

Position of the parties in relation to the marine spatial planning appeal topic as of 5 December 2017

The attached provisions from the Proposed Bay of Plenty Regional Coastal Environment Plan (relevant excerpts only) incorporate changes resulting from:

- Decisions issued by the Environment Court.
- Consent orders issued by the Environment Court in order to resolve appeals, and draft consent orders lying with the Court pending the resolution of other appeals.
- Wording proposed by the Regional Council in response to the direction contained in the Interim decision on the Iwi Resource Management topic.
- Wording proposed by the Regional Council to address the outstanding matters to be determined under the Iwi Resource Management topic.
- Wording proposed by the Regional Council in relation to the Marine Spatial Planning topic.
- Wording proposed by all other parties in relation to the Marine Spatial Planning topic.

Key:

Wording which is not underlined reflects the Decisions Version as amended by settled appeals (consent orders) and final or interim decisions of the Environment Court. Where decisions have been appealed these are indicated by a footnote.

Wording proposed by **BOPRC** in relation to the Iwi Resource Management topic (still to be determined following the Court's Interim decision):

New text is shown underlined, ~~deleted-text-appears-as-strikethrough~~. Text is not highlighted.

Wording proposed in relation to the Marine Spatial Planning topic and accepted by all parties:

~~New text is shown underlined, deleted-text-appears-as-strikethrough. Text is highlighted in green.~~

Wording proposed in relation to the Marine Spatial Planning topic in the amended evidence of Grame Lawrence for **MRRMT** (and not agreed by all other parties):

New text is shown underlined, ~~deleted-text-appears-as-strikethrough~~. Text is highlighted in blue.

Wording proposed in relation to the Marine Spatial Planning topic in evidence of **BOPRC** (and not agreed by all other parties):

New text is shown underlined, ~~deleted-text-appears-as-strikethrough~~. Text is highlighted in yellow.

Wording proposed in relation to the Marine Spatial Planning topic in evidence of **MAL** (and not agreed by all other parties):

New text is shown underlined, ~~deleted-text-appears-as-strikethrough~~. Text is highlighted in magenta.

Wording proposed in relation to the Marine Spatial Planning topic in position statement of **NMHT & Ngāti Ranginui** (and not agreed by all other parties):

New text is shown underlined, ~~deleted-text-appears-as-strikethrough~~. Text is highlighted in orange.



(d) Improve the capacity of dune systems and other ecosystems to withstand coastal hazards and relevant climate change effects.

(e) Promote well-formed public access ways and restrict ad hoc access in sensitive environments, through provision of information, signage, education and involvement of communities and tangata whenua.

(f) Implement protocols with tangata whenua that have particular regard to the role of kaitiaki and pūkenga in the management of coastal resources.

(g) Promote tangata whenua needs for papakāinga, marae, kura moana whare matauranga, whare wānanga and associated developments in the coastal environment and facilitate provision for these developments where appropriate

Implementation responsibility: Regional Council.

1.5 Cultural and Historic Heritage

Method 16 Map or otherwise identify customary interests protected under the Marine and Coastal Area (Takutai Moana) Act 2011.

Implementation responsibility: Regional Council.

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.

Implementation responsibility: Regional Council.

Method 17B: Regional Council will, on a case-by-case basis, consider the transfer and/or delegation of RMA functions, powers or duties, in relation to the management of those characteristics which have been identified in the CMA as being of special value to tangata whenua.

Implementation responsibility: Regional Council.

Method 18A Work with tāngata whenua to identify degraded cultural sites in the coastal environment which tāngata whenua wish to restore for natural heritage and cultural reasons.

Implementation responsibility: Regional Council.

Method 19 In consultation with tāngata whenua and other heritage agencies organisations or groups that have an interest in historic heritage and maritime history, maintain and update the regional heritage inventory in Schedule 7. This will include a review of Appendix 2: List of Heritage Places for Information Only in the Coastal Historic Heritage Review Project: Historic Heritage Inventory 2006 to determine whether any places should be included in Schedule 7.

Implementation responsibility: Regional Council.



New Method 19AA. Council will consider proposals from tangata whenua **to**

investigate the development of for additional spatial mechanisms for the coastal marine area when a proposal is submitted that will,

- i. **Enable tangata whenua to exercise kaitiakitanga in accordance with matauranga Māori;**
- ii. **Identify sites of significance or special value to Māori for protection and/or restoration;**
- iii. **Give certainty to future planning decisions;**
- iv. **Provide for the social, economic and cultural well-being of tangata whenua **having regard to the wider community**, and**
- v. **Make appropriate provision for current and future public access, infrastructure needs and existing uses and activities.**

When considering whether to investigate such a proposal, and whether or not to implement it through a plan change process, Council will take into account:

- (a) **Current and future Treaty Settlements;**
- (b) **Whether there are outstanding applications for customary recognitions under the Marine and Coastal Area Act;**
- (c) **Whether the group has undertaken consultation with other tangata whenua;**
- (d) **Whether the proposal is supported by a relevant iwi or hapū management plan;**
- (e) **The level of support for the proposal from the community and other tangata whenua that have a relationship with the area;**
- (f) **Current trends including urban development capacity and current and future infrastructure needs; and**
- (g) **The extent to which the proposal provides for the social, economic and cultural well-being of the wider community.**

Advice Note

A Schedule 1 process will be required to interpret any outcomes in a statutory framework, such as a regional, district or city plan.

Implementation responsibility. Tangata whenua and Regional Council.

Method 19A. In consultation with tangata whenua:

- (a) **Review Schedule 6 Areas of Significant Cultural Value;**
- (b) **Identify areas or sites in the coastal environment of significance or special value to Māori;**
- (c) **Identify cultural landscapes and features in a manner consistent with Policy 15(C)(viii);**
- (d) **Investigate the planning mechanisms and other methods available to provide protection to identified areas and sites and support customary activities in ASCV;**
- (e) **Investigate the planning mechanisms and other methods available to support the social, economic, cultural and recreational aspirations of tangata whenua in the coastal environment.**

- (f) Identify options for providing for the expression of the relationship tangata whenua as kaitiaki have with their identified taonga such as water, wāhi tapu and kaimoana.

The review, identification and investigation should:

- (a) Incorporate matauranga Maori as directed by NZCPS Policy 2(c).
- (b) Use the assessment criteria contained in the RPS Appendix F: Set Maori culture and traditions; and
- (c) Give consideration to the most appropriate provisions in the Plan for addressing matters arising out of the review.

Implementation responsibility: Regional Council.

1.6 Recreation and Public Space

Method 20

Support and work with community groups, tangata whenua and recreation agencies to manage recreation issues, particularly in high use areas, and promote the use of non-statutory and Local Government Act enforcement options where this is the most effective method for achieving the objectives and policies.

Implementation responsibility: Regional Council.

Method 21A: Regional Council will work with tangata whenua to identify those areas of the coast which may need to have public access limited, to protect significant iwi values that are vulnerable to disturbance.

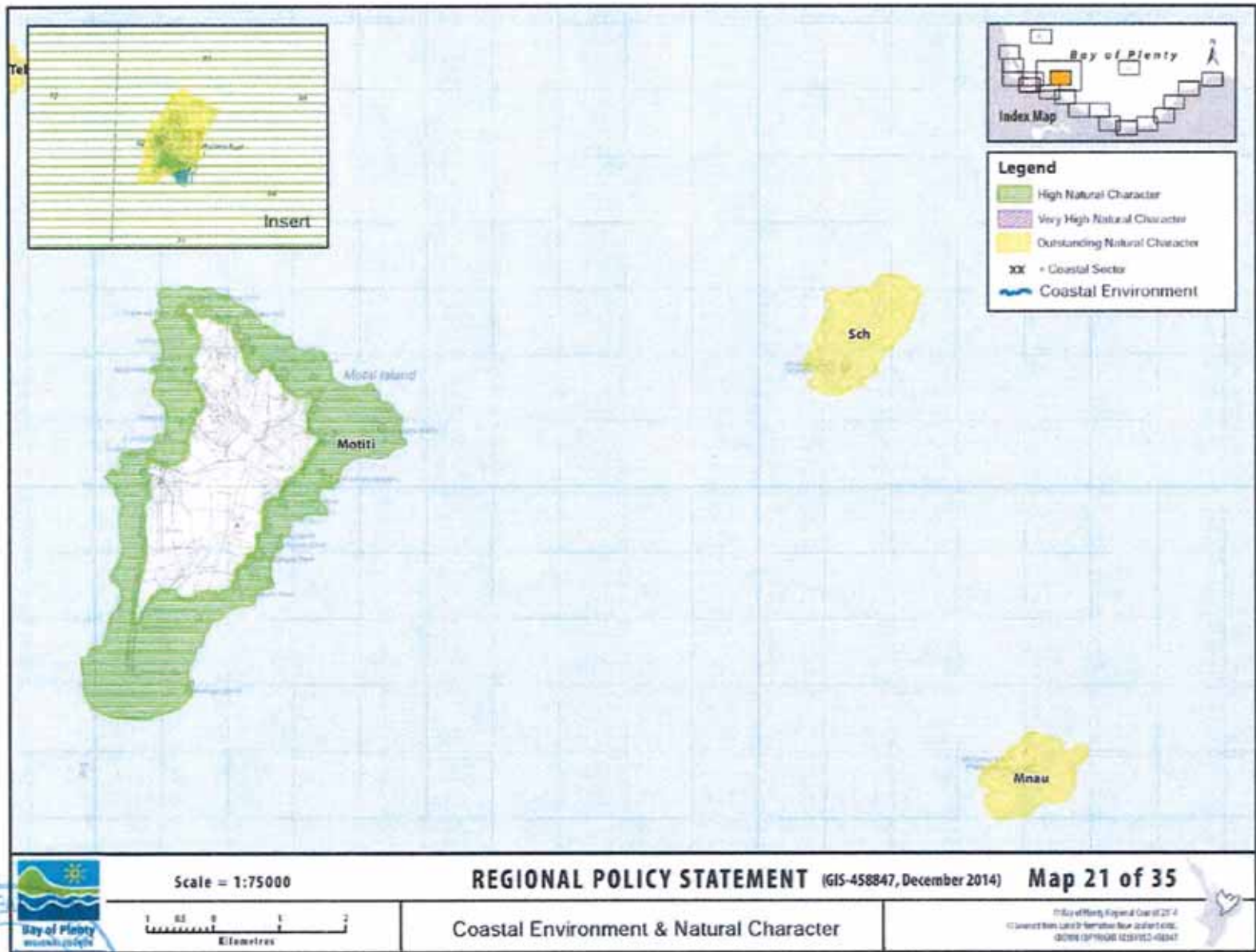
Implementation responsibility: Regional Council and tangata whenua.

Method 21

Work with city and district councils to:

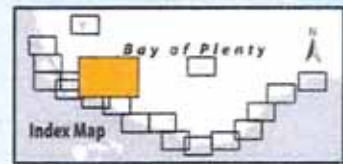
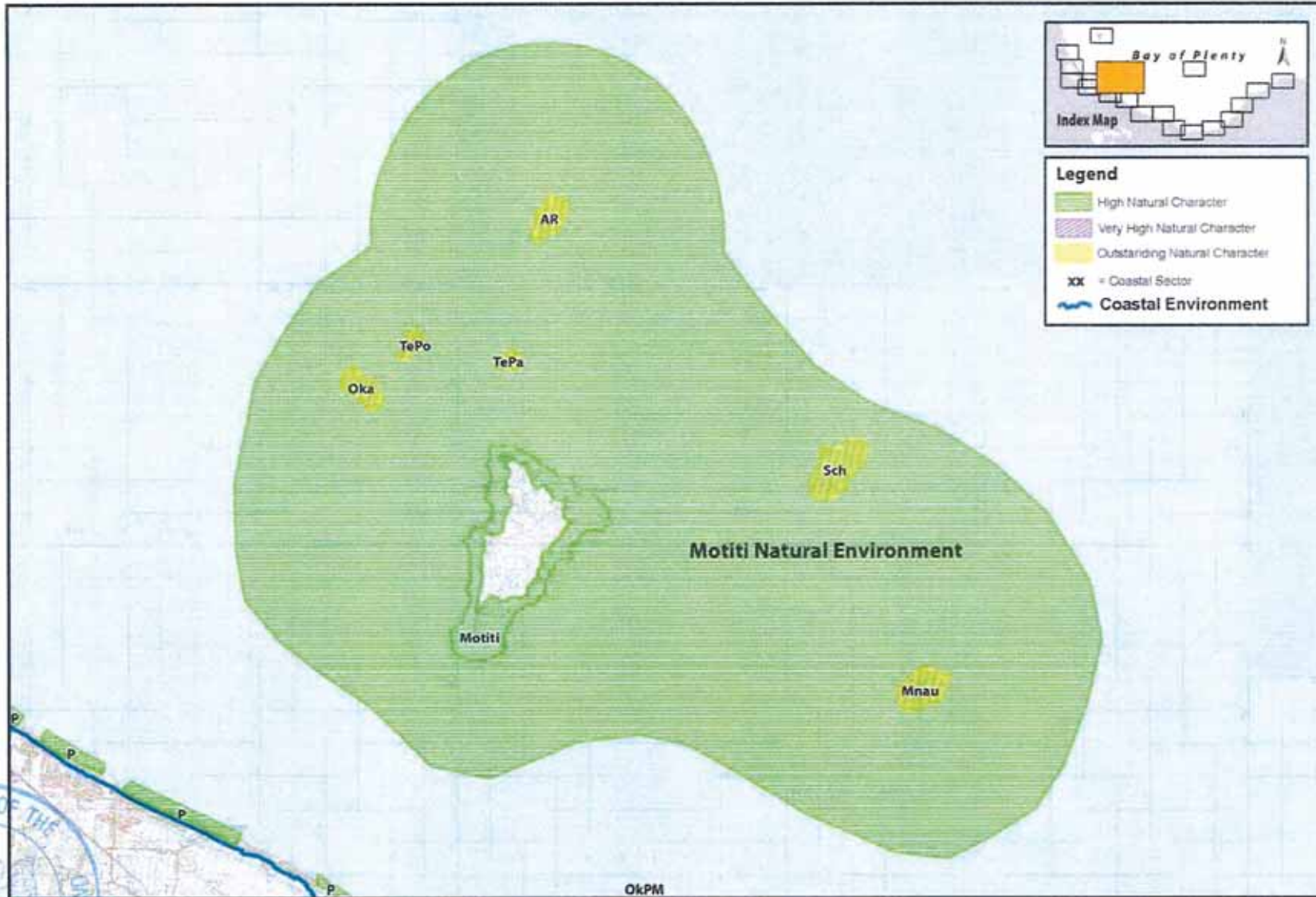
- (a) Avoid any new, and rationalise existing, informal access ways.
- (ab) Identify appropriate vehicle access points and restrictions in the coastal environment consistent with RPS Method 71.
- (b) Identify priorities for taking management or enforcement actions where vehicle access is causing damage or safety concerns, including working with New Zealand Police and territorial authority staff to enforce Rules and Bylaws at a level sufficient to avoid damage or accidents.
- (c) Ensure official public access ways are marked and provide related public information on the location of access ways.
- (d) Provide the most appropriate and effective methods to control vehicle use on beaches, foreshore, seabed and adjacent public land, including through the use of district plan or reserve plan provisions, or Local Government Act or Reserves Act bylaws.
- (e) Provide and maintain formal boat launching facilities, recognising the demand for and the constraints of providing such services.





Annexure C – RPS Maps 21 and 21A. Mouti Natural Environment (MNE) is delineated and shown on Map 21a in Appendix I, Regional Policy Statement





Legend

- High Natural Character
- Very High Natural Character
- Outstanding Natural Character
- xx** = Coastal Sector
- Coastal Environment



Scale = 1:160000



REGIONAL POLICY STATEMENT (GIS-458847, December 2014) Map 21a of 35

Coastal Environment & Natural Character

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Annexure D – Natural Character Attributes RPS

Appendix J – Natural Character Attributes

Explanation

The following table contains attributes and elements. The attributes are titled: water, land cover and land use, terrestrial biotic, abiotic systems and landform, perceptual and are described below:

Water

Includes the water body of the CMA (including surf breaks) and landforms within the active coastal interface and below MHWS (e.g. rocks, reefs, stacks, channels). This attribute also includes habitats, biota and natural processes. The attribute excludes water bodies above MHWS and considers the degree of modification such as changed water courses, earthworks, presence of built structures and earthworks. This attribute also includes any previously identified significant marine environments.

Abiotic systems and landform

This attribute includes the degree of activeness of the tide, waves and current as well as wind and terrestrial coastal formation, erosion and river mouth processes including sedimentation.

Land cover and land use

This attribute includes land cover and associated land use including the composition, distribution, and condition of land cover including visible presence of indigenous and exotic species. This attribute also includes settlements, roads and other built forms.

Terrestrial biotic

The attribute includes estuaries, wetlands and terrestrial areas and is driven by ecological factors. It includes expression/appearance of natural ecological processes ranging from dominant to non-existent. Diversity of species, communities and habitats are a part of this attribute.

Perceptual

This attribute concerns the experience in seeing/feeling and perceiving the coastal environment. It includes aromas, aesthetics, auditory, sense of wilderness, remoteness, isolation and includes ephemeral human activity such as recreation, commercial activities, fishing and marine activities.



				Attributes (with elements that enhance and diminish natural character)				
Name	Level of natural character	General description of area	Elements that describe natural character	Water	Land cover and land use	Terrestrial biotic	Abiotic systems and landform	Perceptual
		the feature.						
Motuhaku Island (Sch) Map 21	Outstanding	The offshore island of Motuhaku is a relatively small rocky islands with some coastal vegetation located upon the upper plateau of the islands.	1 Vertical rocky cliffs demonstrating the natural coastal processes. 2 Native flora and fauna dominate these islands and contribute to the remoteness.	1 Highly dynamic coastal waters around the steep cliffs, creating caves and striking rock formations around the island.	1 No structures or man-made landuse practices occur on the island.	1 The island coastal margins support a range of seabirds, shorebirds and other native bird species.	1 Excellent example of natural processes with no modifications to the coastal processes.	1 Very low level of activity and visible built form. 2 A high sense of remoteness and wildmess are gained from its distance from shore and unmodified state.
Motunau Island (Mnau) Map 21	Outstanding	The offshore island of Motunau is relatively small rocky islands with some coastal vegetation located upon the upper plateau of the islands.	1 Vertical rocky cliffs demonstrating the natural coastal processes. 2 Native flora and fauna dominate these islands and contribute to the remoteness.	1 Highly dynamic coastal waters around the steep cliffs, creating caves and striking rock formations around the island.	1 No structures or man-made landuse practices occur on the island.	1 The island coastal margins support a range of seabirds, shorebirds and other native bird species. The Island is unmodified and has regional significance. 2 Plate (Motunau) Island is unmodified and has national significance.	1 Excellent example of natural processes with no modifications to the coastal processes.	1 Very low level of activity and visible built form. A high sense of remoteness and wildmess are gained from its distance from shore and unmodified state.
Motutau Island	Outstanding	Motutau Island also	1 Vertical rocky	1 No modification	1 No structures or	1 The indigenous	1 Excellent example	1 Very low level

Name	Level of natural character	General description of area	Elements that describe natural character	Attributes (with elements that enhance and diminish natural character)				
				Water	Land cover and land use	Terrestrial biotic	Abiotic systems and landform	Perceptual
Astrolabe Reef (AR) (Map 21)	Outstanding	<p>Astrolabe Reef is located 25 km northeast of Tauranga, some 7 km north of Motiti Island.</p> <p>The volcanic reef structure rises some 70 – 75 m from the seabed and breaks the surface at low tide. The extent of the reef is broadly mapped at points between the sandy bed and the volcanic structure.</p> <p>The reef is renown for its abundant marine life and is a regular haulout for NZ fur seals.</p> <p>More recently the reef is renown nationally for the grounding of the now shipwreck <i>Rena</i>.</p>	<ol style="list-style-type: none"> 1 Dominant volcanic processes and formation of subtidal reef system. 2 Dynamic coastal processes occurring. 3 The natural environment dominates the reef with the only visible modification due to the grounding and wreckage of the <i>Rena</i>. 	<ol style="list-style-type: none"> 1 No modification to open coastal water body surrounding the reef. 2 The reef breaks the water surface at low tide creating large breaking waves in rough seas. 3 Reef has regional significance for seal use and fish communities with high abundance and diversity. 4 Some modification due to the presence of <i>Rena</i> wreckage and sediment contamination. 	1 Does not apply.	1 Does not apply.	<ol style="list-style-type: none"> 1 Water movement around the reef enhances natural character. 2 The physical structure of the reef remains largely unmodified. The rock formation is expressive of the formative natural processes created by volcanic activity and the ocean. 3 Vertical rock faces, underwater caves and tomes and large boulders are distinctive of the natural processes. 4 The <i>Rena</i> shipwreck has damaged a small part of the overall physical reef structure. 	<ol style="list-style-type: none"> 1 Some level of activity around the reef, as a popular dive and fishing location, otherwise a high level of remoteness exists around the reef. 2 Activities related to the <i>Rena</i> grounding. 3 Breaking waves across the reef outcrops with remnant of shipwreck below the waterline 4 Perceptions are of a natural reef system impacted by the <i>Rena</i> grounding and wreckage. The wreck is now not visible above water and perceptual values relate to the underwater experience of visitors.



Aro i te Moana - Marine Natural Character Assessment				Ngā āhuatanga motuhake - Attributes (with elements that enhance or diminish natural character)			
Te Ingoa o te Wāhi	Ko te toitū o ngā āhuatanga taketake o te wāhi	He pitopito kōrero mō ngā āhuatanga o te wāhi	Ko ngā mana atua, mana tangata hoki i pū mai ai ngā āhuatanga taketake	Te Wai tai - Takutai Moana Coastal Water & Seabed		Te Korowai o Papatūānuku me ōna āhuatanga ahurei	Ngā āhuatanga tuku iho
Name of site	Level of Natural Character	General description of the area	Elements that describe natural character	Marine biotic processes	Marine abiotic processes	Landcover & Use Terrestrial Biotic	Perceptual
<p>Motiti Natural Environment Area Map 21a</p> <p>This table includes the water, sand and rocky bottoms and the cluster of reefs to the north west of Motiti, and east near to Motunau island.</p> <p>The Motiti Natural Environment Area also includes the Coastal Marine Area surrounding Motiti Island, the islands of Motunau and Motuhaku and surrounding Te Tau o Taiti /Astrolabe reef.</p> <p><i>Advice note: The natural character attributes in the Motiti Natural Environment Area identified in Map 21A are separately assessed for Astrolabe, AR – above the 75m contour, Motohaku Island (SCH), Motonau Island, MŌTŪ and Motiti Island margin (Motiti) in appendix J and identified in Map 21.</i></p>	<p>Teitei High (default)</p> <p>Kāore anō kia aromatawaihia katoatia tēnei wāhi. Kua tohua ngā wāhanga hei āhuatanga tūturu i roto i te Rohe Moana me te whakarite i te taumata o te āhua tūturu.</p> <p>This area has not been assessed as an integrated whole. Component parts are identified as natural features within the Motiti Natural Environment Area and ascribed a ranking of natural character.</p> <p><i>E taunakitia ana kia whakamātautautia te wāhi whāiti hei whakarite i te āhua tūturu o ngā wāhi motuhake o te rohe taha moana.</i></p> <p>Site specific examination is recommended to determine the natural character of specific areas of the coastal marine area.</p>	<p>1 E kapi ana te rohe i ngā wai tata ki te 200m atu i te takutai o te Moutere o Motiti, ka neke mai i te 5 ki te 15 kiromita ki te moana e uru mai ai ngā tokarārangi iti ake.</p> <p>The area covers the waters beyond approximately 200m off shore from Motiti Island, extending between 5 and 15 kilometres seaward to take in a number of smaller reefs.</p> <p>2 The isolated position of the area around Motiti in the Bay of Plenty renders the sense of its remoteness.</p> <p>Nā te noho wehe o Motiti i roto i te Moana a Toi ka noho pāmamao mai.</p> <p>3 E mōhio whānuitia ana ko te Rohe Moana te 'pātaka kai' o te huhua o ngā uri a</p>	<p>1 Ko ngā tokarārangi tūturu, ngā motu me ngā kohatu i roto i tētahi rohe ka horoia, ka tiakina e Te Moananui-a-Kiwa. Nā ētahi o ngā para paenga, parataiao i ahu mai i te paenga o te MV Rena me te paenga o te Taioma, ā, me te pokea e ngā mahi hī ika i whakarekēhia ai te āhua tūturu.</p> <p>Natural reefs, islands and rocks within an area washed and sustained by the Pacific Ocean. Some wreckage and debris as a result of the grounding of the MV Rena, the Taioma wreck and fishing pressure modify natural character.</p> <p>2 Ngā Tauranga tia kukume o te hukarere o ngā Aturere.</p> <p>The anchors that</p>	<p>1 E huhua ana te tini a Tangaroa i te Pāpāmoana me te moana, otirā he maha, he kanorau.</p> <p>An abundance of biological life exists in the seabed and ocean surrounding the reefs which is characterised by relatively high populations and diversity.</p> <p>2 I waho atu i te taha moana ko ngā toka me te nohoanga o ngā momo ika maha, arā ko ngā uri a Tangaroa e noho ana i te Pāpāmoana.</p> <p>Further out from the foreshore are the breeding rocks and habitat of the many species of fish which are the descendants of Tangaroa who occupy the sea floor.</p> <p>3 He maha ngā tokarārangi me ngā wāhi whakahirahira,</p>	<p>1 Kāore he whakarekētanga o ngā ngaru o te moana, te rere o te wai, te ia rānei o Tangaroa me ngā taurira kawenga parataiao o te Rohe Moana.</p> <p>No modification to the natural wave action, water movements or currents of the open coastal water body and sediment transport patterns surrounding Motiti.</p> <p>2 He tino kaha te pātuki o ngā ngaru ki te Rohe Moana. I ngā wāhi pāpaku he kōhatu mai i ngā kinkiri, i ngā wai hōhonu he putunga parataiao me ngā rauti mai i te whenua.</p> <p>The Motiti Natural Environment area is affected by a moderately high wave-energy environment. Near-shore substrate is coarser than</p>	<p>Kāore i te hāngai. Does not apply</p>	<p>1 Ko te whakaaro he wāhi moana tūturu, pūnaha tokarārangi i pā kinohia e te paenga o te Rena, ngā ipu nui me ngā parataiao.</p> <p>Perceptions are of a natural marine area, reef system impacted by the Rena wreckage, containers and debris.</p> <p>2 Ko te āhuatanga o te wai tai he riporipo tōna tohu ki te tangata i uta mā te ahunga me te kaha o te rere o te wai – mā te tae, te reka, me te rongoro i te ahunga o te hau.</p> <p>The tidal waters are characterised by the rippling currents signalling to the people in the land through the direction and strength of flow – through the colour, through the taste, and feel of the direction of the wind.</p>



		<p><i>Tangaroa.</i> The Motiti Natural Environment area is renowned as a 'food cupboard' for its abundant marine life.</p>	<p>3 <i>Ko te hononga o te whenua ki ngā motu iti me ngā tokarārangi; ko te wai moana e herehere katoa ana i ēnei. Ko te wai e pā ana ki Motiti ko taua wai anō o ngā motu iti me ngā tokarārangi. Ko te wai moana e papaki ana i nga motu iti me ngā tokarārangi ko taua wai moana anō e pā ana ki ngā motu iti me ngā tokarārangi. Kāore e uru mai ana he wai rerekē.</i> It is a connectedness of the natural landscape features, the small islands and the reefs; it is the ocean water which binds them together. The ocean water that touches Motiti is</p>	<p><i>nohoanga hoki mō ngā tino momo, arā – Tāmure; Kahawai; Maomao; Tarakihi; Moki; Araara; Parore; Haku; Aturere; Kuparu; Kumukumu; Patikironi; Mango; Wheke; Kōura; Pāua; Kuku; Tipa; Tio; Kina; Rori; Karengo.</i> There are numerous significant reefs and special places and habitats for many prized species including – Tamure (snapper); Kahawai; Maomao; Tarakihi; Moki; Araara (trevally); Parore; Haku (yellow-tail Kingfish); Aturere (tuna); Kuparu (John Dory); Kumukumu (gumard); Patikironi (sole); Mango (sharks); Wheke (octopus); Koura (crayfish); Paua (abalone); Kuku (mussels); Tipa (scallops); Tio</p>	<p>deeper waters which tend to accumulate sediments and finer grained materials from land.</p> <p>3 <i>He whakarerekētanga nā te paenga o te Rena, ngā para me ngā kino o ngā parataiao.</i> Some modification due to the presence of Rena wreckage, debris and sediment contamination.</p>		<p>3 <i>Ko te tirohanga atu he pūnaha tūturu me ngā tauira tūturu, whakahaere me ngā āhuratanga e mārara ana, e noho rerekē ana i ētahi atu wāhi.</i> Perceptions are of a natural system with natural patterns, processes and elements apparent and distinctive of its formation.</p>
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			<p>the same water that touches the small islands and the reefs. There is no different water entering the area.</p> <p>4 <i>Ko ngā āhuatanga moana me te pupuhi o te hau, ngā ngaru, te rere o te wai, ngā ia, ngā ika me ngā manu.</i></p> <p>Dynamic coastal processes including wind and wave action, water movements, currents, fish and bird life.</p> <p>5 <i>Ko te taiao tūturu e tino kitea ana.</i></p> <p>The natural environment dominates.</p>	<p>(oysters); Kina (urchins); Rori (sea cucumbers); Karengo (seaweeds).</p> <p>4 <i>E pā kinohia ana te tini a Tangaroa me ngā rauropi e ngā ahumahi hī ika me te nui haere o te hunga hī ika.</i></p> <p>Populations and biomass are severely impacted and threatened by commercial fishing and increasing recreational and charter fishing.</p> <p>5 <i>Kei te Rohe Moana te oranga mō ngā manu moana me ngā manu whenua.</i></p> <p>The Motiti Natural Environment area supports a range of seabirds and shorebirds.</p>		
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Aro i te Moana - Marine Natural Character Assessment				Ngā āhuatanga motuhake - Attributes (with elements that enhance or diminish natural character)			
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Name of site	Level of Natural Character	General description of the area	Elements that describe natural character	Marine biotic processes	Marine abiotic processes	Landcover & Use Terrestrial Biotic	Perceptual
nga Tokararangi ko Okarapu, ko te Porotū, ko Te Papa, Okarapu (reef) (Oka), Te Porotū (reef) (TePo), Te Papa (reef) (Papa).	Kohure Outstanding	1 Ka ara mai ēnei tokararangi mai i te Pāpāmoana i ngā wai 40-50m te hōhonu ki te 30 me te 10m ki raro. Ka huihui mai ngā ika ki te kai, he nui	1 He pērā anō mō te Rohe Moana i runga ake. As for Natural Environment Area above.	I tua atu i ngā whakamāramatanga mō te Rohe Moana (i runga ake) ka whakapikihia e ēnei kaupapa e whai ake te āhua tūturu: In addition to the	I tua atu i ngā whakamāramatanga mō te Rohe Moana (i runga ake) ka whakapikihia e ēnei kaupapa e whai ake te āhua tūturu: In addition to the	1 Kāore i te hāngai. Does not apply	1 Te tukituki o ngā ngaru i ngā tokararangi. Ko te pupuhatanga o te wai te tohu o te pūnaha tokararangi mai i runga o te moana.
Map 21a		te toiora moana e noho ana ki ngā nohoanga kanorau, haumako hoki o ngā tokararangi. These rocky reefs rise from the sea floor in water 40-50m deep to between 30 and 10m depth. Fish congregate to feed on the relative abundance of marine life supported by the diverse and rich reef habitats. 2 He maha ngā āhuatanga hira me ngā tokatū moana i raro i te moana, pēnei i ngā tokararangi, ngā taunga ika me ngā kai moana. There are many significant features and landmarks below sea level including reefs, fishing spots and food resources.	descriptions for Motiti Natural Environment Area (above) the following elements increase natural character: 1 He tino ora ngā wai o te taha moana, ā, ko ōna tokararangi te nohoanga o ngā momo ika rerekē o te papa me roto i te moana, ngā tipu moana me ngā rauropi i raro i te moana. Highly dynamic coastal waters with reefs supporting a variety of pelagic and demersal fish species, macrophytes and benthic organisms. 2 He maha ngā momo ika rerekē me ētahi atu momo a Tangaroa e tino huhua ana, rerekē hoki. A wide variety of representative fish species and other marine communities with relatively high abundance and	descriptions for Motiti Natural Environment (above) the following elements increase natural character: 1 Ko te whakaaro he wāhi moana tūturu, pūnaha tokararangi i pā kinohia e te paenga o te Rena, ngā ipu nui me ngā parataiao. Perceptions are of a natural marine area, reef system impacted by the Rena wreckage, containers and debris. 2 Ko te āhuatanga o te wai tai he riporipo, ā, koinei te tohu ki te tangata i uta mā te ahunga me te kaha o te rere o te wai – mā te tae, te reka, me te rongo i te ahunga o te hau. The tidal waters are characterised by the rippling currents signalling to the people in the land through the direction and strength of flow –	Breaking waves across the reef outcrops. Spectacular water spouts provide visual evidence of reef system from the surface of the water. 2 He pātaka kai ngā tokararangi, ā, e mōhiotia ana he mātāpuna orange. The reefs are perceived as a food storehouse and is experienced as a source of sustenance. 3 He wāhi e haerehia ana ngā tokararangi, he tino pai mō te ruku me te hī ika, atu i tēnei he wāhi tino pāmamao. Some level of activity around the reefs, as popular dive and fishing locations, otherwise a high level of remoteness exists within the area. 4 He Papa hi ika, mataitai, taunga ika mo nga hācu o		



				<p>diversity.</p>	<p>through the colour, through the taste, and feel of the direction of the wind.</p> <p>3 <i>Ko te tirohanga atu he pūnaha tūturu me ngā taura tūturu, whakahaere me ngā āhuatanga e mārāma ana, e noho rerekē ana i ētahi atu wāhi.</i></p> <p>Perceptions are of a natural system with natural patterns, processes and elements apparent and distinctive of its formation.</p> <p>4 <i>Ka whakareī ake te rere o te wai i ngā tokarārangi i te āhua tūturu.</i></p> <p>Water movement around the reefs enhance natural character.</p> <p>5 <i>Ka noho māori tonu te hanganga o ngā tokarārangi. E tohu ana te takoto o ngā toka i tōna waihangatanga mai i ngā mahi</i></p>	<p><i>te Moutere o Motiti.</i></p> <p>There are many significant features and landmarks below sea level including reefs, fishing spots and food resources utilised by the people of Motiti.</p>
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					<p><i>pua me te moana.</i> <i>E tohu ana ngā tahi, ngā mata kōhatu poutū, ngā ana me ngā toma i raro moana me ngā toka nui i ngā mahinga tūturu.</i> The physical structure of the reefs remain in a natural state. Rock formations are expressive of the formative natural processes created by volcanic activity and the ocean. Pinnacles, vertical rock faces, underwater caves and tomes and large boulders are distinctive of the natural processes.</p>	
					<p>6 <i>He wai tai tino akiaki i ngā tahi, i puta ai ngā hanganga tokarāangi whakameremere, ngā ana me ngā rua kōura.</i> Highly dynamic coastal waters around the pinnacles, creating striking reef structures, caves and crayfish holes.</p>	
					<p>7 <i>Ka rangona i ngā tahi maunga o te Rohe Moana me ōna tokarāangi ko Okarapu, Te Porotiti, Te Papa, me Tokeroa.</i> The mountain pinnacles of the Motiti Natural Environment Area are experienced with their reefs as Okarapu, Te Porotiti, Te Papa, and Tokeroa.</p>	



Annexure E Relevant Objectives and Policies in the PRCEP (referenced in Reaburn EIC)

OBJECTIVE	Issue	Content
1	INTEGRATED MANAGEMENT	<p>Achieve integrated management of the coastal environment by:</p> <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; (c) Recognising and managing the effects of land uses and freshwater-based activities (including discharges) on the coastal marine area; (d) Enabling kaitiakitanga; (e) Planning for and managing: <ul style="list-style-type: none"> (i) cumulative effects; and (ii) the effects of climate change; (f) Promoting the sustainable management of the Bay of Plenty coastal fisheries; and (g) Providing for the future urban growth management areas identified in Appendix E of the RPS without compromising other regionally significant values of the coastal environment. <p>Comment [MR11]: Consent order dated 4 May 2016 ENV-2015-348-000029, 30 and 31 Urban Growth Management and Infrastructure</p>
2	NATURAL HERITAGE	<p>Protect the attributes and values of:</p> <ul style="list-style-type: none"> (a) Outstanding natural features and landscapes of the coastal environment; and (b) Areas of high, very high and outstanding natural character in the coastal environment. <p>from inappropriate subdivision, use, and development, and restore or rehabilitate the natural character of the coastal environment where appropriate.</p> <p>Comment [DN12]: Te Tumu parties. Appeal withdrawn – mediation agreement 28 April 2015 (Draft Consent Documents Natural Heritage)</p> <p><u>Safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by:</u></p> <ul style="list-style-type: none"> (a) Protecting Indigenous Biological Diversity Areas A; (b) Maintaining Indigenous Biological Diversity Areas B; (c) Promoting the maintenance of indigenous biodiversity in general; and (d) Enhancing or restoring indigenous biodiversity where appropriate. <p>Comment [RMB13]: Te Tumu parties. Appeal withdrawn – mediation agreement 28 April 2015 (Draft Consent Documents Natural Heritage)</p>
2A		



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 and sand dunes.
4		Enable the restoration and rehabilitation of the natural heritage of the coastal environment, including: <ul style="list-style-type: none"> (a) Kaimoana resources; and (b) Natural heritage landforms or features that would increase resilience to natural hazards.
12		The active involvement of tāngata whenua in management of the coastal environment when activities may affect their interests and values.
13		Tāngata whenua are able to undertake customary activities in the coastal marine area, and access to sites used for cultural practices, gathering kaimoana, mahinga mātaītai and areas of cultural significance is maintained or enhanced.
14		The protection of those taonga, sites, areas, features, resources or attributes of the coastal environment (including the Coastal Marine Area) which are either of significance or special value to tāngata whenua (where these are known).
15		The restoration of areas of cultural significance, including mahinga mātaītai, and the mauri of coastal waters, where customary activities or the ability to collect healthy kaimoana are restricted or compromised.
16		Where appropriate, cultural health indicators are used that recognise and express Māori values, and tāngata whenua are involved in monitoring the state of the coastal environment and impacts of consented activities.
17		Appropriate mitigation or remediation is undertaken when activities have an adverse effect on the mauri of the coastal environment, areas of cultural significance to tāngata whenua or the relationship of tāngata whenua and their customs and traditions with the coastal environment.
<p style="text-align: center;">IWI RESOURCE MANAGEMENT</p> <p>Comment [JN14]: Ngāti Makino appeal seeks new objectives relating to the aspirations of tāi Māori and marine spatial tools. UNRESOLVED</p>		



POLICY		
NH 4		<p>Adverse effects must be avoided on the values and attributes of the following areas:</p> <ul style="list-style-type: none"> (a) Outstanding Natural Character areas (as identified in Appendix I to the RPS); (b) Outstanding Natural Features and Landscapes (as identified in Schedule 3); (c) Any Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1), and <p>Adverse effects must be avoided on taxa that meet the criteria listed in Policy 11(a)(i) or (ii) of the NZCPS.</p> <p>A summary of values and attributes for areas of Outstanding Natural Character is provided in Appendix J to the RPS. Values and attributes for Indigenous Biological Diversity Area A and Outstanding Natural Features and Landscapes are set out in Schedules 2 and 3 to this Plan respectively.</p> <p>Comment [JN29]: Ngāi Māhino appeal points are UNRESOLVED. To be heard under the Iwi resource management topic.</p>
NH 8A	NATURAL HERITAGE	<p><u>There should be no net loss of the quality and extent of seagrass beds, saltmarsh wetlands and bird roosting sites in the coastal environment as a result of subdivision, use and development.</u></p> <p><u>Where a biodiversity offset is proposed, it should be developed in a manner consistent with the principles contained in Schedule 13.</u></p> <p>Comment [JN46]: Agreed at mediation on 29 April 2016 in relation to the Forest and Bird appeal on Policy NH 8. (Draft Consent Document 18 Natural Heritage)</p>
NH 9A		<p>Recognise and provide for Māori cultural values and traditions when assessing the effects of a proposal on natural heritage, including by:</p> <ul style="list-style-type: none"> (a) Avoiding significant adverse effects, and avoiding, remedying, mitigating or offsetting other effects, on habitats of indigenous species that are important for traditional or cultural purposes; and on cultural and spiritual values associated with natural features and natural landscapes; (b) Avoiding, remedying or mitigating cumulative adverse effects on the cultural landscape; (c) Assessing whether restoration of cultural landscape features can be enabled; and (d) Applying the relevant Iwi Resource Management policies from this Plan and the RPS.





IW 1	IWI RESOURCE MANAGEMENT	<p>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, practices and customary activities relating to natural and physical resources of the coastal environment such as mahinga kai, mahinga mātaītai, wāhi tapu, ngā toka taonga, tauranga waka, taunga ika 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 demonstration of kaitiakitanga; (c) The right of tāngata whenua to express their own preferences and exhibit mātauranga Māori in coastal management within their tribal boundaries and coastal waters; and (d) Areas of significant cultural value identified in Schedule 6 and other areas or sites of significant cultural value identified by Statutory Acknowledgements, iwi and hapū resource management plans or by evidence produced by tāngata whenua and substantiated by pūkenga, kua and/or kaumātua <u>and</u>; (e) <u>The importance of Māori cultural and heritage values through methods such as historic heritage, landscape and cultural impact assessments.</u> <p>Comment [JNS1]: Consent Order dated 30 September 2016.</p>
IW 2		<p>Avoid significant adverse effects on resources or areas of spiritual, historical or cultural significance to tāngata whenua in the coastal environment identified using criteria consistent with those included in Appendix F set 4 to the RPS, and remedy or mitigate other adverse effects on these areas. Where significant adverse effects cannot be avoided, remedied or mitigated, it may be possible to provide positive effects that offset the effects of the activity.</p>
IW 8		<p>Tāngata whenua shall be involved in establishing appropriate mitigation, remediation and offsetting options for activities that have an adverse effect on areas of significant cultural value (identified in accordance with Policy IW 1(d)).</p>
METHOD		
3A	NATURAL HERITAGE	<p>Support research to identify areas in the Bay of Plenty region where ecosystems and biodiversity values are being, or are likely to be, adversely affected by fishing activities, and investigate the options available to manage such activities for the protection of indigenous biodiversity.</p>
OBJECTIVE	Issue	Content

1	INTEGRATED MANAGEMENT	<p>Achieve integrated management of the coastal environment by:</p> <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; (c) Recognising and managing the effects of land uses and freshwater-based activities (including discharges) on the coastal marine area; (d) Enabling kaitiakianga; (e) Planning for and managing: <ul style="list-style-type: none"> (i) cumulative effects; and (ii) the effects of climate change; (f) Promoting the sustainable management of the Bay of Plenty coastal fisheries; and (g) Providing for the future urban growth management areas identified in Appendix E of the RPS without compromising other regionally significant values of the coastal environment. <p>Comment [MRI1]: Consent order dated 4 May 2015 ENV-2015-348-000029, 30 and 31 Urban Growth Management and Infrastructure</p>
2	NATURAL HERITAGE	<p><u>Protect the attributes and values of:</u></p> <ul style="list-style-type: none"> (a) Outstanding natural features and landscapes of the coastal environment; and (b) Areas of high, very high and outstanding natural character in the coastal environment, <p>from inappropriate subdivision, use, and development, and restore or rehabilitate the natural character of the coastal environment where appropriate.</p> <p>Comment [MI12]: Te Tumu parties: Appeal withdrawn – mediation agreement 28 April 2016 (Draft Consent Documents: Natural Heritage)</p> <p>Safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by:</p> <ul style="list-style-type: none"> (a) Protecting Indigenous Biological Diversity Areas A, (b) Maintaining Indigenous Biological Diversity Areas B; (c) Promoting the maintenance of indigenous biodiversity in general; and (d) Enhancing or restoring indigenous biodiversity where appropriate. <p>Comment [RMB13]: Te Tumu parties: Appeal withdrawn – mediation agreement 28 April 2016 (Draft Consent Documents: Natural Heritage)</p>
2A	NATURAL HERITAGE	





3		<p>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 and sand dunes.</p>
4		<p>Enable the restoration and rehabilitation of the natural heritage of the coastal environment, including:</p> <ul style="list-style-type: none"> (a) Kaimoana resources; and (b) Natural heritage landforms or features that would increase resilience to natural hazards.
12		<p>The active involvement of tāngata whenua in management of the coastal environment when activities may affect their interests and values.</p>
13		<p>Tāngata whenua are able to undertake customary activities in the coastal marine area, and access to sites used for cultural practices, gathering kaimoana, mahinga mātaītai and areas of cultural significance is maintained or enhanced.</p>
14		<p>The protection of those taonga, sites, areas, features, resources or attributes of the coastal environment (including the Coastal Marine Area) which are either of significance or special value to tāngata whenua (where these are known).</p>
15		<p>The restoration of areas of cultural significance, including mahinga mātaītai, and the mauri of coastal waters, where customary activities or the ability to collect healthy kaimoana are restricted or compromised.</p>
16		<p>Where appropriate, cultural health indicators are used that recognise and express Māori values, and tāngata whenua are involved in monitoring the state of the coastal environment and impacts of consented activities.</p>
17		<p>Appropriate mitigation or remediation is undertaken when activities have an adverse effect on the mauri of the coastal environment, areas of cultural significance to tāngata whenua or the relationship of tāngata whenua and their customs and traditions with the coastal environment.</p>
POLICY	<p style="text-align: center;">IWI RESOURCE MANAGEMENT</p> <p>Comment [JN14]: Ngāi Makino appeal seeks new objectives relating to the aspirations of Iwi Māori and marine spatial tools.</p>	

NH 4		<p>Adverse effects must be avoided on the values and attributes of the following areas:</p> <ul style="list-style-type: none"> (a) Outstanding Natural Character areas (as identified in Appendix I to the RPS); (b) Outstanding Natural Features and Landscapes (as identified in Schedule 3); (c) Any Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1), and <p>Adverse effects must be avoided on taxa that meet the criteria listed in Policy 11(a)(i) or (ii) of the NZCPS.</p> <p>A summary of values and attributes for areas of Outstanding Natural Character is provided in Appendix J to the RPS. Values and attributes for Indigenous Biological Diversity Area A and Outstanding Natural Features and Landscapes are set out in Schedules 2 and 3 to this Plan respectively.</p> <p>Comment [JN29]: Ngāu Makiro appeal points are UNRESOLVED. TO be heard under the Iwi resource management topic.</p>
NH 8A	NATURAL HERITAGE	<p><u>There should be no net loss of the quality and extent of seagrass beds, saltmarsh wetlands and bird roosting sites in the coastal environment as a result of subdivision, use and development.</u></p> <p><u>Where a biodiversity offset is proposed, it should be developed in a manner consistent with the principles contained in Schedule 13.</u></p> <p>Comment [JN46]: Agreed at mediation on 29 April 2016 in relation to the Forest and Bird appeal on Policy NH 8. (Draft Consent Document 18 Natural Heritage)</p>
NH 9A		<p>Recognise and provide for Māori cultural values and traditions when assessing the effects of a proposal on natural heritage, including by:</p> <ul style="list-style-type: none"> (a) Avoiding significant adverse effects, and avoiding, remedying, mitigating or offsetting other effects, on habitats of indigenous species that are important for traditional or cultural purposes, and on cultural and spiritual values associated with natural features and natural landscapes; (b) Avoiding, remedying or mitigating cumulative adverse effects on the cultural landscape; (c) Assessing whether restoration of cultural landscape features can be enabled; and (d) Applying the relevant Iwi Resource Management policies from this Plan and the RPS.



IW 1	IWI RESOURCE MANAGEMENT	<p>Proposals which may affect the relationship of Māori and their culture and traditions must recognise and provide for:</p> <p>(a) Traditional Māori uses, practices and customary activities relating to natural and physical resources of the coastal environment such as mahinga kai, mahinga mātai, wāhi tapu, ngā toka taonga, tauranga waka, taunga ika and taipure in accordance with tikanga Māori;</p> <p>(b) The role and mana of tāngata whenua as kaitiaki of the region's coastal environment and the practical demonstration of kaitiakitanga;</p> <p>(c) The right of tāngata whenua to express their own preferences and exhibit mātauranga Māori in coastal management within their tribal boundaries and coastal waters; and</p> <p>(d) Areas of significant cultural value identified in Schedule 6 and other areas or sites of significant cultural value identified by Statutory Acknowledgements, iwi and hapū resource management plans or by evidence produced by tāngata whenua and substantiated by pūkenga, kuaia and/or kaumatua; <u>and</u></p> <p>(e) <u>The importance of Māori cultural and heritage values through methods such as historic heritage, landscape and cultural impact assessments.</u></p> <p>Comment [JN51]: Consent Order dated 30 September 2016.</p>
IW 2		<p>Avoid significant adverse effects on resources or areas of spiritual, historical or cultural significance to tāngata whenua in the coastal environment identified using criteria consistent with those included in Appendix F set 4 to the RPS, and remedy or mitigate other adverse effects on these areas. Where significant adverse effects cannot be avoided, remedied or mitigated, it may be possible to provide positive effects that offset the effects of the activity.</p>
IW 8		<p>Tāngata whenua shall be involved in establishing appropriate mitigation, remediation and offsetting options for activities that have an adverse effect on areas of significant cultural value (identified in accordance with Policy IW 1(d)).</p>
METHOD		
3A	NATURAL HERITAGE	<p>Support research to identify areas in the Bay of Plenty region where ecosystems and biodiversity values are being, or are likely to be, adversely effected by fishing activities, and investigate the options available to manage such activities for the protection of indigenous biodiversity.</p>



Annexure F Information as to numbers by-catch in this area

Bycatch table

Species common name	Fishing Year							
	2010	2011	2012	2013	2014	2015	2016	2017
Albatrosses (Unidentified)	1	2			1	2	4	2
Australasian gannet						1		
Baleen whales				8.9				
Bamboo coral								
Black (Partinson's) petrel	2				2		1	2
Black corals						1		
Boobies and Gannets						1	2	
Bottlenose dolphin		1						
Buller's and Pacific albatross								1
Common diving petrel					2		138	2
Common dolphin					1	4	3	44
Coral (Unidentified)					200		22	14
Fairy prion			2					
Flesh-footed shearwater	4	1			19	6	12	1
Fluttering shearwater		4						
Leatherback turtle	1	1		8	2	7	7	
Mid-sized Petrels & Shearwaters				1				
New Zealand fur seal	1		2	1	1	4		11
Orca					1			
Petrels, Prions and Shearwaters	1	1	3		13	5	73	21
Seagull					1			
Seals and Scallions	2				8	4	1	1
Shy albatross	3		1				15	
Sooty shearwater	5			2		3	5	1
Southern black-browed albatross					1			
Southern royal albatross							3	
Wandering (Snowy) albatross					1	4		
White pointer shark						1	1	3



Figure 1: Reported commercial landings for the SNA1 stock

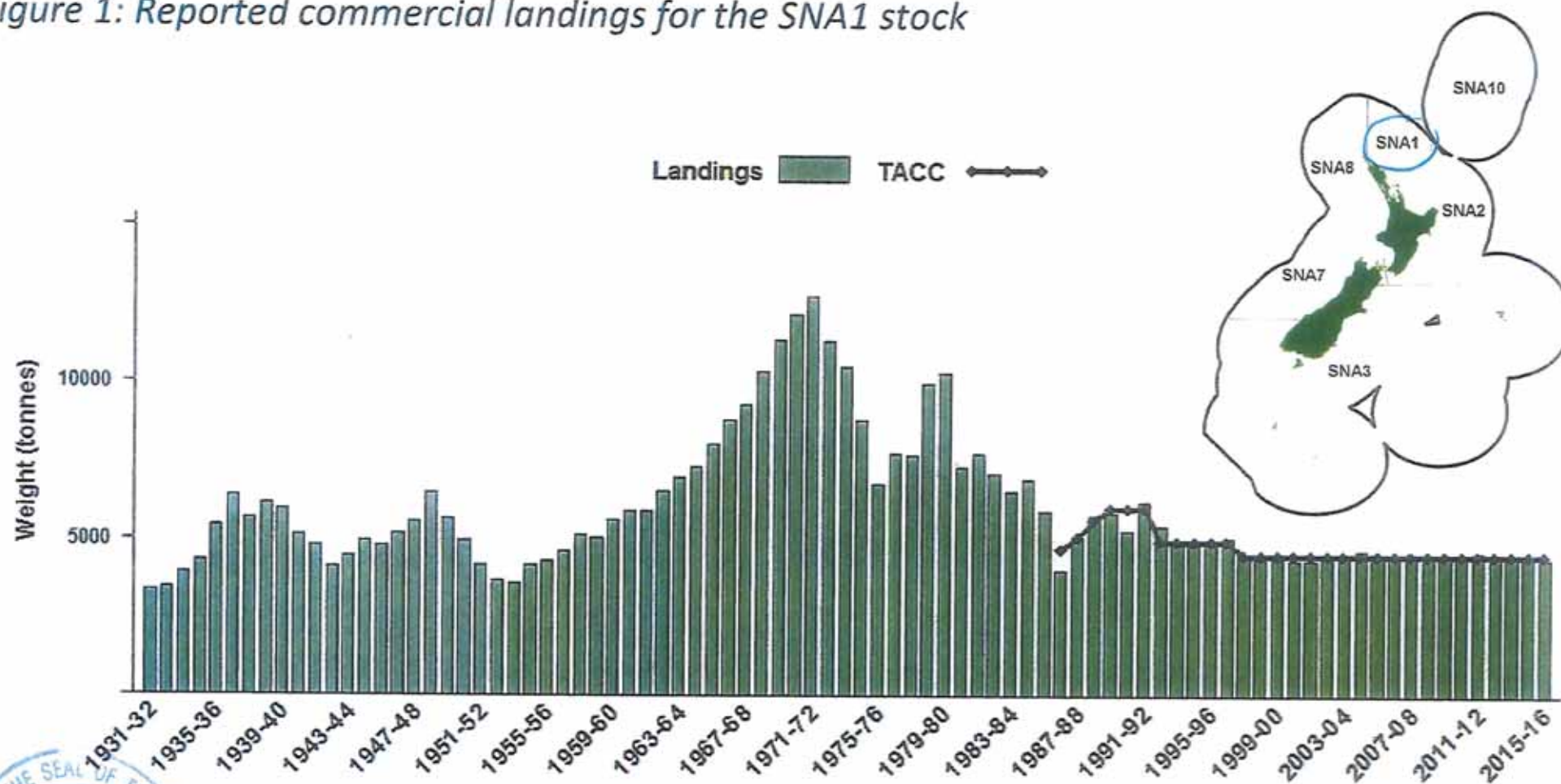


Figure 2: Trajectory of SNA1 abundance (1900- Present) from 2015 stock assessment model

