i>

17.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	The Regional Council undertook a comprehensive package of work during 2004-2007 in order to collect the information required to support development of Aquaculture Management Areas (which were required under the legislation at the time). This work included coastal use and value mapping and research into the characteristics of the coastal marine area of the region that are important to understand prior to progressing an aquaculture proposal (for example, productivity of coastal waters). The biggest uncertainty is where and how resource users will wish to pursue aquaculture developments over the next 10-15 years.	
Is the topic of high significance or complexity?	Aquaculture is of high significance in the regional and national context. Central Government is committed to enabling industry to achieve its goal of \$1 billion in annual sales by 2025, and the Bay of Connections Aquaculture Strategy includes a region specific goal. Both the NZCPS and Proposed RPS include policy direction specific to aquaculture.	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts discharges of contaminants to coastal water, disturbance and deposition of material on the seabed, structures in the CMA and occupation of space. Therefore the risk of not acting (i.e. no policy or rules in the RCEP) is low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents.	

17.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

17.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Option 1 provides clear policy direction and a regulatory framework for a matter that is of high significance regionally and nationally. Option 1 gives effect to the NZCPS (Policy 8) and Proposed RPS Policy CE 12B.
Option 2.	Low.	Low.	No.	

17.3.6 Other policy options considered

Option	Reason(s) why option rejected
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan contains detailed aquaculture (marine farming) provisions, some of which were inserted by central government in 2011 as an outcome of the latest round of aquaculture legislation reforms. The provisions in the Waikato Regional Coastal Plan reflect the more developed aquaculture industry present in the Waikato region, and the location of the majority of marine farms in locations where nutrient inputs as a result of aquaculture require careful management. It is not efficient or effective to replicate policy that has been developed specifically for the issues experienced in the Waikato region, and does not reflect the situation in the Bay of Plenty.
Replicate the provisions in the Gisborne Regional Coastal Plan.	The Gisborne Regional Coastal Plan does not contain any aquaculture provisions.

17.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
<p>Policy AQ 1: The Regional Council will give particular consideration to the following matters when making decisions on any application for aquaculture activities:</p> <p>(a) The suitability of the location for the proposed type of aquaculture and species to be farmed; including consideration of the cumulative effects of other aquaculture in the area;</p> <p>(b) The sensitivity of the receiving environment;</p> <p>(c) The potential adverse effects of the proposed aquaculture activities on marine mammals, natural, social, cultural, heritage and economic values, including biosecurity risks;</p> <p>(d) The potential social, cultural and economic benefits of the proposed aquaculture activities;</p> <p>(e) Navigation safety issues;</p> <p>(f) The adequacy and/or availability of any related off-site structures, facilities and activities and the need for the integrated management of any associated land-use effects;</p> <p>(g) Potential conflict with existing uses and values of the coastal marine area - the Coastal Use and Value Maps 2006 will inform this consideration; and</p> <p>(h) The effect of the activity on water quality.</p>	<p>Gives direction on key matters for consideration with regard to aquaculture.</p> <p>(a) Gives effect to Proposed RPS Policy CE 12B(b) and (f).</p> <p>(b) Gives effect to Proposed RPS Policy CE 12B(g).</p> <p>(c) Gives effect to Proposed RPs Policy CE 12B(e); marine mammals has specifically been included as adverse effects on marine mammals are the Department of Conservation's main concern with aquaculture in the Bay of Plenty open coastal waters .</p> <p>(d) Gives effect to Proposed RPs Policy CE 12B(c) and NZCPS Policy 8(b).</p> <p>(e) Providing for navigation safety is important for recreation and commercial activities in the CMA.</p> <p>(f) Gives effect to Proposed RPS Policy CE 12B(d) and NZCPS Policy 8(a)(ii).</p> <p>(g) Gives effect to Proposed RPS Policy CE 12B(a).</p> <p>(h) Gives effect to Proposed RPS Policy CE 12B(f).</p>

<p>Policy AQ 2: When considering aquaculture proposals, the potential benefits to be taken into account include, but are not limited to:</p> <ul style="list-style-type: none"> (a) Local employment opportunities; (b) Opportunities for enhancing Māori development, particularly in areas where alternative opportunities are limited; (c) Research and training opportunities – which would grow the community's knowledge base and up skill the labour force; (d) Opportunities to supplement or complement natural fish and shellfish stocks. 	<p>Policy AQ 2 reflects the regionally specific opportunities from aquaculture development, identified in the 2009 Bay of Connections Bay of Plenty Aquaculture Strategy.</p>
<p>Policy AQ 3: Aquaculture applications shall contain a management plan that includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> (a) A design plan for the layout and structure of the farm; (b) A maintenance programme for all structures associated with the farm, together with a system to record maintenance; (c) An environmental effects monitoring programme comparable to the size and scale of the proposed aquaculture activity; (d) A navigation lighting plan and maintenance programme, with approval in principle from Maritime New Zealand; (e) Details of landing facilities, any access for roading issues for trucks collecting product from these facilities, any other land based facilities required to support the proposed aquaculture; and (f) A biosecurity monitoring plan. 	<p>Provides clear direction to resource users on consent requirements – consistent with Policy AQ 1.</p>
<p>Policy AQ 4: Resource consent for aquaculture developments shall not be granted unless adequate provision has been made for site access and the supply of the necessary land and water-based infrastructure to service the development.</p>	<p>Gives effect to Proposed RPS Policy CE 12B(d) and NZCPS Policy 8(a)(ii).</p>
<p>Policy AQ 5: Aquaculture developments shall provide access for recreational fishers and other small watercraft to the aquaculture area, except where access restrictions are necessary to protect public health and safety or ensure a level of security consistent with the purpose of a resource consent.</p>	<p>Assist with achieving Objective 22.</p>

<p>Policy AQ 6: New commercial aquaculture is inappropriate in the following areas:</p> <ul style="list-style-type: none"> (a) Any Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1). (b) Areas of Outstanding Natural Character (as identified in Appendix J of the proposed RPS). (c) Within 5.5 kilometres (three nautical miles) of commercial shipping lanes or navigable river mouths. (d) Mooring areas (as shown in the maps to this plan), Port and Harbour Development Zones; and <p>New commercial aquaculture may be inappropriate in the sites of cultural significance, which iwi or hapū have identified in the Coastal Use and Value Maps 2006.</p>	<ul style="list-style-type: none"> (a) Gives effect to NZCPS Policy 11(a). (b) Gives effect to NZCPS Policy 13. (c) Provides an appropriate buffer to shipping lanes used by commercial vessels entering the Port of Tauranga and areas subject to high recreational use (these areas are spatially identified in the 2006 Coastal use and Value maps). (d) Aquaculture is inconsistent with the purpose of the Harbour Development and Port Zones; mooring areas are prioritised for use by swing moorings and aquaculture would be in conflict with this use. <p>Some iwi and hapū have expressed a desire to pursue aquaculture activities; therefore some types of aquaculture may be appropriate within the areas identified in the Coastal Use and Value Maps 2006.</p>
<p>Policy AQ 7: Recognise that the recreational values of harbours and estuaries in the Bay of Plenty region is such that commercial aquaculture, particularly that relying on the use of structures in the coastal marine area, is inappropriate in these areas unless more than minor adverse effects on public access and recreational use of the coastal marine area can be avoided.</p>	<p>Gives effect to Proposed RPS Policy CE 12B(g) and is relevant to decision-making on non-complying Rule AQ 5.</p>
<p>Policy AQ 8: Existing aquaculture activities located in the areas identified in Policy AQ 6 shall be able to be re-consented provided the farm:</p> <ul style="list-style-type: none"> (a) Is an existing legally authorised farm that will continue to operate in exactly the same location; (b) Has no redundant or derelict structures within the area being applied for; and (c) Meets the requirements in all other policies except Policy AQ 6. 	<p>Clarifies that existing aquaculture activities is appropriate to continue in the areas identified in Policy AQ 6 – this reflects that these areas have been identified and assessed as having high natural heritage values with existing aquaculture in place. Provides certainty for existing operators.</p>
<p>Policy AQ 9: Non-commercial aquaculture that provides significant environmental, social, cultural or educational benefits may be appropriate in areas of the coastal marine area that are described in Policy AQ 6 and AQ 7.</p>	<p>Recognises that small scale aquaculture can have significant benefits at a local scale, and recognises that resource users (particularly iwi and hapū) may be constrained in terms of where they can carry out non-commercial aquaculture activities.</p>

<p>Policy AQ 10: The Regional Council will require new aquaculture activities to be developed in a staged manner, where:</p> <ul style="list-style-type: none"> (a) The potential adverse effects cannot be adequately predicted; (b) New species are being introduced and any adverse effects may not be known; (c) New technology is being proposed and the adverse effects from such technology have not been recorded; (d) The scale or type of marine farm warrants a precautionary approach; or (e) The sensitivity of the receiving environment to aquaculture activities warrants a precautionary approach. <p>A staged approach will require:</p> <ul style="list-style-type: none"> (a) A baseline environmental monitoring programme; (b) A Development Plan showing the stages appropriate to the scale of the aquaculture activity being applied for; (c) An Environment Limits and Monitoring Programme that will assess environmental change and report on triggers that would allow for or restrict the rate of progression of further stages of the aquaculture development; and 	<p>Provides clear direction to resource users on consent requirements – consistent with Policy AQ 1.</p> <p>Gives effect to Proposed RPS Policy IR 1B Applying a precautionary approach to managing natural and physical resources.</p>
<ul style="list-style-type: none"> (d) Identification of actions that will be undertaken to avoid, remedy or mitigate effects that exceed the environment limits set by way of consent conditions or within the Environment Limits and Monitoring Programme. 	
<p>Policy AQ 11: The Regional Council will impose the maximum consent duration allowable under the RMA in order to provide certainty and security to the applicant, except where one or more of the following circumstances apply, in which case the Regional Council may consider limiting the consent duration for aquaculture activities:</p> <ul style="list-style-type: none"> (f) The applicant has requested a shorter consent duration; or (g) A shorter period is required to ensure that adverse effects on the environment are adequately managed – circumstances that may necessitate a shorter period include, but are not limited to: <ul style="list-style-type: none"> (i) There is uncertainty regarding the ability of consent conditions to avoid, remedy or mitigate adverse environmental effects; (ii) There will be foreseeable change to the receiving environment; or (iii) The receiving environment is particularly sensitive to the potential effects of aquaculture activities. 	<p>Specific guidance on consent durations. This policy has been included to address concerns raised by industry regarding the need for business certainty.</p>

<p>Policy AQ 12: Where it is deemed necessary relative to risk, the Regional Council will require a reasonable assurance, or in the absence of a reasonable assurance a bond, for new aquaculture activities in the coastal marine area to cover potential costs associated with:</p> <ul style="list-style-type: none"> (a) The removal of abandoned or derelict farms; (b) The restoration or reinstatement of the environment; and (c) Any emergency repairs or rescue undertaken by the Regional Council on behalf of the consent holder in the event of any part of the marine farm breaking loose or causing a potential navigational hazard. <p>Advisory Note:</p> <p>1 Examples of reasonable assurance include the establishment of a fidelity fund or a form of insurance.</p>	<p>The use of bonds has been identified as an issue by the Aquaculture industry – they seek assurance that bonds will only be required in appropriate circumstances. This policy provides direction on this matter.</p>
<p>Policy AQ 13: As a minimum, the following matters shall be considered when assessing the potential effects of aquaculture activities on fisheries resources:</p> <ul style="list-style-type: none"> (a) Discharge and deposition of contaminants. (b) Uptake of phytoplankton and zooplankton. (c) Effects on the local marine ecosystems. (d) Hydrodynamic effects. (e) Nutrient cycling. (f) Water clarity. (g) Genetic effects. (h) Unwanted and exotic species. (i) Biosecurity. (j) Effects on associated and dependent species. 	<p>Provides guidance on how to perform the rule set out for the Regional Council under s12(3) of the RMA in relation to fisheries resources and aquaculture.</p>
<p>Policy AQ 14: All applications for commercial aquaculture ventures shall be accompanied by an assessment of the physical viability of the operation at the intended location. This assessment shall include consideration of whether the water quality in the proposed location is suitable for aquaculture.</p>	<p>Gives effect to NZCPS Policy CW 12b(f).</p>

Rule AQ 1: Controlled – Aquaculture Research

The:

- 1 Erection, reconstruction, placement, alteration, or extension of a structure that is fixed in, on, under or over the foreshore or seabed;
- 2 Disturbance of the foreshore or seabed associated with the structure;
- 3 Discharge and deposition of material on the seabed; and
- 4 Occupation of space in the common marine and coastal area.

For the purposes of aquaculture activities undertaken as scientific experiments to research or investigate one or more of the following:

- (a) The suitability of an area for aquaculture activities;
- (b) Species of fish, aquatic life, or seaweed;
- (c) Aquaculture structures;
- (d) Aquaculture techniques;

is a controlled activity subject to the following conditions:

- (a) The maximum footprint of the aquaculture activity shall be no more than two hectares.
- (b) The activity is not located within an area of outstanding natural character (as identified in the proposed RPS) or an Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1).
- (c) The activity is not located in a Mooring, Port or Harbour Development Zone.
- (d) The aquaculture activity shall be limited to a five year duration.
- (e) The activity does not require the placement of structures in permanently navigable waters.

The Regional Council has reserved its control over the following matters:

- (a) Measures to avoid, remedy or mitigate the adverse effects of the aquaculture activities on:
 - (i) Ecology.
 - (ii) Natural character.
 - (iii) Cultural values.
 - (iv) Recreation.
 - (v) Heritage values.
- (b) Area of the common marine and coastal area occupied by the aquaculture activity.
- (c) Use of underwater lighting.
- (d) Antifoulant management on structures – for example the use of antifoulants, cleaning methods and associated discharges.
- (e) Navigation and safety requirements.
- (f) Duration of the activity.

Explanation for conditions:

- Conditions (a) and (d) - The maximum footprint and duration of the activity are taken from the restrictions that previously applied under the Marine Farming Act 1971 to 'pilot commercial schemes'.
- Conditions (b) and (c) exclude areas that are inappropriate for commercial aquaculture.
- Condition (e) recognises that permanently navigable waters are used intensively for recreation and structures in these areas can have significant adverse effects.

Explanation for matters of control:

- (a) Gives effect to Policy AQ 1.
- (b) Controlling the area occupied is one means of managing adverse effects.
- (c) Underwater lighting can have an adverse effect on marine organisms.
- (d) Inappropriate antifoulant management can result in the discharge of contaminants.
- (e) Use of structures may affect navigation and safety.
- (f) Duration may need to be limited depending on the activity.
- (g) Ensures all structures and other items are removed (if appropriate).
- (h) Inappropriate use of feed additives can have adverse effects on water quality.
- (i) Monitoring can be an important means of ensuring compliance with other conditions and that adverse effects are being appropriately managed.
- (j) Activities could be located in close proximity to land.
- (k) Aquaculture activities pose a biosecurity risk if not appropriately managed.

<p>Rule AQ 2: Controlled – Non-commercial and non-research aquaculture activities.</p> <p>The:</p> <ol style="list-style-type: none"> 1 Erection, reconstruction, placement, alteration, or extension of a structure that is fixed in, on, under or over the foreshore or seabed; 2 Disturbance of the foreshore or seabed associated with the structure; 3 Discharge and deposition of material on the seabed; and 4 Occupation of space in the common marine and coastal area. <p>For the purposes of non-commercial aquaculture and non-research, is a controlled activity subject to the following conditions:</p> <ol style="list-style-type: none"> (a) Only species indigenous to New Zealand shall be used in aquaculture activities; (b) Species used in aquaculture shall not be harvested for the purpose of sale; (c) The activity is not located in a Mooring, Port or Harbour Development Zone; (d) The activity does not require the placement of structures in permanently navigable waters; (e) No antibiotic, hormone additives or other animal medicines shall be used in the aquaculture activity; and (f) The maximum footprint of the aquaculture activity shall be no more than 2 hectares. <p>In relation to this rule, ‘non-commercial’ means aquaculture that is for the purpose of restocking indigenous coastal species (kaimoana) including for customary use, and where any species farmed are not harvested for the purpose of sale.</p> <p>The Regional Council has reserved its control over the following matters:</p> <ol style="list-style-type: none"> (a) Measures to avoid, remedy or mitigate the adverse effects of the aquaculture activities on: <ol style="list-style-type: none"> (i) Ecology. (ii) Natural character. (iii) Cultural values. (iv) Recreation. (v) Heritage values. 	<p>Explanation for conditions:</p> <ol style="list-style-type: none"> (a) Limits activities to indigenous species, reducing biosecurity risk. (b) Enforces non-commercial aspect of the activity. (c) Mooring areas, the Port and Harbour Development Zones are inappropriate locations for aquaculture. (d) Structures in permanently navigable waters can have significant adverse effects on recreation and navigation. (e) Limits the potential effects on water quality. (f) Limits the scale of any activity, whilst recognising that an activity may need to rotate around. <p>Explanation for matters of control:</p> <ol style="list-style-type: none"> (a) Gives effect to Policy AQ 1. (b) Controlling the area occupied is one means of managing adverse effects. (c) Underwater lighting can have an adverse effect on. (d) Inappropriate antifoulant management can result in the discharge of contaminants. (e) Use of structures may affect navigation and safety. (f) Duration may need to be limited depending on the activity. (g) Ensures all structures and other items are removed (if appropriate). (h) Inappropriate use of feed additives can have adverse effects on water quality. (i) Monitoring can be an important means of ensuring compliance with other conditions and that adverse effects are being appropriately managed. (j) Activities could be located in close proximity to land. (k) Aquaculture activities pose a biosecurity risk if not appropriately managed.
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<p>(k) Area of the common marine and coastal area occupied by the aquaculture activity.</p> <p>(l) Use of underwater lighting.</p> <p>(m) Antifoulant management on structures – for example the use of antifoulants, cleaning methods and associated discharges.</p> <p>(n) Navigation and safety requirements.</p> <p>(o) Duration of the activity.</p> <p>(p) Requirements to remove all structures and other items from the research area at the completion of the project.</p> <p>(q) Use of feed additives in the coastal marine area.</p> <p>(r) Monitoring and reporting requirements.</p> <p>(s) Effects on adjacent land owners or occupiers.</p> <p>(t) Management of biosecurity risks.</p> <p>Advisory Note:</p> <p>1 The placement of structures in permanently navigable waters is a non-complying activity under Rule AQ 5.</p>	
<p>Rule AQ 3: Restricted Discretionary – Re-consenting Existing Aquaculture</p> <p>The:</p> <p>1 Erection, replacement, reconstruction, placement, alteration, or extension of a structure that is fixed in, on, under or over the foreshore or seabed;</p> <p>2 Disturbance of the foreshore or seabed associated with the structure;</p> <p>3 Discharge and deposition of material on the seabed;</p> <p>4 Discharge of contaminants to the coastal marine area; and</p> <p>5 Occupation of space in the common marine and coastal area.</p> <p>for the purpose of:</p> <p>(a) Re-consenting existing lawfully established aquaculture activities;</p> <p>(b) Providing for small extensions to existing marine farms; or</p> <p>(c) Replacing or reconstructing existing and legally authorised structures.</p> <p>is a restricted discretionary activity subject to the following condition:</p> <p>(a) Existing marine farms shall be extended by no more than 10% of their total consented area.</p> <p>(b) The Regional Council restricts its discretion to the following matters:</p>	<p>Restricted Discretionary activity status used to provide more certainty to ability of existing marine farms to continue to operate. Public notification or limited notification is only to be used if special circumstances exist.</p> <p>(a) recognises that consents are for the use of, or impact on, a public resource and the council should have the opportunity to determine whether the existing operating practices remain the most appropriate.</p> <p>(b) is included so that marine farms can be expanded if appropriate.</p> <p>Matters (c)-(j) largely relate to operational matters, where appropriate conditions on resource consent can ensure adverse effects are avoided, remedied or mitigated without preventing an activity continuing.</p>

<p>(a) Measures to avoid, remedy or mitigate the adverse effects of the aquaculture activities on:</p> <ul style="list-style-type: none"> (i) Ecology. (ii) Natural character. (iii) Cultural values. (iv) Recreation. <p>(b) Area of the common marine and coastal area occupied by the aquaculture activity.</p> <p>(c) Use of underwater lighting.</p> <p>(d) Antifoulant management on structures – for example the use of antifoulants, cleaning methods and associated discharges.</p> <p>(e) Navigation and safety requirements.</p> <p>(f) Duration of the activity.</p> <p>(g) Requirements to remove all structures and other items from the area if the operation is closed.</p> <p>(h) Use of feed additives in the coastal marine area.</p> <p>(i) Monitoring and reporting requirements.</p> <p>(j) Management of biosecurity risks.</p> <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to with the exception of:</p> <ul style="list-style-type: none"> (a) Any iwi or hapū with a statutory acknowledgement over the affected area; (b) An affected protected customary rights group; or (c) An affected customary marine title group. 	
<p>Rule AQ 4: Discretionary – New Commercial Aquaculture (outside high value areas and permanently navigable harbour waters);</p> <p>Commercial aquaculture where the activity is not prohibited by Rule AQ 6 or non-complying under Rule AQ 5; and</p> <p>Non-commercial aquaculture that is not a controlled activity under Rule AQ 1 or AQ 2 is a discretionary activity.</p>	<p>Appropriate activity status for new commercial aquaculture given the range of effects that could be experienced.</p>

<p>For the avoidance of doubt, this rule includes:</p> <ul style="list-style-type: none"> (i) Erection, reconstruction, placement, alteration, or extension of a structure that is fixed in, on, under or over the foreshore or seabed; (ii) Disturbance of the foreshore or seabed associated with the structure; (iii) Occupation of space in the common marine and coastal area; (iv) Discharge of contaminants to the coastal marine area; and (v) Deposition of material within the coastal marine area. <p>In relation to this rule, 'commercial' means aquaculture where any species farmed is harvested for the purpose of sale.</p>	
<p>Rule AQ 5: Non Complying – New aquaculture structures in permanently navigable harbour waters.</p> <p>The erection or placement of new structures associated with an aquaculture activity within permanently navigable harbour or estuary waters is a non-complying activity.</p> <p>This rule excludes the replacement or reconstruction of existing and legally authorised structures.</p>	<p>Gives effect to Proposed RPS Policy CE 12B(g) and RCEP Policies AQ 5 and AQ 7.</p>
<p>Rule AQ 6: Prohibited – New commercial aquaculture in high value areas. The:</p> <ul style="list-style-type: none"> 1 Erection, reconstruction, placement, alteration, or extension of a structure that is fixed in, on, under or over the foreshore or seabed; 2 Disturbance of the foreshore or seabed associated with the structure; 3 Occupation of space in the common marine and coastal area; 4 Discharge of contaminants to the coastal marine area; and 5 Deposition of material within the coastal marine area. <p>for the purposes of new commercial aquaculture, where the activity is within one of the following high value areas as listed in Policy AQ 6:</p> <ul style="list-style-type: none"> (a) An Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1). (b) Areas of Outstanding Natural Character (as identified in Appendix J of the proposed RPS). (c) Within 5.5 kilometres (three nautical miles) of commercial shipping lanes or navigable river mouths. (d) Mooring areas (as shown in the maps to this plan), Port and Harbour Development Zones. <p>is a prohibited activity.</p>	<p>Gives effect to NZCPS Policies 11(a) and 13 and RCEP Policies AQ 6 and AQ 7.</p>

18 Biosecurity

18.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Natural heritage degradation: Issues 3, 4, 5.	Objective 40.	BS 1, BS 3 - BS 5.	BS 3, BS 5, BS 6	-	-
		BS 2, 3.	BS 1, BS 2, BS 4.	Method 2.	-
		BS 2, BS 6.	Policies considered when consenting activities under rules in other sections of the Plan.	Method 28.	-

18.2 Evaluation of Objective 40

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 40.	Retain current objective 16.2.2 of the RCEP.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 3 and 4, in particular the loss of natural character and biodiversity values in the coastal environment resulting from exotic plants. It also recognises Issue 5 and that remediation (or restoration) works need to be appropriate.	Partly – a general objective that mainly relates to habitats and the foreshore.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	It manages the introduction of exotic and introduced plants into the CMA in a way that achieves the purpose of the RMA.	No – too general to achieve the purpose of the RMA.

	It recognises that the values associated with natural character, biodiversity and natural features and landscapes are often interlinked and difficult to manage in isolation.	
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly s6(e).	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – S12(1)(e) and (f) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 12.	No.
Usefulness		
Will effectively guide decision-making?	Yes – The objective gives clear direction on how to manage exotic and introduced plants, and harmful aquatic organisms in the CMA and coastal environment at a regional level.	No - The current objective only repeats the basic requirement of the RMA, and does not recognise that it more effective and efficient to prevent/avoid the introduction of exotic plants into the CMA. While this option repeats the s5(2)(c) RMA, it is not the most appropriate to achieve s6(a) and (c) RMA.
Meets sound principles for writing objectives?	Yes.	No.
Consistent with other relevant Objectives?	Yes.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Achieving the objective can be achieved through permitted rules, resource consent processes, and supporting landowners with pest plant control.	No – not written as an outcome statement.
Overall assessment	The most appropriate Objective to include in the RCEP.	The Objective is not appropriate, does not provide sufficient direction, and does not comply with currently planning practice.

18.3 Policies, Methods and Rules to achieve Objective 40

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	<p>Policies BS 1, 2, 3, 4, 5, 6. Rules BS 1, 2, 3, 4, 5, 6. Methods 2, 28.</p>	<p>(In the Exotic Plants and Animals section of the Operative Plan). Policies 16.2.3(a) to (g) inclusive. Rules 16.2.4(a) to (d) inclusive. Methods 16.2.5, 16.2.6, 16.2.7.</p>

18.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
<p>Coastal ecosystems and biodiversity; Biosecurity; Natural character.</p>	<p>Protects ecological values of Indigenous Biological Diversity Area A, and areas of Outstanding Natural Character.</p> <p>Ensures exotic plants are only introduced for specified purposes and in circumstances where exotic plants may have a beneficial outcome. Highly invasive exotic plants are not introduced into the CMA.</p> <p>Allows for the removal of exotic plant species, subject to appropriate conditions including measures to minimise erosion. Provides for beneficial outcomes and overall maintenance and enhancement of the natural character and indigenous biodiversity values of the CMA.</p> <p>Ensures that the risk of harmful aquatic organisms is managed appropriately, including trials of exotic plants are appropriately management to contain species, and remedy any escapes.</p> <p>Ensures rhizome fragments of Spartina and saltwater paspalum are not spread by inappropriate eradication or control methods.</p>	<p>Protects the Coastal Habitat Preservation Zone. Promotes the eradication of Spartina. Takes a precautionary approach to the introduction of species not already present in the Bay of Plenty.</p>

Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for or restrict opportunities for economic growth. However, the provisions are indirectly beneficial for the aquaculture industry.	As per Option 1.
Social Benefits		
Other amenity values.	Protects amenity values associated with coastal ecosystems, indigenous biodiversity, and natural character.	As per Option 1.
Cultural Benefits		
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Protects cultural values associated with coastal ecosystems, indigenous biodiversity, and natural character.	As per Option 1.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity; Biosecurity; Natural character.	<ul style="list-style-type: none"> • Risk that introduced exotic plants provided for in the plan may spread into other areas (risk can be managed through resource consent conditions). • Risk that activities will harbour or spread harmful aquatic organisms (risk can be managed through resource consent conditions). • Minor risk of adverse effects resulting from permitted activities. 	Risk that introduced exotic plants provided for in the plan may spread into other areas (risk can be managed through resource consent conditions).
Economic Costs		
Opportunities for employment reduced.	The provisions do not specifically provide for or restrict opportunities for employment.	As per Option 1.

<p>Opportunities for economic growth reduced.</p>	<ul style="list-style-type: none"> Restricts or prevents introduction of exotic plants in specific areas and for circumstances which may have an economic value. 	<p>The provisions do not specifically provide for or restrict opportunities for economic growth.</p>
<p>Compliance costs (to resource users).</p>	<p>Medium.</p> <p>Costs to resource users to:</p> <ul style="list-style-type: none"> Manage machinery and material movement in the CMA and coastal environment. Manage erosion after eradication of specified pest plants. Containment, monitoring and bonds for trials of exotic plants. Managing the risk of harmful aquatic organisms for the specified activities. <p>These are not additional costs, due to the restrictive presumption of s12(1)(e) and (f).</p> <p>Reduced costs to community and resource users where not required to apply for a resource consent for exotic plant removal.</p>	<p>Medium-High – this option does not include permitted rules for removal of exotic plant species.</p>
<p>Fiscal costs (to BOPRC – implementation, monitoring and enforcement).</p>	<p>Low-Medium.</p> <ul style="list-style-type: none"> Targets resources in specific areas where exotic pest plants are having adverse effects on high value areas. Targets locations where the community is likely to provide on-going management, so increasing the cost-benefit of resources provided by Council. 	<p>Low-Medium.</p>
<p>Social Costs</p>		
<p>Other amenity values.</p>	<p>Possible short term adverse effects on amenity values where exotic plant species are removed.</p>	<p>None identified.</p>

Cultural Costs		
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning the take and use of water from the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Possible short term adverse effects on cultural values where exotic plant species are removed.	None identified.
Overall assessment	<i>High.</i>	<i>Medium.</i>

18.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	Partly – lacks focus on preventing introductions, avoiding new infestations and remediating adverse effects of existing infestations.
Usefulness		
Will effectively guide decision-making?	<p>Yes – Provides clear direction for the management of the introduction of exotic plants. Specifically excludes highly invasive exotic plants (Spartina and saltwater paspalum), which is consistent with the Regional Pest Management Plan. Excludes areas of outstanding natural character and Indigenous Biological Diversity Area A for consistency with Objective 2, and Policy NH 4. Lists the circumstances where introduction of exotic plants may be appropriate.</p> <p>Provides clear direction that exotic plant species are inappropriate in Indigenous Biological Diversity Area A.</p> <p>Provides clear direction for the management of the spread of exotic and undesirable species. Avoid and remedy are the main focus of this policy, as “mitigating” is not an effective means of addressing the matter of concern.</p>	Partly – provisions lack the clear direction of Option 1.

Meets sound principles for writing policies and rules?	Yes.	Partly – some provisions repeat the requirements of the RMA and do not add value to the RCEP.
Assumptions made.	There needs to be integration between the Council's Regional Pest Management Plan and the RCEP. No other specific assumptions made.	As per Option 1.
Risk involved.	Medium.	Medium.
Achievability		
Within BOPRC's functions and powers.	Yes – section 12(1)(e) and (f) RMA.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes – policies and regulatory rules are available under the RMA. Method 2 is consistent with Council's non-statutory work to encourage environmental management. Method 28 is consistent with Council's Regional Pest Management Plan.	Yes.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – through permitted activity rules, and via resource consent processes when implemented with the policies in the Iwi Resource Management section of RCEP.	Yes.
Overall assessment	<i>High.</i>	<i>Medium.</i>

18.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	New pest species or marine organisms may have a high level of significance for the marine environment and any "invasion" may be a complex issue to address.	As per Option 1.

Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	There have been no resource consent applications for the introduction of exotic plants into the Coastal Marine Area in the Bay of Plenty region. The RMA restricts this activity. The risk of not acting (i.e. no policy or rules in the RCEP) is therefore low. However, it is more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents, and to clearly state the activities that are not acceptable in the region. It is also important to provide integration with Council's Regional Pest Management Plan.	As per Option 1.
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18.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

18.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Gives effect to NZCPS Policy 12(2), and provides integration with Council's Regional Pest Management Plan.
Option 2.	Medium.	Medium.	No.	-

18.3.6 Other policy options considered

Option	Reason(s) why option rejected
Do nothing.	This option would rely on provisions of Resource Management Act 1991, NZCPS 2010 and Regional Pest Management Strategy. In the absence of action by Council there is no guidance provided at a regional level on the RMA implications of the introduction and removal of exotic plants into the CMA, or the management of harmful aquatic organisms.

Broad policy around exotic and introduced plants, and harmful aquatic organisms.	Not effective. Specific direction on resource management decision making around this activity is needed in the RCEP.
Use permitted rules for the introduction of exotic plants to the CMA.	This option would require the development of specific and clear permitted rules. In order to comply with the intent of NZCPS, any permitted rules would have to exclude high value areas (e.g. indigenous biodiversity areas, public access, etc.). It would be more appropriate to assess proposed activities on a case by case basis through a consent process. Council has not processed any resource consent applications for the introduction of exotic plants into the CMA. Due to the reasons above, it is not efficient or effective to develop permitted rules.
All introductions of exotic plants to the CMA as discretionary activities.	This option would remove the prohibited rules and rely solely on a discretionary rule to manage the effects of the introduction of exotic plants into the CMA. However, there are species (spartina and saltwater paspalum) and areas (Indigenous Biological Diversity Area A) where Council would not wish to approve such activities. Prohibited rules are efficient signals of inappropriate activities. As such, it is not effective or efficient to apply discretionary status to any introduction of exotic plants or harmful aquatic organisms.
Identification or investigation.	Identification or investigation of areas and effects of the introduction of exotic plants into the CMA is not efficient. It is more effective and efficient to address problem areas as these become apparent.

18.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy BS 1.	Provides clear direction for the management of the introduction of exotic plants. Specifically excludes highly invasive exotic plants (spartina and saltwater paspalum), which is consistent with the Regional Pest Management Plan. Excludes areas of outstanding natural character and Indigenous Biological Diversity Area A for consistency with Objective 2, and Policy NH 4. Lists the circumstances where introduction of exotic plants may be appropriate. This policy replaces policies 16.2.3(a) and (b) of the RCEP, and updates the policies relative to the recommendations of the April 2012 review. (a) and (b) are from the April 2012 review in relation to 16.2.3(g). These are considered the only two circumstances where introduction of exotic plants would be appropriate. Both relate to retaining the economic productivity of land. (a) also relates to reducing sedimentation in harbours and estuaries.
Policy BS 2	Provides clear direction for the management of the spread of exotic and undesirable species. Avoid and remedy are the main focus of this policy, as “mitigating” is not an effective means of addressing the matter of concern. Reference to spartina and saltwater paspalum is consistent with the Regional Pest Management Plan. Gives effect to NZCPS Policy 12(2).
Policy BS 3	Provides clear direction for the management of activities to eradicate spartina and saltwater paspalum. This policy replaces Policy 16.2.3(d) of the RCEP, and updates the policies relative to the recommendations of the April 2012 review. The recommendations are to retain the existing policy, with minor reformatting to improve readability.

Policy BS 4	<p>Provides clear direction on where the introduction of exotic plants is inappropriate and should be avoided. The specified characteristics are consistent with the provisions in the Natural Heritage section of the Plan.</p> <p>This policy replaces Policy 16.2.3(f) of the RCEP, and is retained (no change to wording) as per the recommendations of the April 2012 review.</p>
Policy BS 5	<p>Provides clear direction about the matters that will be considered in the specified circumstances.</p> <p>This policy replaces Method 16.2.5 of the RCEP, and is amended to policy level as per the recommendations of the April 2012 review. (a) and (b) focus on avoiding the spread of exotic plants. (c) is for the remediation of any escape.</p>
Policy BS 6	<p>Provides clear guidance for specified activities to address the risk of harmful aquatic organisms.</p> <p>Gives effect to NZCPS Policy 12(2). (a) to (d) are from the NZCPS.</p> <p>The Policy is implemented through resource consent conditions on the specified activities.</p>
Rule BS 1	<p>Provides for the removal of exotic plant species, subject to appropriate to avoid, remedy or mitigate adverse effects on the coastal environment.</p> <p>The rule implements Policy DD 6(d).</p> <p>This is a new rule, and is modelled on Rule 69 of the Regional Water and Land Plan, which allows for similar activities in the beds of streams, rivers and lakes.</p> <p>First sentence – excludes spartina and saltwater paspalum to link to Rule BS 4, and make it clear that these plant species can only be controlled by herbicides (refer to Advisory Note 1).</p> <p>(a) Necessary to restrict the scope of activity and to protect indigenous biodiversity.</p> <p>(b), (j) Limits the disturbance of the CMA to necessary activities for the required timeframe.</p> <p>(c) prevents sediment entering water, and being spread by the tide.</p> <p>(d) Identifies that the tidal reaches of streams and rivers are important for whitebait spawning, and activities in the beds of rivers and streams during this period have potentially significant adverse effects of indigenous fish species. The time period is the spawning exclusion period used in the Regional Water and Land Plan.</p> <p>(e) prevents erosion.</p> <p>(f) consistent conditions used in the Regional Water and Land Plan to protect migratory fish.</p> <p>(g) protects existing users and structures.</p> <p>(h) consistent with Council's responsibilities to protect navigation safety.</p> <p>(i) ensures the activity does not involve the damming and diversion of water, which may have significant adverse effects.</p> <p>(k) ensures there are no discharges of contaminants to the CMA.</p> <p>(l) prevents the spread of exotic plants.</p> <p>(m) implements Policy HH 1.</p>

Rule BS 2.	<p>Provides for the removal of exotic plant species where the activity can't comply with the conditions in Rule BS 5.</p> <p>The rule implements Policy DD 6(d).</p> <p>This is a new rule, and is consistent with the restrictive presumption of Section 12(1)(c) and (e) RMA.</p>
Rule BS 3.	<p>This rule allows Council to assess the adverse effects of the introduction of exotic plants into the CMA on a case by case basis. A discretionary activity status is appropriate to assess the full extent of effects, and to fully consider all the requirements of the RMA.</p> <p>This rule replaces Rule 16.2.4(d) of the RCEP, and is retained (with minor reformatting and updating to reference the prohibited rules) as per the recommendations of the April 2012 review.</p>
Rule BS 4.	<p>Provides clear direction that mechanical harvesting for the eradication or control of Spartina and saltwater paspalum is not appropriate as any rhizome fragments left in the area can be moved by the tide and start new populations in other areas. The rule implements Policy BS 2.</p> <p>Spartina and saltwater paspalum are highly invasive species, and it is appropriate to prohibit eradication and control methods that would in effect increase their spread.</p> <p>Eradication or control is provided for by Rule CD 1 – permitted discharge of aquatic herbicide.</p> <p>This rule replaces Rule 16.2.4(b) of the RCEP, and is retained (with minor reformatting) as per the recommendations of the April 2012 review. Saltwater paspalum has been added for consistency with the RPMP.</p>
Rule BS 5.	<p>Provides clear direction that Spartina and saltwater paspalum are not appropriate to introduce into the CMA. Spartina and saltwater paspalum are highly invasive species, and it is appropriate to prohibit their introduction to the CMA.</p> <p>The Rule implements Policy BS 1, and is consistent with the Regional Pest Management Plan (RPMP).</p> <p>This rule replaces Rule 16.2.4(b) of the RCEP, and is retained as per the recommendations of the April 2012 review. Saltwater paspalum has been added for consistency with the RPMP.</p>
Rule BS 6.	<p>Provides clear direction that exotic plant species are inappropriate to introduce into Indigenous Biological Diversity Area A. There is a high risk that the introduction of exotic plant species in these areas would have a significant adverse effect on the indigenous biodiversity values, including indigenous plants (through competition) and habitats of indigenous species (by changing the ecosystem and characteristics of the areas).</p> <p>The Rule implements Policy BS 1.</p> <p>This rule replaces Rule 16.2.4(a) of the RCEP, and is retained (with minor reformatting and updating) as per the recommendations of the April 2012 review.</p>
Method 2.	<p>Method 2 provides support to private landowners to control pest plants in high value ecological sites in the coastal environment. It is an effective and efficient means of enhancing these areas, as it targets areas where there are motivated landowners caring for the environment. It links to existing operational programmes in the Land Management group of Council. It is consistent with the Regional Pest Management Plan.</p>
Method 28.	<p>Method 28 is an efficient means of working with other agencies and organisations to reduce the risks of biological organisms to the marine environment. The agencies and organisations listed in the method have statutory responsibilities or significant interests in the CMA.</p>

19 Harbour Development Zone

19.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Schedules
Preserve indigenous biodiversity areas: Issue 3.	Objective 2.	HD 2.	HD 9.	Schedule 8.
Facilities for public enjoyment: Issues 26, 46, 47, 48.	Objective 41.	HD 1, HD 5, HD 9, HD 11, HD 14.	HD 1 - HD 9.	
Integration with adjacent land: Issues 42 and 47.	Objective 42.	HD 1(b), HD 5(b), HD 6.	HD 2, HD 6 - HD 9.	
Public access to CMA: Issues 26, 28, 29.	Objective 43.	HD 1(c), HD 3, HD 4.	HD 1(d), HD 3(d), HD 4(b). Matter of discretion: HD 6(e) and HD 8(a).	
Visual amenity: Issue 42.	Objective 44.	HD 5(e), HD 6.	HD 6 - HD 9.	
Efficient marine based commercial activities: Issue 43.	Objective 45.	HD 5(c).	HD 3, HD 4, HD 6, HD 8, HD 9.	
		HD 7.	HD 5, HD 7.	
Ōpōtiki marine farm developments: Issue 45.	Objective 46.	HD 8, HD 12, HD 13	HD 1-HD 9.	
Tauranga waterfront project: Issue 44.	Objective 47.	HD 10.	HD 1-HD 9.	

19.2 Evaluation of Objectives 41, 42, 43, 44, 45, 46 and 47

19.2.1 Objective 41

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 41. Facilities and activities developed in the Harbour Development Zone enable the community to provide for their social, cultural and economic wellbeing and promote the public enjoyment of the waterfront.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone). Instead the existing RCEP uses high-level objectives 13.2.2, 14.2.2(a) and 15.2.2(a) that direct that structures, disturbance and deposition and reclamation in the coastal marine area are appropriate, and that adverse effects are avoided, remedied or mitigated.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses key aspects of issues 46, 47 and 48, which are specific to the Harbour Development Zone and relate to the tension between managing competing values and demands for space and the dynamic nature of river harbours. The objective also addresses in part issue 26, which is the increasing demand for access to coastal resources for recreational uses.	Not specifically related to a Harbour Development Zone issue. The current objectives are related to the more general issues 32 and 33 (inappropriate development and use and development of the coastal marine area creating adverse effects_ Partly – but lack clear indication on what is ‘appropriate’.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective seeks to achieve sustainable management of the Harbour Development Zone in a manner that is consistent with s5 of the RMA. The objective achieves s7(b) and s7(d) of the RMA: the efficient use and development of natural and physical resources; and the maintenance and enhancement of amenity values.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Although located within already modified and developed areas, parts of the Harbour Development Zone do have cultural values. Objective 41 specifically refers to providing for cultural wellbeing, so that these values are given appropriate consideration in any decision-making process.	As per Option 1; however the current objectives do not specifically refer to cultural values.

Relevant to BOPRC's statutory functions and powers under the RMA.	Yes under s12(1) and s30(d)RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 6(1)(b) and Policy 7(1)(a). Gives effect to Proposed RPS Policy CE 5A and Policy CE 13XB.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction on the intended outcomes for the Harbour Development Zone.	No – lacks guidance on what is 'appropriate'.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Harbour Development Zone.	No – the objectives too vague to be useful.
Consistent with other relevant Objectives?	Yes – the objective is consistent with the other objectives for the Harbour Development Zone (42-47) and the overarching integrated management Objective 1.	No.
Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective is intended to provide for social, cultural and economic well-being. The Harbour Development Zone is located within areas already subject to modification (to varying degrees).	No
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	Uncertain that outcome will be achieved.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.2.2 Objective 42

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 42 Management of the Harbour Development Zone is integrated with adjacent land.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone) or integrated management. Therefore, the status quo is equivalent to a 'do-nothing' approach.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes. The objective addresses key aspects of issues 42 and 47, which are specific to the Harbour Development Zone and relate visual amenity and the competing demands for space within and adjacent to the Harbour development Zones.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective helps to achieve s7(b) and s7(d) of the RMA: the efficient use and development of natural and physical resources; and the maintenance and enhancement of amenity values.	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Although located within already modified and developed areas, parts of the Harbour Development Zone and/or adjacent land do have cultural values. Objective 42 provides for integrated management of these values.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – under s12(1) and s30(d)RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 4 and Policy 7(1)(a). Gives effect to Proposed RPS Policy CE 5A.	No.
Usefulness		
Will effectively guide decision-making?	Yes – clearly directs that consideration of adjacent land use is required with regard to activities within Harbour Development Zone.	No.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Harbour Development Zone and relates to the issues identified for this zone.	N/A

Consistent with other relevant Objectives?	Yes – the objective is consistent with the other objectives for the Harbour Development Zone (41 and 43-47) and the overarching integrated management objective 1.	N/A.
Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective is intended to provide for integrated management of land and the coastal marine area.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	No.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.2.3 Objective 43

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 43 Use and development within the Harbour Development Zone maintains and enhances public access and the use and enjoyment of the coastal marine area, unless public access restrictions are necessary in relation to Policy 19(3) NZCPS.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone). The existing RCEP does include an objective specific to public access: <i>7.2.2 The maintenance and enhancement of appropriate public access to and along the coastal marine area.</i>
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses key aspects of issues 26, 28 and 29, which relate to an increasing demand for access to coastal resources, the importance of open space qualities and activities that can lead to the loss of public access to the coast.	Partly – the existing objective addresses issue 29, but does not add much direction over and above what is already provided for in the RMA.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective achieves s6(d) and s7(d) of the RMA: the maintenance and enhancement of public access to and along the coastal marine area; and the maintenance and enhancement of amenity values.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	No.	As per Option 1.

Relevant to BOPRC's statutory functions and powers under the RMA.	Yes under s12(1) and s30(d)RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 18 and Policy 19. None of the Proposed RPS policies are directly relevant.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction on the intended outcomes for the Harbour Development Zone which go beyond the direction given in the RMA.	No guidance provided beyond that already found in the RMA.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Harbour Development Zone, and states intended outcomes.	No – the objective repeats the RMA.
Consistent with other relevant objectives?	Yes – the objective is consistent with the other objectives for the Harbour Development Zone and Objective 22, which relates to recreation and provisions of integrated access to the coastal environment.	Yes.
Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective provides for public access to the coastal marine area.	As per Option 1.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	As per Option 1.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.2.4 Objective 44

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 44 Use and development within the Harbour Development Zone is compatible with the visual amenity values of the Harbour Development Zone and existing or anticipated uses on land adjacent to the Zone.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone) or integrated management. Therefore, the status quo is equivalent to a 'do-nothing' approach.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes. The objective addresses key aspects of issues 42, management of visual amenity in the Harbour Development Zone.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective achieves s7(d) of the RMA: the maintenance and enhancement of amenity values.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	No.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes under s12(1) and s30(d) RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 6(1)(f) and Policy 7(1)(a). None of the Proposed RPS policies are directly relevant to visual amenity.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction on the intended outcomes for the Harbour Development Zone with regard to visual amenity.	No.
Meets sound principles for writing objectives?	Yes, the objective is specific to the Harbour Development Zone, related to an identified issue and defines a desired outcome.	N/A
Consistent with other relevant Objectives?	Yes, the objective is consistent with the other objectives for the Harbour Development Zone.	N/A

Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective is intended to provide for visual amenity.	N/A.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	Uncertain that outcome will be achieved.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.2.5 Objective 45

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 45. Marine-based commercial activities are facilitated, or undertaken in the Harbour Development Zone without being unduly restricted.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone).
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses key aspects of issue 43, which is specific to the Harbour Development Zone and relates to the economic importance of marine-based commercial activities within the Zone.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective seeks to provide for economic well-being in a manner that is consistent with s5 of the RMA. The objective helps to achieve s7(b) of the RMA: the efficient use and development of natural and physical resources.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Although located within already modified and developed areas, parts of the Harbour Development Zone do have cultural values.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – under s12(1) and s30(d) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 6(2)(a) and Policy 7(1)(a). Gives effect to Proposed RPS Policy CE 5A and Policy CE 13XB.	No.

Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction that the intended outcomes for the Harbour Development Zone include commercial marine-based activities.	No.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Harbour Development Zone, related to an identified issue and defines a desired outcome.	No.
Consistent with other relevant objectives?	Yes – the objective is consistent with the other objectives for the Harbour Development Zone.	N/A
Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective is intended to provide for social and economic well-being, but recognises that some restrictions on commercial activities may be required depending on the individual circumstances.	No.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	Uncertain that outcome will be achieved.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.2.6 Objective 46

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 46. The importance of developing aquaculture servicing facilities and associated marine industry within the Harbour Development Zone at Ōpōtiki is recognised.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone) or aquaculture.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses key aspects of issue 45, which is specific to the Harbour Development Zone at Ōpōtiki and relates to the importance of developing aquaculture servicing and related marine industries within the Zone.	N/A

Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective is intended to provide for social and economic well-being, recognising the anticipated development of the consented offshore marine farm and Ōpōtiki harbour development project. This is consistent with the purpose of the RMA set out in s5. The objective achieves s7(b) of the RMA: the efficient use and development of natural and physical resources.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Parts of the Ōpōtiki Harbour Development Zone do have cultural values. The local iwi (Whakatōhea) is a major stakeholder in the marine farm and supports the redevelopment project.	As per Option 1
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – under s12(1) and s30(d) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 6(2)(a) and Policy 7(1)(a). Gives effect to Proposed RPS Policy CE 5A and Policy CE 13XB.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction on the intended outcomes for the Ōpōtiki Harbour Development Zone.	No.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Ōpōtiki Harbour Development Zone, relates to an identified issue and provides clear direction.	N/A
Consistent with other relevant Objectives?	Yes – the objective is consistent with the other objectives for the Harbour Development Zone and objectives 33 and 34 which relate to promoting sustainable aquaculture development in the region.	N/A
Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective is intended to provide for social, cultural and economic well-being; especially within the Ōpōtiki District.	No.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	Uncertain that outcome will be achieved.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.2.7 Objective 47

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 47. The importance of continuing and developing marine-based events, cultural and recreational activities that link closely to the Tauranga city centre within the Harbour Development Zone at Tauranga is recognised.	The existing RCEP does not contain any objectives specific to the Harbour Development Zone (although it does include a Harbour Development Zone).
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – The objective addresses key aspects of Issue 44 which is specific to the Tauranga City Harbour Development Zone and relates the potential that development of the Zone has to generate significant social, cultural and economic benefits, and integrate well with the Tauranga City Centre.	Not specifically related to a Harbour development Zone issue. The current objectives are related to the more general issues 32 and 33 (inappropriate development and use and development of the coastal marine area creating adverse effects. Partly – but lack clear indication on what is ‘appropriate’.
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective achieves s7(b) and s7(d) of the RMA: the efficient use and development of natural and physical resources; and the maintenance and enhancement of amenity values.	Uncertain.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Although the Tauranga City Harbour Development Zone is located within a highly modified and developed part of Tauranga Harbour; the whole of the Harbour (Te Awanui) is of cultural significance.	As per Option 1.
Relevant to BOPRC’s statutory functions and powers under the RMA.	Yes – under s12(1) and s30(d)RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	Gives effect to NZCPS Policy 6(2)(a) and (b) and Policy 18. Gives effect to Proposed RPS Policy CE 5A.	No.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction on the intended outcomes for the Tauranga City Harbour Development Zone.	No.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Tauranga City Harbour Development Zone, addresses Objective 44 and provides clear direction.	N/A

Consistent with other relevant objectives?	Yes – the objective is consistent with the other objectives for the Harbour Development Zone (42-47) and the overarching integrated management objective 1.	N/A
Reasonable and achievable		
Does the objective impose an unreasonable burden on people and communities?	No – the objective is intended to provide for social, cultural and economic well-being. The Harbour Development Zone is located within areas already subject to modification (to varying degrees).	No
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes – primarily achieved through the decision-making on resource consent applications.	Uncertain that outcome will be achieved.
Overall assessment	An appropriate objective to include in the RCEP.	Does not meet requirements for a good objective to include in the RCEP.

19.3 Policies, Methods and Rules to achieve Objectives 41, 42, 43, 44, 45, 46 and 47

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provisions	<p>Policies HD 1-HD 14. Rules HD 1-HD 9. Schedule 8.</p>	<p>Policies 12.2.3(a), 13.2.3(d), 13.2.3(f), 14.2.3(m), 15.2.3(d).</p> <p>The existing RCEP does not contain any rules specific to the Harbour Development Zone. Activities in the Zone fall under the 'catch-all' discretionary rules, except maintenance of existing structures which is permitted under Rule 13.2.4(f).</p> <p>Fifteenth Schedule – Whakatāne Harbour Development Zone Outline Plan 1994-2004.</p>

19.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	Use of the Harbour Development Zone directs use and development to areas that are already modified and away from more sensitive parts of the coastal marine area.	As per Option 1.
Natural character and outstanding landscape features.	In areas where there is a high level of existing modification, new uses and development may have a relatively low impact. Conversely, the siting of new development in unmodified areas of the coast is likely to result in greater impacts on natural character values. Selection of appropriate areas for the Harbour Development Zone provides for the concentration of new development in modified areas adjacent to existing public services. At the same time development is guided away from more sensitive locations such as Ōhiwa Harbour, the majority of which has Outstanding Natural Character. This is consistent with Proposed RPS Policy CE 7B(f).	As per Option 1 - none of the three existing Harbour Development Zones are located in areas of high natural character.
Historic sites.	The HDZ areas do have historic heritage values, partly due to their use historically for coastal shipping and marine based commercial activities. Policy HD 5 specifically recognises these historic heritage values. The historic heritage polices included in Part 3 of the Proposed RCEP will also apply.	Option 2 is not as efficient as it relies on the general historic and cultural heritage policies contained in Chapter 18.

Economic Benefits		
<p>Opportunities for employment and economic growth.</p>	<p>The Harbour Development Zone areas are located adjacent to town/city centres and urban areas, and were historically developed as coastal shipping ports. Today, they are still important areas for commercial activities that contribute significantly to the economic wellbeing of the local community; however, there is also a focus on providing for public use and enjoyment of these areas for a variety of recreational activities.</p> <p>Tauranga City Tauranga City Council is redeveloping the downtown area adjacent to and including part of the Harbour Development Zone through the Tauranga Waterfront Project. Approximately \$5 million is expected to be spent on the Tauranga Waterfront redevelopment project over the next 10 years.</p> <p>The purpose of the project is to provide a waterfront focus for the city centre with facilities for a range of activities that utilise this area including public event spaces, recreational and community activities, vessel berthing facilities and improved access to the edge of the harbour. The redevelopment is supported by a number of strategic planning documents, including SmartGrowth, SmartEconomy and the City Centre Strategy.</p> <p>Whakatāne The current facilities within the Whakatāne HDZ cater to a variety of activities, including commercial tourism operations, commercial and charter fishing, and recreational vessel launching and berthing.</p> <p>It is anticipated that additional facilities will be developed to respond to levels of demand and may include recreational facilities such as boat ramps and vessel berthing areas. Whakatāne District Council has a strategic plan aimed at reconnecting the town centre with the river, which includes the development of additional structures and facilities within the Harbour Development Zone.</p>	<p>As per Option 1 with regard to Tauranga City and Whakatāne HDZ; however Option 2 is less efficient as it lacks specific policies to guide decision-making; has an outdated purpose and retains a discretionary activity status for activities in the HDZ.</p>

	<p>Ōpōtiki</p> <p>Development of the Ōpōtiki HDZ and implementation for the harbour development project is necessary to support the offshore marine farm.</p> <p>The harbour development, will ensure a minimum channel depth of approximately four metres, and create access to the Harbour for larger vessels, allowing Ōpōtiki to become a service and processing base for the aquaculture industry.</p> <p>Developing aquaculture within Ōpōtiki is estimated to:</p> <ul style="list-style-type: none"> • Create new jobs (2011 research estimated more than 440 full-time jobs). • Add more than \$34 million a year to the district economy. • Substantially increase average household incomes. <p>Northern Tauranga Harbour HDZ areas</p> <p>Whilst these areas are not currently, or planned to be, developed to the extent of Tauranga City or the secondary ports at Whakatāne and Ōpōtiki, they do provide important services to the local communities and recreational facilities for the wider community. The ability to maintain and enhance the existing structure and facilities will provide for limited economic growth and employment (when viewed on a regional scale). For example:</p> <ul style="list-style-type: none"> • The majority of residents and business activities on Matakana Island depend on the barge link between Ōmokoroa and Opureora. • The Matakana Whole of Island Plan⁸ states: <i>Being an island, the retention of reliable, efficient and affordable transportation links underpin the existing economy, the expansion of current businesses, the development of future commercial enterprises and related growth in the local labour market.</i> 	
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⁸ Western Bay of Plenty District Council: Matakana Island Plan, May 2013.

	<ul style="list-style-type: none"> Tanners Point as the only all-tide boat ramp accessible from State Highway 2 at the northern end of the Harbour. This is the main boat ramp used by people from Katikati and is used by people also coming from the north Waikato. 	
Reduced compliance costs (to resource users).	Option 1 is more effective than Option 2 as it provides specific policy direction to assist decision-making, thereby providing greater certainty to resource users. Option 1 also introduces a more permissive consenting framework, including the use of controlled and restricted discretionary activities. This limits the resources that are required to prepare a resource consent application and provides more certainty to resource users regarding long-term viability of activities.	Less efficient than Option 1; therefore no benefits in terms of reduced compliance costs identified.
Reduced fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Moderate benefits – use of the zoning and specific policies directed at decision-making will streamline consent processes.	Minor benefits – use of the zone streamlines consent processing to a limited extent as no zone-specific policies or rules are included in Option 2.
Social Benefits		
Recreational use of the coastal environment and resources.	<p>Significant benefits:</p> <p>Consultation with city and district councils has shown that the types of activities and developments anticipated on waterfront land areas adjacent to the HDZ has changed over time away from commercial-oriented vessel servicing areas and towards the creation of vibrant waterfronts that focus on public access and open spaces and provide greater connectivity between urban land uses and the coast.</p> <p>Policy HD 1 contains a new purpose for the HDZ, which reflects these aspirations.</p>	Less efficient than Option 1. One of the purposes of the HDZ is: <i>Enable the development of vessel related tourism and recreational activities, so that the local community can meet its social and economic needs;</i> however, little direction is included on how to integrate land and water based uses and developments.
Public access to and along the coastal marine areas.	<p>Policy HD 3 specifically provides for maintenance and enhancement of public access. This policy also recognises the importance of providing public access where adjacent land is public space or is used for recreation or events.</p> <p>Policy HD 4 directs that restrictions on public access are to be minimised.</p>	As per Option 1; however, less efficient as no specific policy direct provided relating to the Harbour Development Zone to guide decision making.

Noise.	Activities in the coastal marine area can generate noise that has an effect on adjacent land-uses. Policy HD 5(b) requires that structures and their intended uses are designed to be compatible with existing and anticipated activities on adjacent land.	No benefits identified.
Other amenity values.	Efficient. Policies HD 5(b) and (e), HD 6 and HD 11 provide specific direction on management of visual amenity to ensure that development in the coastal marine are is integrated with land-based development.	Inefficient. No policy direction on management of visual amenity.
Navigation.	Policy HD 7 recognises that capital and maintenance dredging within the HDZ may be necessary to provide and maintain vessel access to structures and activities, and is an appropriate activity in the HDZ. This has benefits for maintain safe navigation within the zone.	Option 2 is less efficient at providing for safe navigation than Option 1 as the policy specific to the HDZ (policy 14.2.3(m) only refers to capital works dredging.
Cultural Benefits		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga	Policy HD 5(d) requires that the cultural heritage values of the HDZ are recognised and provided for where appropriate. In addition the Iwi Resource Management policies also apply to decision-making. The four additional areas (not included in Option 2) are known to have cultural values. Policy HD 14(c) specifically recognises that this is the case. The areas fall within ASCV Tauranga Harbour; therefore, the Iwi resource management policies of the Proposed RCEP will be particularly relevant to decision-making in these areas.	As per Option 1 for the Tauranga, Whakatāne and Ōpōtiki HDZ areas.
Ability to meet Principles of Treaty of Waitangi	Application of the Iwi resource Management policies will mean that the ability to meet the Treaty Principles is not compromised.	As per Option 1
Legislative requirements (e.g. MACA, Treaty settlements).	The controlled and restricted discretionary rules specifically refer to the following as parties that can be included in limited notification of consent applications: iwi and hapū with a statutory acknowledgement over an affected area; an affected protected customary rights group; and an affected customary marine title group.	No specific reference included (however activities have discretionary status).

Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	Option 1 extends the Ōpōtiki HDZ and includes four additional areas in Northern Tauranga Harbour. None of the new areas are located within sites identified as being Indigenous Biodiversity Areas. The extended Ōpōtiki HDZ is within an IDDA; however, this area is subject to resource consent for the harbour redevelopment that allows for significant modification	No costs identified.
Natural character and outstanding landscape features.	The four additional areas in Northern Tauranga Harbour are within an area identified as having very high natural character values. However, the costs are expected to be minimal as the new areas are relatively small in size and correlate to areas that are already subject to modification.	No costs identified.
Historic sites.	No costs identified.	No costs identified.
Economic Costs		
Opportunities for employment and economic growth reduced.	No reduced employment or economic growth opportunities identified.	Option 2 includes a very small Ōpōtiki HDZ and does not reflect the offshore marine farm and harbour redevelopment activities and developments that are now planned (and consented) for the area. Option 2 does not include the four additional areas in northern Tauranga Harbour. Whilst this may not prevent opportunities for economic growth (for example enhancement of the operation of the ferry service between Ōmokoroa and Opureora), further development may not be considered appropriate without specific policy direction due to the very high natural character identification included in the Proposed RPS.

Compliance costs (to resource users).	No additional costs identified.	Lack of direction within the policy framework, especially with regard to integration with land based buildings and activities, may create additional costs when developing a resource consent application as the assessment requirements are uncertain. This is compounded by the fully discretionary status of all activities under the existing framework (except maintenance of existing structures).
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No additional costs identified.	As per Option 1.
Social Costs		
Recreational use of the coastal environment and resources.	No costs identified.	Less efficient than Option 1 – this Option does not provide clear direction on the importance of the HDZ areas in providing for recreation (including events).
Public access to and along the coastal marine areas.	No costs identified.	Less efficient than Option 1 – this Option does not provide clear direction on the importance of the HDZ areas to providing public interaction with the water's edge.
Other amenity values.	No costs identified.	Option 2 does not provide guidance on how amenity values, particularly visual amenity values, should be assessed during decision-making. This could result in ad-hoc and inconsistent decision-making.
Navigation.	No costs identified.	Less efficient than Option 1 as a more restrictive consenting framework applies for dredging activities.
Cultural Costs		
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Some of the HDZ areas are of significance to iwi and hapū. The iwi resource management policies of the Proposed RCEP apply to decision-making in this zone, and consideration of cultural values is retained as matter of control/discretion.	Less efficient than Option 1 as no specific direction to consider cultural values in the HDZ.
Overall assessment	<i>High.</i>	<i>Low.</i>

19.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objectives.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes will clearly achieve the objectives.	Will partly achieve the objectives.
Usefulness		
Will effectively guide decision-making?	Yes – provides clear direction to decision-makers (in conjunction with the other relevant policies).	No – very little policy specific to the HDZ is provided.
Meets sound principles for writing policies and rules?	Yes – policies are specific to the HDZ and provide clear direction on how the objectives for this zone are to be achieved.	No – little direction provided specific to the HDZ. Policies are written at a high-level and provide little guidance additional to that found in the RMA.
Assumptions made.	Significant new commercial development is not planned for the Tanners Point, Bowentown, Ōmokoroa and Opureora HDZ areas in the short-mid-term (i.e. within a 10 year period).	No changes are required to the current HDZ areas.
Risk involved.	Including the Tanners Point, Bowentown, Ōmokoroa and Opureora HDZ areas may focus attention on these locations for development of a significant new commercial complex (for example a marina).	Not expanding the Ōpōtiki HDZ to reflect planned and consented development will unduly restrict development of the facilities required to service the offshore marine farm. Excluding the Tanners Point, Bowentown, Ōmokoroa and Opureora HDZ areas will restrict the ability of the Western Bay of Plenty District Council to maintain and enhance the existing structures and facilities in these areas.
Achievability		
Within BOPRC's functions and powers.	Yes under s12(1) and s30(d)RMA.	As per Option 1.
Within the scope of BOPRC's available tools and resources.	Yes – primarily achieved through the resource consent process.	As per Option 1.
Rules can be complied with and enforced.	Yes.	Yes.

Degree of uncertainty in the ability to achieve the objectives.	Low.	High – as very little policy guidance provided.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).		
Overall assessment	<i>High.</i>	<i>Low-Medium.</i>

19.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	There is extensive information available on the current structures and facilities present in the HDZ areas and their planned future uses and development.	
Is the topic of high significance or complexity?	The topic is not particularly complex, but is of high significance to the district and city councils concerned.	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	Policies and rules for activities in the coastal marine area are included in the RCEP for areas not within the HDZ. These would apply if the HDZ were to be removed; therefore the risk of not acting (i.e. no policy or rules specific to the HDZ in the RCEP) is low. However, it is more efficient to include policy and rules in the RCEP to guide decision making on resource consents and create a more permissive consenting framework for activities in the HDZ.	As per Option 1.

19.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

19.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	<p>Option 1 gives effect to the Policies 4, 6 and 7 of the NZCPS, which relate to integrates management of the coastal environment; activities in the coastal environment and strategic planning. Option 1 also gives effect to Proposed RPS Policy CE 13 XB, which recognises the importance of the secondary ports at Whakatāne and Ōpōtiki.</p> <p>Placing the Harbour Development Zone related policies and rules within one section of the RCEP is a more efficient layout. Option 1 is also consistent with the relevant provisions of City and District Plans and/or Reserve Management Plans, providing for integrated management of the coastal environment.</p>
Option 2.	Low-Medium.	Low-Medium.	No.	<p>Option 2 contains little guidance on decision-making that is specific to the Harbour Development Zone. Option 2 contains a more restrictive consenting framework and does not acknowledge the planned and consented development at Ōpōtiki. Option 2 also makes no provision for maintaining and enhancing the existing services and facilities provided by the four additional Tauranga harbour HDZ areas.</p>

19.3.6 Other policy options considered

Option	Reason(s) why option rejected
Remove the Harbour Development Zone.	<p>The inclusion of the Harbour Development Zone provides certainty to the city and district councils and the community, and reflects the modified nature and existing and planned uses of the HDZ areas. Removal of the Harbour Development Zone would be inefficient and would not give full effect to NZCPS policies 4, 6 and 7 which require integrated management; recognition of the potential benefits associated with use and development in the CMA; recognition of the need to provide for open space and recreation; recognition that some activities have a functional need to be located in the CMA and that plans consider where and how to provide for future development.</p>

Include detailed Schedules for each of the HDZ areas.	The current RCEP includes an outline development plan for the Whakatāne HDZ. Whilst local authorities are (or have) developing frameworks for the future development of the land areas adjacent to the HDZ the exact nature of activities within this zone changes over time as community expectations alter. Therefore, it is more appropriate to key principles for the type of development anticipated within these areas rather than describe specific projects or structures.
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP, and is due to be reviewed in the near future. In addition, it does not contain a Harbour Development Zone or related provisions.
Replicate the provisions in the Gisborne Regional Coastal Plan.	Gisborne District has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

19.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
<p>Policy HD 1: Provide for activities that are consistent with the purposes of the Harbour Development Zone. The purpose of the Harbour Development Zone is to:</p> <ul style="list-style-type: none"> (a) Concentrate structural development and associated activities in areas that are already modified, so that development is guided away from other coastal areas of higher natural character and cultural value; (b) Enable the development of facilities to support commercial, recreational, community, cultural and entertainment activities that are compatible with, or operated in conjunction with the adjacent land use activities, to enable the local community to provide for its social, cultural and economic needs; and (c) Maintain and enhance public access to and enjoyment of the coastal marine area to the extent practicable, recognising that these are important areas for public interaction with the water's edge. <p>The Harbour Development Zone is defined in Schedule 8 and shown on map sheets 46c, 47c, 48c, 49c, 50c, 51c and 52c.</p>	<p>Replaces and updates the existing purpose of the HDZ. The amendments better reflect current and future patterns of use for the HDZ areas and incorporate feedback provided by city and district councils. Also places the purpose within a policy to ensure it is given consideration during decision-making.</p>
<p>Policy HD 2: Natural character values within the Harbour Development Zone are retained to the extent reasonable having regard to the purpose of the zone as set out in Policy HD 1.</p>	<p>Replaces part of existing policy 4.2.3(i) and is consistent with Proposed RPS Policy CE 2B.</p>

<p>Policy HD 3: Activities within the Harbour Development Zone provide for the maintenance and enhancement of public access to and along the coastal marine area, particularly where adjacent land provides public space or areas subject to high levels of recreational or event use.</p>	<p>Gives effect to NZCPS Policy 18 and Policy 19. Achieves Objective 43.</p>
<p>Policy HD 4: Any restriction on public access to the coastal marine area within the Harbour Development Zone is to be minimised to the extent necessary in accordance with Policies RA 3 and RA 4 in Part 3, Section 6.1 - Recreation, public access and open space.</p>	<p>Cross references to the relevant policies in the recreation, public access and open space section of the Proposed RCEP. Gives effect to NZCPS Policy 19 and Proposed RPS Policy MN 6B. Achieves Objective 43.</p>
<p>Policy HD 5: Use and development in the Harbour Development Zone shall be managed according to the following:</p> <ul style="list-style-type: none"> (a) Recognise that structures that support commercial, event and recreational activities and enable the local community to provide for its social, cultural and economic needs are appropriate in the Harbour Development Zone; (b) New structures within the Harbour Development Zone are designed and located in a manner that is compatible with the existing and anticipated activities on the adjacent land. This includes the height, footprint and intended use of buildings and other structures, and maintaining or enhancing the visual amenity of the area; (c) Recognise that the Harbour Development Zone is a confined area that is well used for a range of activities, and that structures within the coastal marine area reduce the availability of space for marine-based recreational activities, or can support the functioning of marine-based activities in specific areas; (d) Recognise and provide for the cultural and historic heritage values associated with parts of the Harbour Development Zone where appropriate; and (e) Development shall be appropriate in scale, design and location to complement its waterfront setting and specific location within the Harbour Development Zone. 	<p>New policy sets out the principles that underpin appropriate use and development within the HDZ. Helps to achieve Objective 41.</p>
<p>Policy HD 6 When assessing the visual effects of buildings and other structures within the Harbour Development Zone, regard shall be had to:</p> <ul style="list-style-type: none"> (a) Maintaining or enhancing the visual environment within the Harbour Development Zone; and (b) Maintaining or enhancing the visual and physical links between the coastal marine area and adjacent land in urban areas, including town and city centres. 	<p>New policy. Recognises that the HDZ areas are adjacent to town/city centres and urban areas, where visual amenity is an important consideration. Achieves Objective 44.</p>

<p>Policy HD 7: Recognise that capital and maintenance dredging within the Harbour Development Zone may be necessary to provide and maintain vessel access to structures and activities, and is appropriate where it can support the purpose of the zone as described in Policy HD 1.</p>	<p>Replaces existing Policy 14.2.3(m) and existing Policy 14.2.3(o) – in relation to the HDZ only. Provides specific direction that dredging with the HDZ is appropriate where it is undertaken to meet one or more of the purposes of the zone. Contributes toward achieving objectives 32 and 45.</p>
<p>Policy HD 8: Recognise that some activities within the Harbour Development Zone require separation from other existing activities when considering the location and design of new development. Activities that may require separation include marine industries, such as aquaculture servicing and processing facilities.</p>	<p>New policy. Particularly relevant to the Ōpōtiki HDZ, where future aquaculture servicing and associated facilities are required to service the offshore marine farm, but unless appropriately located could have a significant adverse effect on other recreational and commercial uses, public access and enjoyment of the harbour environment. However, potentially relevant to other HDZ too.</p>
<p>Policy HD 9: Recognise that reclamation in the Harbour Development Zone may be appropriate in terms of Policy RM 2 in Part 4, Section 4.1 - Reclamation of this regional plan and Policy 10 of the NZCPS, provided that it is consistent with the purposes of the Harbour Development Zone described in Policy HD 1.</p>	<p>Replaces existing policy 15.2.3(d). Provides cross reference to relevant policy in the proposed RCEP and gives effect to NZCPS Policy 10.</p>
<p>Policy HD 10: The development of buildings and other structures within the Harbour Development Zone at Tauranga shall:</p> <ul style="list-style-type: none"> (a) Maintain the role of the Street View Corridors identified in Appendix 17B of the Tauranga City Plan as a visual connection of Tauranga Harbour, including harbour structures, to the City Centre (b) Create an environment that emphasises high-quality public access and amenity. (c) Be of a bulk and scale that visually compliments the Tauranga city centre waterfront landscape. (d) Support the use of the waterfront for temporary events. 	<p>New policy. Provides specific direction on decision-making in relation to the Tauranga City HDZ and recognises the significant investment in terms of public engagement and planning that the Tauranga City Council has already made in relation to this area. Gives effect to Policy 4 of the NZCPS.</p>
<p>Policy HD 11: Use and development of the Harbour Development Zone at Whakatāne is to provide for the efficient provision of vessel berthing facilities having regard to the need to provide safe vessel storage during periods of high river flow.</p>	<p>New policy. Addresses Issue 48 and contributes to achieving Objective 41.</p>
<p>Policy HD 12: Structures associated with the provision of aquaculture processing and servicing facilities are appropriate within the Harbour Development Zone at Ōpōtiki provided adverse effects are avoided, remedied or mitigated.</p>	<p>New policy. Provides specific direction on the appropriateness of developing aquaculture processing and servicing facilities within Ōpōtiki HDZ. Achieves Objective 33 (encourage and provide for the sustainable development of aquaculture in the Bay of Plenty) and Objective 46.</p>

<p>Policy HD 13: The development of marine industry activities in the Harbour Development Zone at Ōpōtiki should provide for public access to and along the coastal marine area where reasonable and consistent with maintaining health and safety.</p>	<p>New policy. Recognises that provision of public access in areas of industrial use may not be appropriate. Contributes to achieving Objective 33 (encourage and provide for the sustainable development of aquaculture in the Bay of Plenty) and Objective 46.</p>
<p>Policy HD 14: The use and development of buildings and other structures within the Harbour Development Zone areas in the northern Tauranga Harbour shall:</p> <ul style="list-style-type: none"> (a) Support the maintenance and enhancement of existing facilities and services; (b) Be consistent with the policy direction of the relevant Reserve Management Plan; and (c) Recognise and provide for cultural values. 	<p>New policy. Specific to the four new HDZ areas at Tanners Point, Bowentown, Ōmokoroa and Opureora. Recognises that existing and planned use and development in these areas is not as intense as Tauranga City, Whakatāne and Ōpōtiki HDZ. Reference to the Reserve Management Plans improves integrated management of these areas.</p>
<p>Rule HD 1: Permitted – Maintenance, minor alteration, repair or reconstruction of any lawful structure.</p> <p>The maintenance, minor alteration, repair or reconstruction of any existing lawful structure within the Harbour Development Zone, excluding electricity transmission lines, is a permitted activity, subject to the following conditions:</p> <ul style="list-style-type: none"> (a) There shall be no increase in length, width or height of any structure, except for the purposes of: <ul style="list-style-type: none"> (i) Replacement, removal or alteration of existing aerial telecommunications structures or cables where these activities will comply with the New Zealand Standard (NZS 2772.1: 1999 Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300 GHz), and the new or altered cables will not be lower in height above the foreshore or seabed. (ii) Replacement, removal, alteration, or addition of telecommunications insulators, circuits, earth wires, earth peaks or lightning rods. (iii) Replacement or removal of bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges. <p>Any activity that does not meet the requirements of condition (a) will be considered as a controlled activity under Rule HD 3.</p> (b) The building or structure shall not result in an increase in the 1% annual exceedance probability flood event within the Whakatāne or Waioeka/Otara river schemes. (c) Any alterations shall be structurally sound and constructed in accordance with good engineering practice. 	<p>Replaces existing Rule 13.2.4(f) in relation to the HDZ. The conditions applied are the same as those used in Rule SO 7.</p>

<p>(d) Public access to, along and through the coastal marine area shall not be restricted, other than temporary restrictions during construction for reasons of public health and safety.</p> <p>(e) Alterations shall not be for the purposes of new or additional capacity for transport through the coastal marine area of sewage, petroleum products or hazardous substances.</p> <p>(f) The activity shall not damage or disturb a site listed in the Regional Historic Heritage Inventory in Schedule 7.</p> <p>For the avoidance of doubt, this rule covers:</p> <ul style="list-style-type: none"> (i) The placement, alteration, extension or removal of structures. (ii) Occupation of space in the common marine and coastal area by the structure. (iii) Disturbance of the foreshore and seabed associated with the activity. (iv) Deposition of material in the coastal marine area associated with the activity. <p>Advisory Note:</p> <p>1 The as operation, maintenance, upgrading, relocation or removal of an existing electricity transmission line is considered under Rule SO 15 in Section 1.2 - Structures and Occupation of this Plan.</p>	
<p>Rule HD 2: Permitted – Temporary events, including associated structures. Temporary events in the Harbour Development Zone, including associated structures and buildings, are permitted activities subject to the following conditions:</p> <ul style="list-style-type: none"> (a) In the Tauranga Harbour Development Zone, the associated structures and buildings shall not occupy any area for more than 60 days, including the establishment and removal of such structures and buildings. (b) In all other Harbour Development Zones, the associated structures and buildings shall not occupy any part of the Harbour development Zone for more than 21 days, including the establishment and removal of such structures and buildings. (c) Lighting sources shall be sited, directed and screened to avoid any hazard to navigation or safety. 	<p>Partly replaces existing Rule 12.2.4(b) in relation to the HDZ and partly a New Rule (currently temporary structures are fully discretionary).</p> <p>Explanation for Conditions:</p> <ul style="list-style-type: none"> (a) 60 days is consistent with the time restriction used in the permitted activity rules for temporary activities in the City Centre Waterfront Sub-Zones in the Tauranga City Plan (Rule 4F.2.2). (b) 21 days was determined as an appropriate timeframe following consideration of adjacent land-based restrictions and consultation with Whakatāne, Western Bay of Plenty and Ōpōtiki District Councils. (c) Controls potential adverse effects from use of inappropriate lighting. (d) The Bylaw includes requirements regarding public notification of events when needed to provide for navigational safety. (e) Prevents dumping of rubbish in the CMA.

<p>(d) The event shall comply with the Regional Council’s Navigation Safety Bylaws or be subject to a Navigation Safety Bylaw Exemption.</p> <p>(e) Any rubbish or other waste material resulting from the activity shall be removed from the coastal marine area.</p> <p>(f) The activity shall not obstruct other persons operating in accordance with a resource consent to occupy the coastal marine area.</p> <p>(g) The activity shall not create the emission of noise that causes a permitted noise limit set for adjoining land in a District or City Plan to be exceeded. Where no noise limits have been set for adjoining land, the emission of noise shall not exceed a reasonable level. This is particularly relevant for sensitive receiving environments such as marae adjoining the coastal marine area.</p> <p>(h) Any temporary structure shall be located and designed to ensure public and navigational safety.</p> <p>(i) Any temporary structure shall not be likely to accelerate, worsen or result in material damage to land or any other structure through erosion or inundation.</p> <p>(j) After removal of any temporary structures the site reinstated to the form and condition that existed before the event.</p> <p>For the avoidance of doubt, this rule covers:</p> <p>(i) The placement or removal of structures.</p> <p>(ii) Occupation of space in the common marine and coastal area by activity and any structure.</p> <p>(iii) Disturbance of the foreshore and seabed associated with the activity.</p> <p>(iv) Deposition of material in the coastal marine area associated with the activity.</p>	<p>(f) Recognises that other activities have a legal right to operate in the CMA.</p> <p>(g) Controls potential adverse effects related to noise generation. Recognises that noise generated in the CMA can affect land-based activities.</p> <p>(h) Provides for public safety.</p> <p>(i) Requires consideration of effects on natural hazards.</p> <p>(j) Provides for any effects on visual amenity to be short-term and reversible.</p>
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<p>Rule HD 3: Controlled – Maintenance, alteration, repair or reconstruction of any lawful structure.</p> <p>The maintenance, alteration, repair or reconstruction of any existing lawful structure within the Harbour Development Zone that does not comply with Rule HD 1 condition (a) is a controlled activity, subject to the following standards and terms:</p> <ul style="list-style-type: none"> (a) The proposed works shall not increase the height or footprint of the building or structure by more than 10%, as measured relative to the size of the building or structure at 24 June 2014. (b) The building or structure shall not result in an increase in the 1% annual exceedance probability flood event within the Whakatāne or Waioeka-Otara river schemes. (c) Any alterations shall be structurally sound and constructed in accordance with good engineering practice. (d) Public access to, along and through the coastal marine area shall not be restricted, other than temporary restrictions during construction for reasons of public health and safety. (e) Alterations shall not be for the purposes of new or additional capacity for transport through the coastal marine area of sewage, petroleum products or hazardous substances. <p>The Regional Council will retain control over the following matters:</p> <ul style="list-style-type: none"> (a) The visual appearance of the proposed work when viewed from a public place. (b) Measures to avoid, remedy or mitigate adverse effects associated with the method of construction. (c) Measures to avoid, remedy or mitigate adverse effects on navigation and safety. (d) Measures to avoid, remedy or mitigate adverse effects on hydrodynamic and geomorphic effects. (e) Measures to avoid, remedy or mitigate adverse effects on cultural and heritage values. <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to with the exception of:</p> <ul style="list-style-type: none"> (a) Any iwi or hapū with a statutory acknowledgement over the affected area; (b) An affected protected customary rights group; or (c) An affected customary marine title group. 	<p>New Rule (currently fully discretionary).</p> <p>Allows for alterations to structures as a controlled activity.</p> <p>Controlled activity status is used rather than permitted as potential effects on visual amenity; navigation and safety; coastal processes and cultural and heritage values are difficult to manage effectively by way of generic conditions that are relevant to each of the HDZ areas.</p> <p>The conditions are the same as those used within the permitted activity Rule HD 1, except that an increase to the height or footprint of the building or structure by up to 10% is permitted (compared to the size of the structure at the date the Proposed Plan was notified). This is consistent with thresholds allowed in other regional councils for structures in modified areas, and is unlikely to have significant adverse effects.</p>
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<p>For the avoidance of doubt, this rule covers:</p> <ul style="list-style-type: none"> (i) The placement, alteration, extension or removal of structures. (ii) Occupation of space in the common marine and coastal area by the structure. (iii) Disturbance of the foreshore and seabed associated with the activity. (iv) Deposition of material in the coastal marine area associated with the activity. 	
<p>Rule HD 4: Controlled – Re-consenting any lawful structure.</p> <p>The re-consenting of any existing lawful structure within the Harbour Development Zone is a controlled activity, subject to the following standards and terms:</p> <ul style="list-style-type: none"> (a) The structure shall be structurally sound and constructed in accordance with good engineering practice. (b) Public access to, along and through the coastal marine area shall not be restricted by the structure. <p>The Regional Council will retain control over the following matters:</p> <ul style="list-style-type: none"> (a) Maintenance of the structure. (b) Use of the structure. (c) Measures to avoid, remedy or mitigate adverse effects associated with the maintenance and/or use of the structure. (d) Measures to avoid, remedy or mitigate adverse effects on hydrodynamic and geomorphic effects (including erosion and scour caused by the structure). (e) Monitoring and reporting requirements. <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to with the exception of:</p> <ul style="list-style-type: none"> (a) Any iwi or hapū with a statutory acknowledgement over the affected area; (b) An affected protected customary rights group; or (c) An affected customary marine title group. 	<p>New Rule (currently fully discretionary).</p> <p>A controlled activity status has been applied to existing structures in the CMA. The continuing use of structures in the HDZ is unlikely to have significant adverse effects; however, some long-term effects are appropriate for consideration via a resource consent process to ensure this is the case.</p> <p>Use of the structure is specifically included as a matter of control as changes to the use can alter the nature and extent of adverse effects.</p>

<p>For the avoidance of doubt, this rule covers:</p> <ul style="list-style-type: none"> (i) The alteration or extension of the structure associated with maintenance activities. (ii) Occupation of space in the common marine and coastal area by the structure. (iii) Use of the structure. (iv) Disturbance of the foreshore and seabed associated with the maintenance of the structure. (v) Deposition of material in the coastal marine area associated with the maintenance of the structure. 	
<p>Rule HD 5: Controlled – Maintenance dredging activities.</p> <p>Any discharge and disturbance (including removal of sand, shingle, shell, or other natural material) of, the foreshore or seabed associated with maintenance dredging is a controlled activity.</p> <p>The Regional Council has reserved its control over the following matters:</p> <ul style="list-style-type: none"> (a) The area, quantity, location and timing of disturbance and discharge. (b) Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline, including maintenance of beaches and related sediment transport processes. (c) Effects on fisheries, indigenous biodiversity and ecosystems. (d) The release and/or spread of harmful aquatic organisms. (e) Coastal water quality including the provisions of Chapter 9 – Coastal Discharges and the Thirteenth Schedule to this Plan. (f) Effects on other harbour users, navigation and public safety during dredging. (g) Site specific historical or cultural values. (h) The review of conditions and the timing and purpose of that review. (i) The amount and type of any financial contribution. (j) Compliance monitoring. 	<p>New Rule (currently fully discretionary). Gives effect to Policy HD 7.</p> <p>Explanation for conditions:</p> <ul style="list-style-type: none"> (a) Lists the main ways in which adverse effects can be avoided or mitigated (b) Consistent with Policy DD 9(b) (c) Consistent with Policy DD 7 (d) Consistent with NZCPS Policy 12(2)(b) (e) Ensures appropriate consideration is given to effects on water quality (f) Consistent with Policy DD 7(d) (g) Dredging can have adverse effects on historic heritage and cultural values (h)-(j) Provides certainty on the nature of conditions that may be imposed <p>The conditions are also consistent with those applied to a similar rule included in the Port Zone provisions (Rule PZ 5).</p>

<p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to with the exception of:</p> <ul style="list-style-type: none"> (a) Any iwi or hapū with a statutory acknowledgement over the affected area; (b) An affected protected customary rights group; or (c) An affected customary marine title group. 	
<p>Rule HD 6: Restricted Discretionary – New structures in the Harbour Development Zone and alteration or extension of existing structures.</p> <p>The erection or placement of any new structure or building, or the maintenance, alteration, reconstruction or extension of any existing lawful structure within the Harbour Development Zone that is not otherwise a permitted or controlled activity under Rule HD 1, HD 2 or HD 3 is a restricted discretionary activity, subject to the following standards and terms:</p> <ul style="list-style-type: none"> (a) The proposed work shall not result in the modification, damage or destruction of any Indigenous Biodiversity Area A (identified in Schedule 2 to the Plan) or outstanding natural character area (identified in Appendix I of the proposed RPS). (b) The activity shall not result in an increase in the 1% annual exceedance probability flood event within the Whakatāne or Waioeka/Otara river schemes. (c) Where the structure or building is associated with a temporary event, the event has been authorised by the relevant district or city council. (d) New structures in the northern Tauranga Harbour areas shall be provided for in a Reserves Management Plan that is relevant to the area. <p>The Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> (a) The compatibility of the structure and its intended use with the purpose of the Harbour Development Zone and the adjacent land use. (b) The extent to which construction and on-going presence and use of the structure or building provides for or affects the operation of existing commercial and recreational activities and events in the Harbour Development Zone. (c) The location, dimensions, scale and visual appearance of any structure or building, including the visual appearance of the proposed work when viewed from public viewpoints. (d) For structures in the Tauranga Harbour Development Zone: <ul style="list-style-type: none"> (i) The visual appearance of the proposed work when viewed from the Waterfront sub-zone identified in the Tauranga City Plan. 	<p>New Rule (new structures are currently fully discretionary).</p> <p>Explanation for standards and terms:</p> <ul style="list-style-type: none"> (a) Although none of the HDZ is located within an Indigenous Biodiversity Area A, some do neighbour such areas. (b) This has been a consistent requirement requested by the Rivers and Drainage section of the Regional Council during consenting processes for structures in the Whakatāne, Waioeka and Otara Rives. (c) This is only relevant for temporary structures that can't meet the permitted activity Rule. (d) Reflects that current anticipated and planned development in the four new HDZ areas does not include significant commercial ventures, such as a marina, and that it is more appropriate for such activities to be considered on a fully discretionary basis. <p>Explanation for conditions:</p> <ul style="list-style-type: none"> (a) Consistent with Policy HD 5. (b) Consistent with the purpose of the zone as set out in Policy HD 1. (c) Consistent with Policy HD 6. (d) Consistent with Policy HD 10. (e) Consistent with Policy HD 3 and Policy HD 4. (f) and (g) Provides for navigational and public safety. (h) Allow effects on coastal processes to be considered. (i) Some HDZ areas have cultural and/or historic heritage values. (j) Allows amenity effects to be considered.

<p>(ii) The extent to which the structure or building affects the view corridors from land to the harbour identified in Policy HD 9.</p> <p>(e) Measures to avoid, remedy or mitigate any adverse effect of the activity on public access.</p> <p>(f) Structural integrity.</p> <p>(g) Measures to avoid, remedy or mitigate any adverse effects on navigation and public safety.</p> <p>(h) Measures to avoid, remedy or mitigate any adverse effects on hydrodynamic and geomorphic effects.</p> <p>(i) Measures to avoid, remedy or mitigate adverse effects on cultural and heritage values.</p> <p>(j) Nuisance effects, including glare, lighting and noise.</p> <p>For the avoidance of doubt, this rule covers:</p> <p>(i) The placement, alteration, extension or removal of structures.</p> <p>(ii) Occupation of space in the common marine and coastal area by the structure.</p> <p>(iii) Disturbance of the foreshore and seabed associated with the activity.</p> <p>(iv) Deposition of material in the coastal marine area associated with the activity.</p> <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to with the exception of:</p> <p>(a) Any iwi or hapū with a statutory acknowledgement over the affected area;</p> <p>(b) An affected protected customary rights group; or</p> <p>(c) An affected customary marine title group.</p>	
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<p>Rule HD 7: Restricted Discretionary – Dredging in the Harbour Development Zone for vessel access.</p> <p>The disturbance or dredging of the foreshore or seabed within the Harbour Development Zone for the purposes of maintaining safe and practical vessel access to, and use of, existing facilities and structures is a restricted discretionary activity.</p> <p>The Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> (a) The area, quantity, location and timing of disturbance and discharge. (b) Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline, including maintenance of beaches and related sediment transport processes. (c) Effects on fisheries, indigenous biodiversity and ecosystems. (d) The release and/or spread of harmful aquatic organisms. (e) Coastal water quality including the provisions of Chapter 9 – Coastal Discharges and the Thirteenth Schedule to this Plan. (f) Effects on other harbour users, navigation and public safety during dredging. (g) Site specific historical or cultural values. (h) The review of conditions and the timing and purpose of that review. (i) The amount and type of any financial contribution. (j) Compliance monitoring. <p>For the avoidance of doubt, this rule covers:</p> <ul style="list-style-type: none"> (i) Disturbance of the foreshore and seabed associated with the activity. (ii) Deposition of material in the coastal marine area associated with the activity, except where the material is dredge material. 	<p>New Rule (currently fully discretionary). Gives effect to Policy HD 7.</p> <p>Capital dredging is given restricted discretionary rather than controlled activity status as dredging in areas that have not been previously dredged can have significant adverse effects.</p> <p>The matters of discretion are the same as those which the Regional Council has reserved its control in Rule HD 5.</p>
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<p>Rule HD 8: Restricted Discretionary – Demolition or removal of structures in the Harbour Development Zone.</p> <p>The demolition or removal of any structure within the Harbour Development Zone to which Rule SO 9 does not apply is a restricted discretionary activity.</p> <p>The Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> (a) Any adverse effect of the activity on public access, amenity values, and other activities within the zone. (b) Navigation and public safety. (c) Hydrodynamic and geomorphic effects. (d) Nuisance effects, including glare, lighting and noise. (e) Disposal of material, including biosecurity risks. <p>For the avoidance of doubt, this rule covers:</p> <ul style="list-style-type: none"> (i) The removal of structures. (ii) Disturbance of the foreshore and seabed associated with the activity. 	<p>New Rule (currently fully discretionary).</p> <p>Rule SO 9 permits the removal of abandoned, redundant or derelict structures by the Regional Council, City and District Councils and the Department of Conservation.</p> <p>Removal of structures in the HDZ can have an adverse effect on the provision of facilities within the zone. In addition, removal can have effects on coastal processes and amenity values (during the removal works).</p>
<p>Rule HD 9: Discretionary – Activities in the Harbour Development Zone</p> <p>Any activity in the Harbour Development Zone, which is not provided for as a permitted, controlled, restricted discretionary or prohibited activity in this regional plan, is a discretionary activity.</p>	<p>Any activities that do not fall within the permitted, controlled or restricted discretionary rules (or another rule of the Proposed RCEP) are considered as discretionary activities.</p>
<p>Schedule 8.</p>	<p>Replaces existing Fifteenth Schedule.</p> <p>Provides a brief description of each of the Harbour Development Zone areas to provide some context to decision-making.</p>

20 Port Zone

20.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Schedules
Port of Tauranga operational needs: Issues 49, 50, 51, 52.	Objective 48.	PZ 1.	PZ 2. PZ 3. PZ 4.	Schedule 9. Outline Development Plan for the Port of Tauranga 2013.
		PZ 4.	PZ 5.	
		PZ 6.	PZ 10.	
Port of Tauranga dredging: Issues 50, 52.	Objective 49.	PZ 2.	PZ 7, PZ 9.	
		PZ 3.	PZ 2, PZ 3, PZ 4.	
		PZ 9.	PZ 5(g), PZ 6(o), PZ 8(g), PZ 9(f), PZ 10 and iwi or hapū with a statutory acknowledgement can be considered as an affected party.	
		PZ 10.	PZ 8.	
	PZ 11.	PZ 8.		
	Objectives 48, 49.	PZ 5.	PZ 2, PZ 3, PZ 4.	
PZ 7.		PZ 10.		
PZ 8.		PZ 1.		

20.2 Evaluation of Objectives 48 and 49

20.2.1 Objective 48

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 48. The current operational needs of the Port of Tauranga are provided for as a matter of priority while limiting the effects of those activities on cultural values and the environment.	The existing RCEP does not contain any objectives specific to the Port and its operations; therefore the status quo is the 'do-nothing' approach.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – the objective addresses issues 49 and 51, which relate to the importance of the continued operation of the Port of Tauranga and difficulties associated with disposal of all dredge material on land.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The Objective provides for the efficient use and development of physical resources, consistent with s7(b) of the RMA.	N/A
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	The Objective specifically refers to limiting the effects of activities on cultural values, such as those encompassed by s6(e) of the RMA.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(1) and s30(1)(d)(i), (v) and (vi) and S30(1)(gb) RMA.	N/A
Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to Proposed RPS Policy 13B and NZCPS Policy 9.	No.
Usefulness		
Will effectively guide decision-making?	Yes – the objective is clear about the importance of maintaining the Port's existing operational capacity, but also recognising that adverse effects of activities require consideration.	No – the objectives of the existing RCEP do not provide any guidance with regard to Port activities.
Meets sound principles for writing objectives?	Yes – the objective is specific to the Port of Tauranga and the importance of its continued operation.	N/A
Consistent with other relevant objectives?	Yes – the objective is consistent with Objective 49.	N/A

Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No – the Port of Tauranga has been in operation at its current location for decades; its continued operation (rather than relocation elsewhere) is an efficient use of resources.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	The objective can be achieved via the resource consent process and use of an appropriate regulatory framework (rules) for activities in the Port Zone.	N/A
Overall assessment	An appropriate objective to include in the RCEP.	The absence of a management regime targeted at the port area is not consistent with the NZCPS.

20.2.2 Objective 49

Plan Provision(s)	Objective 49. The future expansion and operational needs of the Port of Tauranga and its shipping channels are provided for in appropriate locations, having regard to the potential adverse effects on the environment.	The existing RCEP does not contain any objectives specific to the Port and its operations; therefore the status quo is the 'do-nothing' approach.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – the objective addresses issues 49, 50, 51 and 52, which relate to the importance of incremental growth for the Port of Tauranga, including capital dredging activities and alterations to wharves and berths. The issues listed also acknowledge the potential for adverse effects on the environment to occur as a result of expansion activities.	N/A
Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	The objective provides for the efficient use and development of physical resources, consistent with s7(b) of the RMA.	N/A
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – One of the potentially significant adverse effects associated with expansion of the Port of Tauranga is effects on tangata whenua values.	N/A
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s12(1), s30(1)(d)(i), (v) and (vi) and s30(1)(gb) RMA.	N/A

Gives effect to the RPS and/or the NZCPS?	Yes – gives effect to Proposed RPS Policy 13B and NZCPS Policy 9.	No.
Usefulness		
Will effectively guide decision-making?	Yes – the objective directs that whilst expansion of the Port of Tauranga is desirable, any expansion needs to be in appropriate locations and potential adverse effects need to be appropriately managed.	N/A
Meets sound principles for writing objectives?	Yes – the objective is specific to the Port of Tauranga and its planned expansion.	N/A
Consistent with other relevant Objectives?	Yes – the objective is consistent with Objective 48.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	No – the Port of Tauranga has been in operation at its current location for decades; its continued and enhanced operation (rather than relocation elsewhere) is an efficient use of resources.	
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	The objective can be achieved via the resource consent process and use of an appropriate regulatory framework (rules) for activities in the Port Zone.	
Overall assessment	An appropriate objective to include in the RCEP as it provides clear guidance for managing Port activities.	The absence of a specific objective is not consistent with the NZCPS.

20.3 Policies, Methods and Rules to achieve Objectives 48 and 49

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies PZ 1-PZ 11. Rules PZ 1-12. Schedule 9.	Policies 13.2.3(b), 13.2.3(c), 14.2.3(k), 14.2.3(l), 14.2.3(r), 15.2.3(c), 20.2.4(b). Rules 9.2.4(g), 9.2.4(h), 13.2.4(o)i), 13.2.4(o)ii), 13.2.4(p)i), 13.2.4(p)ii), 13.2.4(q). 14.2.4(t), 14.2.4(u), 14.2.4(v), 14.2.4(w), 14.2.4(x). 14.2.4(y), 15.2.4(e), 20.2.4(b). Eighth Schedule - Outline Development Plan Port of Tauranga 1994-2004.

20.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Coastal ecosystems and biodiversity.	Effects on coastal ecosystems and biodiversity are included as matter of control or discretion for dredging and deposition activities in the Port Zone requiring resource consent.	As per Option 1.
Water quality or quantity.	The policies and rules contained in the Coastal Discharges section apply within the Port Zone, and are discussed in that section of this report. For other activities in the Port Zone requiring resource consent, effects on coastal water quality are retained as matter of control or discretion.	As per Option 1.
Natural character and outstanding landscape features.	The modified nature of the Port Zone means that the natural character values are reduced. However, parts of the Port Zone and areas used for Port activities are intersected by Outstanding Natural Feature and Landscapes. These overlays have been retained where they intersect the Port Zone to ensure that consideration is given to these values during consent processes.	As per Option 1.
Biosecurity.	The release and/or spread of harmful aquatic organisms is included as matter of control or discretion for dredging activities in the Port Zone requiring resource consent (refer to Rules PZ 5 and PZ 8). Vessels visiting the Port are also controlled through the Maritime Transport Act.	No benefits identified – biosecurity considerations are not retained as a matter of discretion for existing maintenance dredging rule 14.2.4(v).
Natural hazards.	The Coastal Hazard policies apply to the Port Zone – and are discussed in that section of this report.	As per Option 1.

Risk of hazardous substances and contaminated sites.	Permitted Rule PZ 2 – Maintenance, minor alteration, repair or reconstruction of lawful structures and erection of new buildings and ancillary services - includes conditions (e) and (f) specific to the management of hazard substances. The management of hazardous substances is listed as a matter for discretion under Restricted Discretionary Rule PZ 6 – Other buildings and structures in the Port Zone.	No benefits identified – management of hazardous substances is not identified as a matter of discretion in existing rule 13.2.4(o)(i).
Historic sites.	No historic sites have been identified within the coastal marine area of the Port Zone; however the controlled and restricted discretionary rules include site specific historical values as a matter for control/discretion.	As per Option 1.
Economic Benefits		
Opportunities for employment and economic growth.	Inclusion of the Port Zone and associated rules and policies is intended to specifically provide for the Port to continue its existing operations and be able to incrementally increase shipping capacity as outlined in Schedule 9. The policy framework recognises the importance of the Port to the regional and national economy. Policy PZ 2 specifically recognises that developing shipping capacity is important to maintain the Port's operational efficiency and ability to be competitive. This is consistent with the findings of the UNISA report ⁹ that found that the Upper North Island port network has the capacity to meet the projected freight task, provided that efficiency gains, incremental investments in infrastructure and the uptake of already consented works are undertaken in a planned and timely manner. The latest independent valuation on the shipping channels was performed by OPUS in 2012 and was \$117,490,000. This value does not include any of the planned future dredging works.	The existing RCEP does contain a Port Zone; however the policy direction does not specifically provide for the development of shipping capacity.

⁹ PricewaterhouseCoopers A technical study of the supply and demand for ports and port-related infrastructure in the Upper North Island 27 November 2012.

Reduced compliance costs (to resource users).	<p>Option 1 is consistent with the Tauranga City Plan provisions relating to the Port (particularly relevant to rules relating to noise and cranes), thereby reducing compliance costs.</p> <p>Option 1 provides for more minor activities to be undertaken as permitted activities compared to Option 2. This means that the Port will be required to seek fewer resource consents, thereby reducing the costs associated with preparing applications, processing fees and compliance monitoring charges.</p> <p>Controlled activity status has been applied to maintenance dredging. This reflects the fact that maintenance dredging is required to maintain previously established channels and berthing areas and is essential to the ongoing operation of the Port.</p> <p>Option 1 combines the Port specific policies and rules within one chapter, which means it is easier to locate the relevant provisions.</p>	No reduced compliance costs compared to the status quo.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No savings identified.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	New structures, dredging and reclamation in the area immediately adjacent to the Otumoetai Channel have been given full discretionary status (rather than restricted discretionary). This means that any potential effects on other users of the harbour can be considered and affected party approval sought or an application public notified if warranted.	As per Option 1.
Noise.	Policy PZ 8 and Rule PZ 1 ensure that noise generated within the Port Zone will be managed to appropriate standards that are consistent with those included in the Tauranga City Plan and the current NZ Standard for Port Noise Management.	Noise is controlled by use of noise control boundaries; however the provisions are not as efficient as Option 1 as they are inconsistent with the Tauranga City Plan and current best practice for managing Port noise.
Navigation.	The provisions provide for safe navigation of commercial shipping vessels.	As per Option 1.

Cultural Benefits		
Mauri of coastal waters.	No direct benefits identified.	As per Option 1.
Cultural well-being of people and communities.	No direct benefits identified.	As per Option 1.
Ability to meet Principles of Treaty of Waitangi.	No direct benefits identified.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	The controlled and restricted discretionary rules specifically refer to the following as parties that can be included in limited notification of consent applications: iwi and hapū with a statutory acknowledgement over an affected area; an affected protected customary rights group; and an affected customary marine title group.	Not as efficient as Option 1 as the existing restricted discretionary rules do not refer to the recognitions available under Treaty of Waitangi Settlements and the Marine and Coastal Area Act.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Policy PZ 9 specifically directs that consultation and engagement with iwi and hapū groups that have a recognised relationship with Te Awanui shall be undertaken during the development of any proposal that involve capital works (expansion of the port and its operations). This policy is intended to provide clear direction to the Port of Tauranga that early consultation and engagement is required. The policy recognises the shortcomings with regard to early and meaningful consultation that were identified by the Environment Court in its 2011 decision with respect to the resource consent application for expansion of existing shipping channels [NZEnv 402].	Not as efficient as Option 1 as no specific direction provided regarding consultation and engagement.
Costs		
Environmental Costs		
Coastal ecosystems and biodiversity.	The area around Mauāo has biodiversity values related to the rocky reef ecosystem (of which the sandy areas are an integral part). Dredging and the deposition of dredge material may have adverse effects on these values.	As per Option 1.
Quality and functioning of the coastal environment.	Activities associated with the operation and expansion of the Port of Tauranga have the potential to affect the quality and functioning of Tauranga Harbour.	As per Option 1.

Water quality or quantity.	Dredging and activities associated with the construction of new wharves, berths and reclamations can have an adverse impact on water quality.	As per Option 1.
Natural character and outstanding landscape features.	The Port Zone is located in the Tauranga Harbour Outstanding Natural Feature and Landscape (ONFL). Some of the most highly modified areas have been removed from the ONFL (such as the Tauranga Bridge marina); however technical advice from landscape architects does not support the removal of all the Port Zone from the Tauranga Harbour ONFL. Further development within the Port Zone has the potential to adversely affect the values of the Tauranga Harbour ONFL; however, given that the ONFL status has been confirmed including the current Port and shipping activities it is unlikely that such effects will be significant.	As per Option 1.
Biosecurity.	The disposal of organic material from dredging has the potential to cause the release and/or spread of harmful aquatic organisms.	As per Option 1.
Natural hazards.	The Coastal Hazard policies apply to the Port Zone – these are discussed in that section of this report.	As per Option 1.
Risk of hazardous substances and contaminated sites.	No costs identified.	Management of hazardous substances is not identified as a matter of discretion in existing rule 13.2.4(o)(i).
Historic sites.	No costs identified.	As per Option 1.
Economic Costs		
Opportunities for employment and economic growth reduced.	No costs identified.	
Compliance costs (to resource users).	No additional compliance costs identified.	Minor activities require resource consent under the existing RCEP, which increases compliance costs unnecessarily. The current RCEP is inconsistent with the recent changes made to the Tauranga City Plan with regard to noise and cranes.

Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	No costs additional to those already incurred as a result of consent processing, compliance monitoring and enforcement activities.	As per Option 1.
Social Costs		
Recreational use of the coastal environment and resources.	Recreational users of Tauranga Harbour have expressed concern about the potential effects of new capital dredging in Otumoetai Channel (at the northern end of Sulphur Point) on the use and activities of Sulphur Point Marina and the Yacht Club.	As per Option 1.
Public access to and along the coastal marine areas.	Public access to and along the coastal marine area is restricted in the location where the Port of Tauranga Ltd holds a section 384A occupation permit. This is necessary to protect public health and safety.	As per Option 1.
Noise.	Activities in the Port Zone have the potential to generate significantly more noise than experienced in other areas of Tauranga Harbour.	As per Option 1.
Navigation.	No costs identified.	No costs identified.
Cultural Costs		
Mauri of coastal waters.	Activities associated with the operation and the expansion of the Port of the Tauranga have the potential to affect the mauri of coastal waters.	As per Option 1.
Legislative requirements (e.g. MACA, Treaty settlements).	A Treaty Of Waitangi settlement is pending for the Tauranga Moana Iwi, which will create a co-governance body for Te Awanui. Changes may be required to the RCEP at a later date to reflect the outcomes of the settlement and work undertaken by the co-governance group.	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; kaitiakitanga.	Tangata whenua have a strong and established relationship with Mauāo, Panepane Point and Te Awanui (Tauranga Harbour). There are also mahinga kai (including shellfish beds) in and around the Port Zone. Mauāo in particular is of cultural and ritual significance from the ocean floor to its peak.	As per Option 1.

	The ongoing presence of the Port and its operations has an adverse effect on this relationship. Further expansion has the potential to have increasing cumulative adverse effects.	
Overall assessment	<i>High.</i>	<i>Medium.</i>

20.3.2 Effectiveness

Effectiveness	Option 1	Option 2
<i>Relevance and transparency</i>		
Directed towards achieving objectives 48 and 49.	Yes.	Directed toward achieving Objective 48, but not Objective 49 (which relates to future expansion and operational needs).
Will clearly achieve, or partly achieve the objective.	Will clearly achieve the objectives.	Will partly achieve the objectives.
<i>Usefulness</i>		
Will effectively guide decision-making?	Yes – provides clear direction to decision-makers (in conjunction with the other relevant policies) and to the Port of Tauranga as a consent applicant.	To a lesser extent than Option 1 as lacks policy direction on the importance of the continued operation and incremental expansion of the Port of Tauranga to the regional and national economy.
Meets sound principles for writing policies and rules?	Yes.	The number of rules included in the existing RCEP in relation to the Port Zone is unnecessarily complicated.
Assumptions made.	The Port of Tauranga is part of an efficient network of safe ports. Relocating the Port is not a realistic alternative. Incremental expansion of the Port of Tauranga is necessary to meet future international shipping requirements and ensure the long-term efficient operation of the Port.	
Risk involved.	Low.	Low.

Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes.	Yes.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Low.	Low.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes – cross references to relevant policy in the Iwi Resource Management section of the RCEP.	Not specifically.
Overall assessment	<i>High.</i>	<i>Medium.</i>

20.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No – there is a considerable amount of information available on the value of the Port of Tauranga, its development plans and the potential adverse effects of operations and expansion on the coastal environment.	
Is the topic of high significance or complexity?	Yes - the Port of Tauranga is of significant importance to the regional economy and also contributes to the national economy. The Port Zone is located in close proximity to areas of known cultural significance.	
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The RMA restricts the erection, reconstruction, placement, alteration, extension, removal or demolition of structures; dredging and deposition of material; and reclamation in the coastal marine area (i.e. a consent is required unless permitted by a rule in a regional coastal plan). The risk of not acting on Port related activities in the CMA (no policy or rules in the RCEP) is therefore low. However, it is significantly more efficient to include policy and rules in the RCEP to provide clear guidance for decision making on resource consents and provide for minor activities as permitted, subject to conditions. It is also necessary to have policies and rules in the RCEP to give effect to relevant provisions of the RPS and NZCPS.	

20.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.

20.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	High.	High.	Yes.	Option 1 gives effect to the Policy 9 of the NZCPS and Policy CE 13B of the Proposed RPS, and gives clear direction to decision-makers. Placing the Port related policies and rules within one section of the RCEP is a more efficient layout. Option 1 is also consistent with Port related provisions in the Tauranga City Plan, providing for integrated management of the Port.
Option 2.	Medium.	Medium.	No.	

20.3.6 Other policy options considered

Option	Reason(s) why option rejected
Remove the Port Zone.	The inclusion of the Port Zone provides certainty to the Port of Tauranga and the community, and reflects the highly modified nature of the area. Removal of the Port Zone would be inefficient and would not give full effect to NZCPS Policy 9(b), which requires plans to consider where, how and when to provide for the efficient and safe operation of ports and the development of their capacity for shipping.
Remove any overlays that intersect the Port Zone.	This would not give effect to the NZCPS provisions that relate to indigenous biodiversity and landscape features, and would be inconsistent with Part 2 of the RMA which requires consideration of adverse effects.
Replicate the provisions in the Waikato Regional Coastal Plan.	The Waikato Regional Coastal Plan is of a similar age to the Bay of Plenty RCEP and does not contain a Port Zone or port related provisions.
Replicate the provisions in the Gisborne Regional Coastal Plan.	Port Gisborne is not directly comparable to the Port of Tauranga in terms of its location, size and shipping volumes. In addition, Gisborne District has a distinct coastal environment from social, cultural, environmental (e.g. geological) and economic perspectives. Therefore it is not efficient or effective to replicate policy that is not appropriate to the Bay of Plenty.

20.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy PZ 1: Recognise that the Port of Tauranga is pivotal to the regional economy and a significant component of the national economy, and that its continued operation is of national significance.	The policy addresses Issue 49 and reflects that the Port of Tauranga is identified as regionally significant infrastructure in the Proposed RPS.
Policy PZ 2: Recognise that provision for the development of additional shipping capacity, including capital dredging, in appropriate locations is important to the continued efficient operation of the Port of Tauranga.	Policy PZ 2 addresses the likely changes to the type of vessels used by international shipping companies in the short mid-term, and recognises the shifting nature of the sand banks within the harbour.
Policy PZ 3: Recognise that the structures, and capital dredging identified in Schedule 9 – Outline Development Plan Port of Tauranga, are appropriate within the Port Zone, subject to appropriate management of adverse effects.	Replaces existing policies 13.2.3(b) and 14.2.3(l). Policy PZ 3 provides certainty to the Port and the community regarding further Port development, whilst recognising that adverse effects require management.
Policy PZ 4: Recognise that maintenance dredging within the Port Zone is necessary for the continued operation of the Port, and is appropriate where it is to provide for the purpose of the Port Zone as described in Policy PZ 5.	Replaces existing policy 14.2.3(o) with relation to the Port Zone. Policy PZ 4 confirms that maintenance dredging is a necessary activity to maintain the Port's operations.
Policy PZ 5: Provide for activities that are consistent with the purpose of the Port Zone, which is to: (a) Enable efficient use of existing port area, so that the regional community may meet its social and economic needs; (b) Concentrate major new structural development in an area already modified, so that development is guided away from other coastal areas of higher natural character, recreational value, and cultural value; and (c) Minimise potential conflict between port activities and other activities. Activities that will significantly conflict with the achievement of the purpose or compromise Port operations should be avoided.	Replaces the existing purpose of the Port Zone and existing policy 13.2.3(c). The purpose has been included within the policies to provide stronger direction to decision making. The words 'or compromise Port operations' have been added to give effect to Policy CE 13B(d) of the Proposed RPS. This policy also gives effect to s30(1)(gb) of the RMA.
Policy PZ 6: Take into account the potential benefits of using sand from dredging for the purpose of beach replenishment. Drawing No 324-75 of Schedule 9 – Outline Development Plan Port of Tauranga, identifies appropriate beach replenishment sites for sand dredgings from the Port of Tauranga, but other areas may also be appropriate for beach replenishment.	Replaces existing policy 14.2.3(k) and provides clear direction that beach replenishment is important to people's enjoyment of the open coast and to natural hazards management.
Policy PZ 7: New deposition sites in the coastal marine area (additional to those in Schedule 9 – Outline Development Plan Port of Tauranga) shall meet the requirements of Policy DD 12 of Section 2.1 – Disturbance, Deposition and Extraction.	Replaces existing policy 14.2.3(r). It is appropriate to refer to a more 'generic' policy for selection of new deposition sites as these could be located outside the Port Zone and the same considerations are relevant as to any other.

<p>Policy PZ 8: Manage noise from the Port of Tauranga using the Port Zone noise control boundary and appropriate standards.</p>	<p>Replaces the part of existing policy 20.2.3(b) which is relevant to the Port Zone. The words 'and appropriate standards' have been added to reflect the existence of NZ Standard for Port Noise Management.</p>
<p>Policy PZ 9: Consultation and engagement with iwi and hapū groups that have a recognised relationship with Tauranga Harbour (Te Awanui) shall be undertaken during development of any proposals that involve capital works, other than minor structures as shown on Drawing 270-33-1 in Schedule 9.</p>	<p>The words consultation and engagement are used to emphasise that the consultation process should be active. Consultation during development of a proposal is required, recognising that to be meaningful, consultation should be undertaken before a proposal has been finalised.</p> <p>The relationship of iwi and hapū groups with Tauranga Harbour has been recognised through Treaty of Waitangi findings, lodgement of the Te Awanui Iwi Management Plan with the Regional Council, through findings of the Environment Court and in the pending Tauranga Moana Treaty settlement.</p>
<p>Policy PZ 10: Recognise that reclamation identified in Schedule 9 – Outline Development Plan Port of Tauranga is appropriate in terms of Policy PZ 11 of this Plan and Policy 10 of the New Zealand Coastal Policy Statement, provided that any adverse effects are appropriately managed, including by use of off-site mitigation.</p>	<p>Replaces existing policy 15.2.3(c).</p> <p>Policy PZ 10 recognises that reclamation within the Port Zone for Port related activities is appropriate in terms of NZCPS Policy 10, and in particular clause (3). Off-site mitigation is referred to in the policy to recognise that often an adverse effect associated with reclamation is not practical to avoid, remedy or mitigate within the area directly affected by the activity. Depending on the significance of the effect, off-site mitigation may be appropriate.</p>
<p>Policy PZ 11: The consent authority will have particular regard to the following matters when considering the form and design of reclamations in the Port Zone:</p> <ul style="list-style-type: none"> (a) The potential effects on the site of climate change, including sea level rise, over no less than 100 years; (b) The shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast; (c) The use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area; (d) The ability to remedy, mitigate or off-set significant adverse effects on the coastal environment; (e) Whether the proposed activity will affect sites of significance to tāngata whenua; and (f) The ability to avoid consequential erosion and accretion, and other natural hazards. 	<p>Policy PZ 11 includes those aspects of NZCPS Policy 10(2) that are relevant to reclamation in the Port Zone.</p>

<p>Rule PZ 1: Permitted – Noise from activities in the Port Zone.</p> <p>The emission of noise from activities in the coastal marine area of the Port Zone is a permitted activity, subject to the noise not exceeding the following conditions:</p> <ul style="list-style-type: none"> (a) The long-term average sound level (Ldn) from all activities within the Port Zone shall not exceed 55 dBA at any point outside the 55 dBA noise control boundary (shown on Map Sheet 11c) nor 65 dBA at any point outside the 65 dBA noise control boundary; (b) No single 15-minute sound measurement level shall exceed 65 dBA Leq between 2200 and 0700 at any point outside the 65 dBA noise control boundary; (c) The night-time maximum sound level (Lmax) shall not exceed 85 dBA at any point outside of the 65 dBA noise control boundary; (d) Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Sound and assessed in accordance with NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning. 	<p>Replaces existing Rule 20.2.4(b).</p> <p>Conditions have been updated to be consistent with those included in the Tauranga City Plan for the landward component of the Port of Tauranga.</p>
<p>Rule PZ 2: Permitted – Maintenance, minor alteration, repair or reconstruction of any lawful structure and erection of new buildings and ancillary services:</p> <ul style="list-style-type: none"> (a) The maintenance, minor alteration, repair, removal or reconstruction of any existing lawful structure within the Port Zone, excluding electricity transmission lines; or (b) The reconstruction of existing wharf structures incorporating enhancements to accommodate modern shipping needs, provided that the overall structural form of the wharf is not significantly altered from the original and adds no more than 10% to the horizontal or vertical cross-sectional area of the wharf structure; or (c) Erection or placement or removal of any building on existing wharf structures for port activities; or (d) Erection or placement of structures and services ancillary to lawfully existing structures, buildings and port activities. <p>is a permitted activity, subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The purpose of any additions or alterations must be for Port related activities or municipal infrastructure; (b) The maximum height of any permanent building or structure shall not exceed 25 metres; (c) The permitted noise requirements of Rule PZ 1 are met; 	<p>Replaces existing Rule 13.2.4(f) as it applied within the Port Zone.</p> <ul style="list-style-type: none"> (a) Electricity transmission lines are excluded as these are covered by the NESTA. (b) Reconstruction that provides for some overall extension of the existing wharf structure is included as this will have a minor effect on the environment. 10% is a threshold used in other Regional Council Coastal Plans with regard to permitted activities within highly modified environments. <p>Buildings on top of existing structures and ancillary services and structures are specifically included, as these are unlikely to have more than minor adverse effects, and are still required to meet the Building Act requirements. A definition of 'Port activities' is included in the Proposed RCEP.</p> <p>Explanation of conditions:</p> <ul style="list-style-type: none"> (a) Limits additions or alterations to those required for Port operations or municipal infrastructure (b) Consistent with Tauranga City Plan permitted height restrictions for the adjoining land. (c) Sets out appropriate noise controls.

<p>(d) All requirements of the Civil Aviation Authority, including approval under Rule 77 of the Civil Aviation Rules, and requirements of the Tauranga Airport are met;</p> <p>(e) Adequate provision shall be made for the collection of hazardous substances in sumps or bunded areas, in the design of all new buildings, structures or areas used for the storage or handling of hazardous substances, so as to provide protection in the event of leakage or spillage. Such protection facilities shall be designed, constructed and maintained to have adequate capacity, enable detection of leakage or spillage and prevent discharge to stormwater systems or to the coastal marine area;</p> <p>(f) Pipework shall be designed, constructed, operated and maintained so as to minimise the risk of discharge of hazardous substances to the coastal marine area. Regular inspection, testing and maintenance, shall be undertaken to ensure pipework is free of defects which may cause leakage or spillage, as required under the Hazardous Substances and New Organisms Act; and</p> <p>(g) All exterior lighting associated with the activity shall be managed so as to avoid the spill of light or glare that might be:</p> <ul style="list-style-type: none"> (i) Detrimental to other users; or (ii) Detrimental to wildlife; or (iii) A hazard to traffic safety on streets outside the coastal marine area; or (iv) A hazard to navigation in the coastal marine area; <p>unless such lighting is necessary for reasons of public safety or operational safety.</p>	<p>(d) Ensures buildings/structures do not adversely affect Tauranga Airport operations.</p> <p>(e) and (f) Limit the risk of accidental discharge of hazardous substances to coastal waters.</p> <p>(g) Exterior lighting is required at the Port for operational safety; however, inappropriate lighting can have an adverse effect on neighbouring activities.</p>
<p>Rule PZ 3: Permitted – Maintenance of Berths</p> <p>The maintenance or repair of any existing berth that is required to maintain the required integrity of the berth and associated structure is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The purpose of the works must be for Port related activities; (b) Any materials deposited in the coastal marine as part of the repair or maintenance works shall be inert materials that are free from hazardous substances; (c) The permitted noise requirements of Rule PZ 1 are met; and (d) Any material removed from the seabed shall be deposited in an authorised deposition site in the coastal marine area or at an appropriate land-based facility. 	<p>Urgent maintenance of berths to repair scour holes created by vessels manoeuvring is a regular occurrence. These maintenance activities have minor adverse effects, and requiring a resource consent process is inefficient.</p>

<p>For the avoidance of doubt, this rule covers:</p> <ul style="list-style-type: none"> (i) Disturbance of the foreshore and seabed associated with the activity. (ii) Deposition of material in the coastal marine area associated with the activity. 	
<p>Rule PZ 4: Permitted – Wharf Cranes.</p> <p>The erection, reconstruction, placement, alteration or extension of any wharf crane on the existing Sulphur Point Wharf, a portion of the proposed Sulphur Point Extension South (being 286 metres south of the existing Sulphur Point Wharf), and the Mt Maunganui Wharves north of the southern end of Berth 11, is a permitted activity provided that:</p> <ul style="list-style-type: none"> (a) The crane or any alteration or extension to it does not exceed 100 metres (Moturiki datum) at any time; (b) All requirements of the Civil Aviation Authority, including approval under Rule 77 of the Civil Aviation Rules, and requirements of the Tauranga Airport are met; and (c) For any port cranes on the Sulphur Point Wharves in the area between 122 and 286 metres south of the existing Sulphur Point Wharves, it can be demonstrated that the navigational equipment at the Tauranga Airport has been upgraded sufficient to meet the requirements of the Civil Aviation Authority and the Tauranga Airport. <p>In this rule, ‘extension’ and ‘extended’ refer to the maximum vertical extension that can be achieved by any part of the crane.</p> <p>Note: The existing Sulphur Point Wharf is shown in the Outline Development Plan referred to as Drawing No. 270-27 Amendment C contained in Schedule 9 to this Plan. The existing southern end of Berth 11 of the Mount Wharf is shown in the Outline Development Plan referred to as Drawing No. 270-68 Amendment C contained in Schedule 9 to this Plan.</p>	<p>Replaces existing rule 13.2.4(p)(ii).</p> <p>Terms and conditions updated to be consistent with the requirements for adjoining land under the Tauranga City Plan.</p>

<p>Rule PZ 5: Controlled – Maintenance dredging activities.</p> <p>Any discharge and disturbance (including removal of sand, shingle, shell, or other natural material) of, the foreshore or seabed associated with maintenance dredging is a controlled activity.</p> <p>Bay of Plenty Regional Council has reserved its control over the following matters:</p> <ul style="list-style-type: none"> (a) The area, quantity, location and timing of disturbance and discharge. (b) Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline, including maintenance of beaches and related sediment transport processes. (c) Effects on fisheries, indigenous biodiversity and ecosystems. (d) The release and/or spread of harmful aquatic organisms. (e) Coastal water quality including the provisions of Chapter 9 – Coastal Discharges and the Thirteenth Schedule to this Plan. (f) Effects on other harbour users, navigation and public safety during dredging. (g) Site specific historical or cultural values. (h) The review of conditions and the timing and purpose of that review. (i) The amount and type of any financial contribution. (j) Compliance monitoring. <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to with the exception of:</p> <ul style="list-style-type: none"> (a) Any iwi or hapū with a statutory acknowledgement over the affected area; (b) An affected protected customary rights group; or (c) An affected customary marine title group. 	<p>Explanation for matters of control:</p> <ul style="list-style-type: none"> (a) Lists the main ways in which adverse effects can be avoided or mitigated. (b) Consistent with Policy DD 9(b). (c) Consistent with Policy DD 7. (d) Consistent with NZCPS Policy 12(2)(b). (e) Ensures appropriate consideration is given to effects on water quality. (f) Consistent with Policy DD 7(d). (g) Dredging can have adverse effects on historic heritage and cultural values. (h)- (j) Provide certainty on the nature of conditions that may be imposed.
<p>Rule PZ 6: Restricted Discretionary – Other buildings and structures in the Port Zone.</p> <p>With the exclusion of the Sulphur Point North End Berth shown on Map 270-27C contained in Schedule 9 to this Plan, the erection, reconstruction, placement, alteration, extension, removal or demolition of:</p> <ul style="list-style-type: none"> (a) Any structure or building (excluding cranes) within the area that the Port of Tauranga Limited has been granted a section 384A occupation permit that is not a permitted, or controlled activity is a restricted discretionary activity. 	<p>Replaces existing Rule 9.2.4(g) and 13.2.4(o)(i).</p> <p>The Sulphur Point North End Berth is excluded from this rule due to the potential for adverse effects on recreational users of Tauranga Harbour.</p> <p>The clauses aim to give certainty to the Port operators of matters that need to be considered by decision-makers.</p>

For the avoidance of doubt, this rule covers:

- (i) The erection or placement, alteration, extension or removal of structures.
- (ii) Occupation of space in the common marine and coastal area by the structure.
- (iii) Disturbance of the foreshore and seabed associated with the activity, including dredging required as part of the construction.
- (iv) Deposition of material in the coastal marine area associated with the activity.
- (v) Any discharge associated with the construction or removal activity.

Bay of Plenty Regional Council restricts its discretion to the following matters:

- (a) The compatibility of the structure and its intended use with the purpose of the Port Zone.
- (b) The finished visual appearance when viewed from a public place.
- (c) The effects of glare and lighting.
- (d) Structural integrity.
- (e) Effects on the hydrodynamic and geomorphic regime of the harbour.
- (f) Effects during construction on other harbour users, aviation, navigation and public safety.
- (g) Management of hazardous substances (for buildings, structures or areas used for the storage or handling of hazardous substances).
- (h) The review of conditions and the timing and purpose of that review.
- (i) The amount and type of any financial contribution.
- (j) Compliance monitoring.
- (k) The quantity, location and timing of discharge.
- (l) Coastal water quality including the provisions of Chapter 9 – Coastal Discharges and Schedule 10 to this Plan.
- (m) The area, quantity, location and timing of any disturbance or deposition.
- (n) The materials deposited.
- (o) Site specific historical or cultural values.

Applications for activities under this rule shall be considered without public notification or served on affected persons, with the exception of the Tauranga Airport Authority.

<p>Rule PZ 7: Restricted Discretionary – Cranes exceeding the permitted height or location.</p> <p>The erection, reconstruction, placement, alteration or extension of any wharf crane that exceeds the permitted height or location in Rule PZ 4 is a restricted discretionary activity.</p> <p>Bay of Plenty Regional Council restricts its discretion to the following matters:</p> <p>(a) The impact on the airport height restrictions identified in map sheets 9c, 10c, 11c, 12c, 13c, 14c, and 15c.</p> <p>(b) The safe operation of Tauranga City Airport.</p> <p>Applications for activities under this rule shall be considered without public notification or served on affected persons, with the exception of the Tauranga Airport Authority.</p>	<p>Replaces existing Rule 13.2.4(p)(i).</p>
<p>Rule PZ 8: Restricted Discretionary – Specified dredging activities.</p> <p>Any discharge and disturbance (including removal of sand, shingle, shell, or other natural material) of, the foreshore or seabed for the following activities as shown on Plan 270-67 in Schedule 9 to this Plan:</p> <p>(a) Construction of the Sulphur Point North End Berth and Shipping Channel;</p> <p>(b) Construction of the Sulphur Point Wharf Extension South Sitting Basin and Shipping Channel;</p> <p>(c) Deepening of the Sulphur Point Town Reach;</p> <p>(d) The Mount Maunganui Wharfs Future Berth Deepening as shown on Plan 270-25B;</p> <p>(e) Deeping of the existing entrance passing lane; and</p> <p>is a restricted discretionary activity.</p> <p>The Regional Council restricts its discretion to the following matters:</p> <p>(a) The area, quantity, location and timing of disturbance and discharge.</p> <p>(b) Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline.</p> <p>(c) Effects on marine life and ecosystems.</p> <p>(d) The release and/or spread of harmful aquatic organisms.</p> <p>(e) Coastal water quality including the provisions of Chapter 9 – Coastal Discharges and Schedule 13 of this Plan.</p> <p>(f) Effects on other harbour users, navigation and public safety during construction.</p> <p>(g) Site specific historical or cultural values.</p>	<p>Replaces existing Rule 14.2.4(v).</p>

<p>(h) The review of conditions and the timing and purpose of that review.</p> <p>(i) The amount and type of any financial contribution.</p> <p>(j) Compliance monitoring.</p> <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to affected persons, with the exception of:</p> <p>(a) Any iwi or hapū with a statutory acknowledgement over the affected area;</p> <p>(b) Any affected protected customary rights group if the activity is in a relevant protected customary rights area; or</p> <p>(c) An affected customary marine title group if the activity is in a customary marine title area relevant to that group.</p>	
<p>Rule PZ 9: Restricted Discretionary – specified reclamations.</p> <p>The discharge, reclamation and deposition onto the foreshore or seabed for the following reclamations shown in Schedule 9 to this Plan:</p> <p>(a) Construction of the Sulphur Point Wharf Extension South to accommodate the future wharf extension shown on drawing 270-27 in Schedule 9 to this Plan; and</p> <p>(b) Construction of the Mt Maunganui Wharf Extension South to accommodate the future wharf extensions shown on drawing 270-68 in Schedule 9 to this Plan.</p> <p>is a restricted discretionary activity.</p> <p>Bay of Plenty Regional Council restricts its discretion to the following matters:</p> <p>(a) The matters listed in Policy PZ 11.</p> <p>(b) The material, quantity, area, location and timing of deposition, reclamation and discharge.</p> <p>(c) Effects on the hydrodynamic and geomorphic regime of the harbour.</p> <p>(d) Coastal water quality including the provisions of Chapter 9 – Coastal Discharges and the Thirteenth Schedule to this Plan.</p> <p>(e) Effects on other harbour users, navigation and public safety during construction.</p> <p>(f) Site specific historical or cultural values.</p> <p>(g) The review of conditions and the timing and purpose of that review.</p> <p>(h) The amount and type of any financial contribution.</p> <p>(i) Compliance monitoring.</p>	<p>Replaces existing Rule 9.2.4(h) and 15.2.4(e).</p>

<p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist. Limited notification will not be given to affected persons, with the exception of:</p> <p>(a) Any iwi or hapū with a statutory acknowledgement over the affected area;</p> <p>(b) Any affected protected customary rights group if the activity is in a relevant protected customary rights area; or</p> <p>An affected customary marine title group if the activity is in a customary marine title area relevant to that group.</p>	
<p>Rule PZ 10: Discretionary – Activities in the Port Zone</p> <p>Any activity in the Port Zone, which is not provided for as a permitted, controlled, restricted discretionary or prohibited activity, is a discretionary activity.</p> <p>Advisory Note:</p> <ol style="list-style-type: none"> 1 An application to construct the new Otumoetai Shipping Channel, shown on Maps 270-65 and 270-67, will be considered as a discretionary activity under this rule. 2 Deposition of dredge material into the coastal marine area from any ship, aircraft, or offshore installation is deemed to be a discretionary activity under Regulation 14 of the Resource Management (Marine Pollution) Regulations. 	<p>Replaces existing rules 13.2.4(q), 14.2.4(x) and 14.2.4(y).</p> <p>Legal advice states that departure from the discretionary activity status deemed under Regulation 14 of the Resource Management (Marine Pollution) Regulations is not possible.</p>

21 Noise

21.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Adverse effects of development in CMA: Issue 33.	Objective 38.	NS 1.	NS 1(e).	-	-
		NS 2.	NS 1, NS 2.	-	-
		NS 3.	NS 1, NS 3, NS 4.	-	-
		NS 4.	NS 4.	-	-

Note – policies, rules and methods for managing noise in the Port Zone (Port of Tauranga) are contained in that section of the RCEP.

21.2 Evaluation of Objective 38

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan Provision(s)	Objective 38.	Retain current objective 20.2.2 – to avoid, remedy or mitigate adverse effects of noise in the CMA.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	It addresses major aspects of Issue 33, in particular that the use and development of the CMA can have adverse effects on the environment. This includes the generation of noise from use and development activities. It recognises that noise is a consequence of use and development activities, and that it is unreasonable noise that causes adverse effects.	As per Option 1.

Will achieve one or more aspects of the purpose and principles of the RMA (Part 2).	Yes – It recognises that the effects of noise can't be remedied, and may be difficult to mitigate. It is more appropriate to avoid in the first place. It manages the protection of natural resources in a way that achieves the purpose of the RMA.	Partly.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Although noise is not specifically mentioned in those sections of the RMA, noise does affect s6(e) matters.	As per Option 1.
Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – s30(d)(vi) RMA.	As per Option 1.
Gives effect to the RPS and/or the NZCPS?	The objective is not inconsistent with the RPS and NZCPS.	The objective is not inconsistent with the RPS and NZCPS.
Usefulness		
Will effectively guide decision-making?	The objective gives clear direction on how to manage noise in the coastal environment at a regional level. Achieving the objective can be achieved through permitted activity rules, and resource consent processes.	No - The current objective does not recognise that the effects of noise can't be remedied. It is more appropriate to avoid in the first place.
Meets sound principles for writing objectives?	Yes.	No – repeats the RMA and does not add value to the RCEP.
Consistent with other relevant Objectives?	Yes.	No.
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	Yes.
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	No – outcome not clearly stated.
Overall assessment	The most appropriate objective to include in the RCEP.	Does not meet currently planning practices.

21.3 Policies, Methods and Rules to achieve Objective 38

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policy NS 1, 2, 3, 4. Rules NS 1, 2, 3, 4.	Policies 20.2.3(a) and (b). Rules 20.2.4(a) and (b).

21.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Quality and functioning of the coastal environment.	Protects areas with high natural character, bird habitat and amenity values from the adverse effects of noise. Ensures that noise is appropriately managed when considering resource consents for activities in the CMA.	As per Option 1.
Economic Benefits		
Opportunities for employment and economic growth.	The provisions do not specifically provide for or restrict opportunities for employment or economic growth.	As per Option 1.
Social Benefits		
Noise; Recreational use of the coastal environment and resources.	<ul style="list-style-type: none"> Provides certainty about where noisy recreational vehicles may operate. Restricts noisy recreational vehicles to specified areas (ski lanes), so avoiding unreasonable noise in other areas. Protects areas with high amenity values from the adverse effects of noise – benefits the wider community and residents in those areas. 	<ul style="list-style-type: none"> Provides certainty about where noisy recreational vehicles may operate. Restricts noisy recreational vehicles to specified areas (ski lanes), so avoiding unreasonable noise in other areas. Protects areas with high amenity values from the adverse effects of noise – benefits the wider community and residents in those areas.

	<ul style="list-style-type: none"> • May have a beneficial effect on property values in specified areas. • Provides certainty about how noise will be managed in the CMA for activities that otherwise require resource consent. • Requires noise in the CMA to be managed, where the noise can't comply with the set limits or can't be limited to a reasonable level. 	<ul style="list-style-type: none"> • May have a beneficial effect on property values in specified areas.
Cultural Benefits		
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning noise in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; kaitiakitanga.	Provides certainty about where noisy recreational vehicles may operate. Restricts noisy recreational vehicles to specified areas (ski lanes), so avoiding unreasonable noise in other areas.	As per Option 1.
Costs		
Environmental Costs		
Quality and functioning of the coastal environment.	Concentrates noisy recreational activities in specific areas – possibly increasing adverse noise effects in those areas.	As per Option 1.
Economic Costs		
Opportunities for employment reduced.	Limits noisy recreational vehicles to specified areas (ski lanes). This may restrict some tourism activities.	As per Option 1.
Opportunities for economic growth reduced.	Will restrict some use and development activities (including recreation) occurring in specified areas.	As per Option 1.
Compliance costs (to resource users).	No additional costs relative to the requirements of other rules in this plan.	As per Option 1.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.

Social Costs		
Noise; recreational use of the coastal environment and resources.	<p>Concentrates the effects of noisy recreational vehicles into specified areas (ski lanes).</p> <ul style="list-style-type: none"> • Will restrict some recreational use activities occurring in the specified areas. • Effects of noise on users of the CMA and adjacent landowners may not be fully avoided. • May provide for unreasonable levels of noise from some activities, subject to consent conditions. 	As per Option 1.
Cultural Costs		
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning noise in the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; kaitiakitanga.	Concentrates the effects of noisy recreational vehicles into specified areas (ski lanes) which can be adjacent to waahi tapu and other sites.	As per Option 1.
Overall assessment	<i>Medium.</i>	<i>Medium.</i>

21.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	No.
Usefulness		
Will effectively guide decision-making?	Yes – the policies provide clear direction on where the generation of noise from recreational vehicles is acceptable; that areas with high natural character and amenity values (i.e Tauranga Harbour excluding the Port Zone, and Ōhiwa Harbour) will be protected from the adverse effects of noise; and how noise will be managed outside specified areas, and for activities that don't otherwise require resource consent.	Partly.

Meets sound principles for writing policies and rules?	Yes – the policies and rules are clear and certain.	No – the existing policy and rule structure is confusing and not formatted for readability.
Assumptions made.	No specific assumptions made.	As per Option 1.
Risk involved.	Low.	Low.
Achievability		
Within BOPRC's functions and powers.	Yes.	Yes.
Within the scope of BOPRC's available tools and resources.	Yes – regulatory rules are within the scope of BOPRC's tools. Also links effectively and efficiently to other relevant statutory mechanisms (Navigation Safety Bylaws).	Yes.
Rules can be complied with and enforced.	Yes.	Yes.
Degree of uncertainty in the ability to achieve.	Medium – some uncertainty around the implementation of best management practices for noise.	Medium – rules are not formatted correctly, which may lead to confusion. Reference to Section 16 RMA would lead to implementation issues as case law suggests specific rules are more appropriate for addressing adverse effects from activities.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Partly – remaining risks in ski lane and other designated recreational areas.	As per Option 1.
Overall assessment	<i>Medium-High.</i>	<i>Medium.</i>

21.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	No.	No.
Is the topic of high significance or complexity?	No.	No.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	There is a high risk that adverse noise effects would occur in areas of high natural character and amenity values where there are no rules to enforce restrictions.	As per Option 1.

21.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No.	No.
Are there any restrictions greater than required by a relevant NES?	N/A	N/A

21.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1.	Medium.	Medium-High.	Yes.	Provides a balance between allowing noisy activities, and protecting high value areas. Provides clarity on how noise will be managed in the CMA.
Option 2.	Medium.	Medium.	No.	-

21.3.6 Other policy options considered

Option	Reason(s) why option rejected
Do nothing – no objective, policies or methods on noise.	This option would rely on provisions of Resource Management Act 1991. In the absence of action by Council there is no guidance provided at a regional level about how noise in the CMA will be managed. That approach will not necessarily meet the requirements of the Resource Management Act 1991.
Broad policy around noise.	Not effective. Specific direction on resource management direction around noise is needed in the RCEP.

21.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy NS 1.	Policy NS 1 Provides clear direction for where the generation of noise from recreational vehicles is acceptable. The policy replaces 20.2.3(a) of the Operative RCEP with minor change to wording. The RCEP Review, April 2012, did not comment on the provisions, so these have been retained although restructured for readability.
Policy NS 2.	Policy NS 2 Provides clear direction that areas with high natural character and amenity values (i.e Tauranga Harbour excluding the Port Zone, and Ōhiwa Harbour) will be protected from the adverse effects of noise. Policy NS 2 The policy replaces the first sentence of 20.2.3(b) of the Operative RCEP. The April 2012 review does not comment on the policy, so it is retained. The original policy has been split to separate the types of areas being managed by different approaches.
Policy NS 3.	Policy NS 3 Provides clear direction on how noise will be managed outside specified areas, and for activities that don't otherwise require resource consent. Requires noise in the CMA is managed through best management practices as a minimum. A reference to section 16 RMA has been removed and replaced with 'best management practices' for clarification. Policy NS 3 - Use of 'best management practices' is preferable to reference to Section 16 RMA in order to provide certainty to plan users. The policy replaces the last sentence of 20.2.3(b) of the Operative RCEP. The April 2012 review does not comment on the policy, so it is largely retained. The original policy has been split to separate the types of areas being managed by different approaches.
Policy NS 4.	Policy NS 4 Provides clear direction that noise associated with activities that otherwise require resource consent will be managed through those consents. This is a new policy that has been added to provide a clear explanation of how noise in the CMA will be managed. It is necessary to complete the package with the other noise policies in the RCEP. New policy to clarify how noise will be managed in relation to activities also subject to other policies and rules in the RCEP.
Rule NS 1.	The rule replaces the exemptions on Rule 20.2.4(a) of the Operative RCEP, and includes these in a consistent rule structure to the rest of the plan. Rule NS 1 Provides for specified activities in the CMA, or specific parts of the CMA (e.g. ski lanes), where the activities are necessary for navigation, safety or emergency works, or where the activity is temporary.
Rule NS 2.	Rule NS 2 provides for activities in the Tauranga and Ōhiwa Harbours (excluding the Port Zone) that comply with appropriate noise standards to protect the natural character and amenity values of those areas. Replaces part of Rule 20.2.4(a) of the Operative RCEP relating to Tauranga and Ōhiwa Harbours. Has been separated to provide clarity and improve readability. Sound levels have been retained from the Operative RCEP.

Rule NS 3.	Rule NS 3 Provides for noise from activities in the CMA that is not otherwise covered by Rules NS 1 and 2, and where the activity does not otherwise require resource consent under another rule in the Plan. This is a new rule that has been added to provide a clear explanation of how noise in the CMA will be managed. It would not be efficient to require all activities in the CMA to have consent for noise emission. Activities of concern will be addressed through consents under Rule NS 4 and other rules in the Plan.
Rule NS 4.	Rule NS 4 provides for the management of noise in the CMA that is not otherwise permitted by a rule in the Plan. The rule covers noise from activities, where the noise does not comply with Rule NS 1, NS 2 or NS3. The rule replaces the 'catch-all' component of Rule 20.2.4(a) of the Operative RCEP. The April 2012 review does not comment on the rule. The rule has been restructured for readability and consistency with other rules. No change to activity status from the Operative RCEP.

22 Geothermal Resources

22.1 Summary of relationship between issues, objectives, policies, rules and methods

Issue(s)	Objective(s)	Policy	Rule (or specific rule condition where relevant)	Method	Schedules
Protection of geothermal resources: Issues 31, 32.	Objective 39.	GR 1.	GR2.	-	-
		GR 2.	GR1, GR 3.	-	-
		GR 3.	GR 3.	-	-
		GR 4.	GR 3.	-	-

22.2 Evaluation of Objective 39

	Option 1 (selected option)	Option 2 Status Quo (existing Objective in RCEP)
Plan provision(s)	Objective 39.	There are currently no provisions to manage geothermal resources in the Operative RCEP. This alternative would, in effect, rely on provisions in the Regional Policy Statement to manage geothermal resources in the CMA.
Relevance		
Directly related to a resource management issue that must be resolved to promote the purpose of the RMA.	Yes – It addresses major aspects of Issues 28 and 29, in particular the lack of information about geothermal resources in the CMA, and the potential for such resources to be degraded by inappropriate use.	No.
Will achieve 1 or more aspects of the purpose and principles of the RMA (Part 2).	Yes – the Objective manages the protection of natural resources in a way that achieves the purpose of the RMA.	No.
Relevant to Māori environmental issues? (s6(e), 6(g), 7(a) and 8 RMA).	Yes – particularly section 6(e) RMA.	No.

Relevant to BOPRC's statutory functions and powers under the RMA.	Yes – Protection, and use and development of geothermal resources in the coastal marine area is the responsibility of the regional council under the RMA. Refer RMA s30(1)(e) function and s14(3)(c).	Does not address BORPC's statutory functions in relation to geothermal resources in the CMA.
Gives effect to the RPS and/or the NZCPS?	Yes - It is consistent with Policy GR 12B of the Proposed RPS, and implements Method 3 of the Proposed RPS in relation to that policy. It takes a precautionary approach until sufficient information is available to allow the assessment of geothermal resources into a Geothermal Management Group (in accordance with the requirements of the Regional Policy Statement). It gives effect to the NZCPS Policy 3(1).	No.
Usefulness		
Will effectively guide decision-making?	The objective gives clear direction on how to manage geothermal resources in the coastal marine area at a regional level. The objective can be achieved through resource consent processes.	No.
Meets sound principles for writing objectives?	Yes.	N/A
Consistent with other relevant Objectives?	Yes.	N/A
Reasonable and achievable		
Does not impose an unreasonable burden on people and communities.	Yes.	N/A
Achieves an outcome in terms of the scope, tools and resources available to BOPRC.	Yes.	N/A
Overall assessment		
	This option is the most appropriate objective to include in the RCEP.	The option would not specifically address the issues in the RCEP, and does not provide explicit guidance for activities in the CMA.

22.3 Policies, Methods and Rules to achieve Objective 39

	Option 1 (selected provisions)	Option 2 Status Quo (existing policies, methods and rules in RCEP)
Plan provision(s)	Policies GR 1, 2, 3, 4 Rules GR 1, 2, 3	There are currently no provisions to manage geothermal resources in the Operative RCEP. This alternative would, in effect, rely on provisions in the Regional Policy Statement to manage geothermal resources in the CMA.

22.3.1 Efficiency

Efficiency	Option 1	Option 2
Benefits		
Environmental Benefits		
Quality and functioning of the coastal environment.	Rule GR 2 implements Policy GR 1, while ensuring the potential adverse effects of research and investigation on geothermal resources are properly addressed. The discretionary status allows Bay of Plenty Regional Council to assess the adverse effects of proposed activities on a case by case basis, and to decline applications if necessary. There is insufficient information on geothermal resources in the CMA to apply less restrictive approaches. Ensures that adverse effects on the environment are avoided, remedied or mitigated; and environmental quality and values are maintained.	No additional benefits from Option 1 as would rely on restrictive presumption of sections 12(1), 14(1) and (2), and 15(1) RMA to manage activities associated with development and use of geothermal resources in the CMA.
Natural character and outstanding landscape features, and associated coastal ecosystems and biodiversity.	Significant geothermal features and ecosystems are protected, and other adverse effects are addressed in accordance with the requirements of the RPS.	As above.

	<p>Ensures the characteristics of geothermal systems in the CMA are properly investigated before appropriate classification. Applies a pre-cautionary approach until sufficient information is available to assess significance and adverse effects. Provides the information to identify and protect significant geothermal features and ecosystems.</p> <p>Rule GR 3 – The non-complying status implements Policy GR 4, and ensures the potential adverse effects of use and development of geothermal resources are properly addressed. The non-complying status allows Bay of Plenty Regional Council to assess the adverse effects of proposed activities on a case by case basis, and to decline applications if necessary. There is insufficient information on geothermal resources in the CMA to apply less restrictive approaches.</p> <p>Ensures that adverse effects on the environment are avoided, remedied or mitigated; and environmental quality and values are maintained.</p> <p>Rule GR 3 – Ensures the adverse effects of the activity are minor, or otherwise comply with the requirements of the RCEP (including Policy GR 2 and GR 3).</p>	
Economic Benefits		
Opportunities for employment.	The provisions do not specifically provide for opportunities for employment.	As per Option 1.
Opportunities for economic growth.	The provisions do not specifically provide for opportunities for economic growth.	As per Option 1.
Social Benefits		
Recreational use of the coastal environment and resources.	Protection of significant geothermal features and associated 'hot spots' maintains recreational use of those areas (e.g. recreational fishing over 'hot spots').	No additional benefits from Option 1.

Cultural Benefits		
Mauri of coastal waters.	Refer to 'Environmental Benefits' above, and 'Relationship of Māori ...' below.	As per Option 1.
Legislative requirements (e.g. MACAA, Treaty settlements).	There are currently no MACAA or Treaty settlements concerning the geothermal resources of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wahi tapu and other taonga; kaitiakitanga.	Rule GR 1 Provides better guidance to tangata whenua and Council. There is a risk that tangata whenua are not aware of the intent of section 14(3)(c) of the Resource Management Act 1991. It is therefore appropriate to include a specific rule in the plan for clarity and certainty. While the rule repeats Section 14(3)(c) of the RMA, it is an effective means of clarifying the requirements of the Act to the community.	No additional benefits compared to Option 1.
Costs		
Environmental Costs		
Natural character and outstanding landscape features, and associated coastal ecosystems and biodiversity; Quality and functioning of the coastal environment.	May lead to concentration of development and greater adverse effects in areas where there are no significant geothermal features. There is some risk that research and investigation activities will have adverse effects on geothermal features and ecosystems. However, this can be managed through the use of an appropriate activity status and consent conditions.	No guidance on the protection of significant geothermal features.
Economic Costs		
Opportunities for employment reduced.	As below for 'Opportunities for economic growth'.	This option does not reduce opportunities for employment.
Opportunities for economic growth reduced.	May restrict or prevent the use or development of geothermal resources where adverse effects cannot be avoided. Costs not quantifiable as development of geothermal resources in the CMA has not occurred in NZ to date.	This option does not reduce opportunities for economic growth.

	The precautionary approach to geothermal research and development is due to the significant values of the geothermal resource in the CMA. This approach is unlikely to have adverse economic effects at this time due to technological limitations.	
Compliance costs (to resource users).	<p>Increased research and investigation costs to potential resource users. Provides certainty to resource users and developers on the required management of adverse effects, and matters to address.</p> <p>There are no additional costs to researchers from Rule GR 2 as the activities specified in the rule are already discretionary under the restrictive presumption of sections 12(1), 14(1) and (2), and 15(1) RMA.</p> <p>Rule GR 3 – Potential increased costs to consent applicants to comply with the requirements of the RCEP or ensure the effects of the activity are minor. Costs not quantifiable as no precedents in NZ of this type of development.</p>	No additional compliance costs when compared to requirements of the RMA.
Fiscal costs (to BOPRC – implementation, monitoring and enforcement).	Low.	Low.
Social Costs		
Recreational use of the coastal environment and resources.	None identified.	Possible loss of recreational fishing 'hot spots' if no guidance on protection of significant geothermal features.
Cultural Costs		
Mauri of coastal waters.	Low risk of costs occurring.	Possible degradation of mauri of coastal waters if no policy guidance given.
Legislative requirements (e.g. MACA, Treaty settlements).	There are currently no MACA or Treaty settlements concerning the geothermal resources of the CMA (as at May 2014).	As per Option 1.
Relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; kaitiakitanga.	Low risk of costs occurring.	As per 'Mauri of coastal waters' above.
Overall assessment	<i>High.</i>	<i>Low.</i>

22.3.2 Effectiveness

Effectiveness	Option 1	Option 2
Relevance and transparency		
Directed towards achieving the objective.	Yes.	No.
Will clearly achieve, or partly achieve the objective.	Yes.	No.
Usefulness		
Will effectively guide decision-making?	<p>Yes – Policy GR 2 Provides clear direction on a core matter of concern when managing geothermal resources – avoiding adverse effects on significant geothermal features. Establishes clear intent of regulatory control and activity status.</p> <p>Policy GR 1 Provides certainty that research and investigation of geothermal resources in the CMA can occur, subject to appropriate conditions. Provides clarity on the importance of research and investigation prior to use and development.</p> <p>Policy GR 3 cross-references to the specific provisions in the Regional Policy Statement that are relevant to the assessment of resource consent applications for the use and development of geothermal resources in the CMA. This approach provides clarity and certainty to applicants and decision makers. Resource consent applicants and decision makers are required to have regard to both the RPS and RCEP, so cross-referencing is an effective means of achieving the requirements of both documents.</p>	No.
	Policy GR 4 Provides certainty on the process to assess and classify geothermal resources in the CMA into an appropriate Geothermal Management Group.	
Meets sound principles for writing policies?	Yes.	N/A

Assumptions made.	There are geothermal resources and surface features in the CMA of the Bay of Plenty around the Whaakari (White Island) to Motuhora (Whale Island) area, and that some of these surface features may be significant.	As per Option 1.
Risk involved.	Low.	Low.
Achievability		
Within BOPRC's functions and powers.	Yes.	N/A
Within the scope of BOPRC's available tools and resources.	Yes.	N/A
Rules can be complied with and enforced.	Yes.	N/A – no rules.
Degree of uncertainty in the ability to achieve.	Low	High.
Māori values		
Provides for Māori interests in the environment compatible with tikanga (where appropriate).	Yes	Not explicitly.
Overall assessment	<i>High</i>	<i>Low</i>

22.3.3 Risk of acting or not acting

Risk of acting or not acting	Option 1	Option 2
Is there uncertain or insufficient information on the topic?	Yes.	As per Option 1.
Is the topic of high significance or complexity?	Yes – geothermal resources in the CMA are highly significant and highly complex.	As per Option 1.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	Geothermal fields in the CMA of the Bay of Plenty region are part of the Taupo Volcanic Zone. There is insufficient information on geothermal resources in the CMA. Because of the lack of information, those geothermal resources have not been classified into an appropriate Geothermal Management Group in accordance with the requirements of the Regional Policy Statement. All geothermal resources in the CMA are therefore 'research fields' until such time as the resources are classified.	As per Option 1.

22.3.4 National Environmental Standards

National Environmental Standards	Option 1	Option 2
Is there a relevant NES?	No relevant NES.	As per Option 1.
Are there any restrictions greater than required by a relevant NES?	N/A	As per Option 1.

22.3.5 Summary of Assessment

Options Assessed	Efficiency	Effectiveness	Most appropriate option?	Summary of reasons for selection
Option 1	High	High	Yes	Gives effect to the RPS, provides strong policy guidance.
Option 2	Low	Low	No	-

22.3.6 Other policy options considered

Option	Reason(s) why option rejected
Fully investigate geothermal resources in the CMA and classify into appropriate Geothermal Management Group.	<p>Currently geothermal resources in the CMA are classed as 'research systems' in the Regional Policy Statement. Fully investigating those resources, and classifying each system into an appropriate Geothermal Management Group would be an effective means of identifying which systems need to be protected and which are available for use and development. Some research has been carried out by Crown Research Institutes.</p> <p>This option provides certainty to potential resource users and developers on the status and availability (if appropriate) of geothermal resources for use and development.</p> <p>However, this option has significant increased costs to ratepayers to fund investigations. The costs of investigating geothermal resources in the CMA are substantial. There is a low likelihood that these resources would be developed in the near future. As such the cost to ratepayers is not justified.</p>
Repeat the requirements of the RPS in a policy in the RCEP.	It is more efficient to cross-reference to relevant provisions in the RPS rather than repeat the wording. Significant risk that including the provisions of the RPS would result in re-litigation of the provisions.
Permitted or controlled status for research and investigation of geothermal resources in the CMA.	There is insufficient information on geothermal resources in the CMA to apply permitted or controlled status to research and investigation activities. Potential loss of intrinsic values and taonga where geothermal resources are damaged or lost through inappropriate activities. Potential long-term loss of the economic value of geothermal resources where significant geothermal features and ecosystems are damaged or lost through inappropriate activities. Medium to high risk of adverse effects on significant geothermal features and ecosystems through lack of appropriate regulation. Applications unable to be declined where necessary.

Discretionary status for development of geothermal resources in the CMA.	There is insufficient information on geothermal resources in the CMA. There is a significant potential for the loss of intrinsic values and taonga where geothermal resources are damaged or lost through inappropriate activities. There is also the potential for long-term loss of the economic value of geothermal resources where significant geothermal features and ecosystems are damaged or lost through inappropriate activities. As such Council should apply a precautionary approach to development of such resources. Rule GR 3 is more effective than discretionary status.
Do nothing.	This option would rely solely on the RMA, NZCPS 2010 and RPS to manage the use and development of geothermal resources in the CMA. It is more effective to include specific policy in the RCEP, and to cross-reference to relevant policies in the RPS.

22.3.7 Explanation of Selected Policies, Methods and Rules

Plan Provision	Explanation
Policy GR 1.	Specifically provides for research and investigation of geothermal resources in the CMA.
Policy GR 2.	Clarifies the main concern around the use and development of geothermal resources in the CMA.
Policy GR 3.	Cross-references to relevant policies in the RPS.
Policy GR 4.	Clarifies how geothermal research systems in the CMA will be classified into a relevant Geothermal Management Group in accordance with the RPS.
Rule GR 1.	While the rule repeats Section 14(3)(c) of the RMA, it is an effective means of clarifying the requirements of the Act to the community.
Rule GR 2.	The rule implements Policy GR 1, while ensuring the potential adverse effects of research and investigation on geothermal resources are properly addressed. The discretionary status allows Bay of Plenty Regional Council to assess the adverse effects of proposed activities on a case by case basis, and to decline applications if necessary. There is insufficient information on geothermal resources in the CMA to apply less restrictive approaches.
Rule GR 3.	The non-complying status implements Policy GR 4, and ensures the potential adverse effects of use and development of geothermal resources are properly addressed. The non-complying status allows Bay of Plenty Regional Council to assess the adverse effects of proposed activities on a case by case basis, and to decline applications if necessary. There is insufficient information on geothermal resources in the CMA to apply less restrictive approaches.