

## **Appendix 2 - Relevant Objectives and Policies**

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# NZ Coastal Policy Statement

3 December 2010

Objective/Policy	Assessment Summary
<p><b>Objective 1</b></p> <p>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <ul style="list-style-type: none"> <li>• maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</li> <li>• protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and</li> <li>• maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.</li> </ul>	<p>To achieve these objectives the NZCPS contains many policies, which elaborate on how these objectives are to be achieved. The evaluation is, therefore, placed alongside the relevant policy below.</p>
<p><b>Objective 2</b></p> <p>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <ul style="list-style-type: none"> <li>• recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</li> <li>• identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</li> <li>• encouraging restoration of the coastal environment.</li> </ul>	
<p><b>Objective 3</b></p> <p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> <li>• recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</li> <li>• promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</li> <li>• incorporating mātauranga Māori into sustainable management practices; and</li> <li>• recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</li> </ul>	
<p><b>Objective 4</b></p> <p>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</p>	

<ul style="list-style-type: none"> <li>• recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</li> <li>• maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</li> <li>• recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</li> </ul>	
<p><b>Objective 6</b></p> <p>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> <li>• the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</li> <li>• some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</li> <li>• functionally some uses and developments can only be located on the coast or in the coastal marine area;</li> <li>• the coastal environment contains renewable energy resources of significant value;</li> <li>• the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</li> <li>• the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</li> <li>• the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and</li> <li>• historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</li> </ul>	
<p><b>Policy 1 Extent and characteristics of the coastal environment</b></p> <p>(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</p> <p>(2) Recognise that the coastal environment includes:</p> <p>(a) the coastal marine area;</p> <p>(b) islands within the coastal marine area;</p> <p>(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</p>	<p>The extent and characteristics of the coastal environment have been considered and recognised. No inappropriate activities are proposed. The Project Goal is focussed on restoring and enhancing the coastal environment. However this will be a long term process.</p>

<ul style="list-style-type: none"> <li>(d) areas at risk from coastal hazards;</li> <li>(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;</li> <li>(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</li> <li>(g) items of cultural and historic heritage in the coastal marine area or on the coast;</li> <li>(h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and</li> <li>(i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.</li> </ul>	
<p><b>Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage</b></p> <p>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</p> <ul style="list-style-type: none"> <li>a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</li> <li>b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</li> <li>c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</li> <li>d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available;</li> <li>e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and             <ul style="list-style-type: none"> <li>i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and</li> <li>ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;</li> </ul> </li> <li>f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:             <ul style="list-style-type: none"> <li>i. bringing cultural understanding to monitoring of natural resources;</li> <li>ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;</li> <li>iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaimitai or other non-commercial Māori customary fishing; and</li> </ul> </li> </ul>	<p>A number of aspects of this policy can only be implemented by Councils, such as those aspects concerned with decision-making and the relationship between Councils and Tangata Whenua.</p> <p>Consultation with iwi authorities has been undertaken by the applicant. Four CIAs have been commissioned that discuss the characteristics of the environment that are of value.</p> <p>A primary goal of the Project is to enhance the mauri of an area of cultural significance in response to calls from local iwi, and as a means of providing redress after a number of actions resulting in the continued degradation of the estuary.</p> <p>The Project is a step towards addressing past modifications that have led to the degradation of the mauri of the river and estuary over time.</p>

<p>g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:</p> <p>i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</p> <p>ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</p>	
<p><b>Policy 3 Precautionary approach</b></p> <p>1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</p> <p>2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</p> <p>a) avoidable social and economic loss and harm to communities does not occur;</p> <p>b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</p> <p>c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</p>	<p>A detailed and comprehensive investigation and evaluation of potential effects on the coastal environment has been undertaken. This is summarised in the AEE and the accompanying technical reports.</p> <p>Many of effects of implementation of the Project on the coastal environment are considered sufficiently certain and well understood, that a precautionary approach as required by Policy 3 is not considered necessary.</p> <p>Where effects of the Project are uncertain, this has been recognised in the assessments provisions have been developed in accordance with recommendations from those assessments, so as to enable the imposition of conditions which would incorporate a degree of precaution by adopting an adaptive management approach.</p>
<p><b>Policy 6 Activities in the coastal environment</b></p> <p>(1) In relation to the coastal environment:</p> <p>(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</p>	<p>The first part of the Policy relates to activities in the broader coastal environment and the second more specifically to the coastal marine area.</p>

<p>(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</p> <p>...</p> <p>(2) Additionally, in relation to the coastal marine area:</p> <p>(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:</p> <p>(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</p> <p>(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</p> <p>...</p> <p>(e) promote the efficient use of occupied space, including by:</p> <p>(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;</p> <p>...</p> <p>(iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.</p>	<p>The proposal will provide infrastructure that will enable the social, economic and cultural well-being of people and the community.</p>
<p><b>Policy 10 Reclamation and de-reclamation</b></p> <p>(1) Avoid reclamation of land in the coastal marine area, unless:</p> <p>(a) land outside the coastal marine area is not available for the proposed activity;</p> <p>(b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;</p> <p>(c) there are no practicable alternative methods of providing the activity; and</p> <p>(d) the reclamation will provide significant regional or national benefit.</p> <p>(2) Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design have particular regard to:</p> <p>(a) the potential effects on the site of climate change, including sea level rise, over no less than 100 years;</p> <p>(b) the shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast;</p> <p>(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;</p> <p>(d) providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate as provided for in policy 19;</p>	<p>The location of the Project is fixed. The purpose of the reclamation is to ensure that the volume of freshwater diverted into the estuary can be maximised. The activity is a suitable use of the CMA – it will provide access. The material to be used as fill has been tested and is suitable. In addition, it will provide additional wetland habitat.</p>

<p>(e) the ability to remedy or mitigate adverse effects on the coastal environment;</p> <p>(f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and</p> <p>(g) the ability to avoid consequential erosion and accretion, and other natural hazards.</p>	
<p><b>Policy 11 Indigenous biological diversity (biodiversity)</b></p> <p>To protect indigenous biological diversity in the coastal environment:</p> <p>(a) avoid adverse effects of activities on:</p> <p>(i) indigenous taxa<sup>4</sup> that are listed as threatened<sup>5</sup> or at risk in the New Zealand Threat Classification System lists;</p> <p>(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</p> <p>(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare<sup>6</sup>;</p> <p>(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</p> <p>(v) areas containing nationally significant examples of indigenous community types; and</p> <p>(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</p> <p>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <p>(i) areas of predominantly indigenous vegetation in the coastal environment;</p> <p>(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</p> <p>(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</p> <p>(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</p> <p>(v) habitats, including areas and routes, important to migratory species; and</p> <p>(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</p>	<p>A number of indigenous species, habitats, and areas have been considered in the technical reports. Indigenous biodiversity will be protected and enhanced.</p>
<p><b>Policy 13 Preservation of natural character</b></p> <p>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <p>(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</p> <p>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;</p> <p>...</p>	<p>The Policy seeks to preserve the natural character of the coastal environment and to protect it from inappropriate use and development, as stated in Section 6(a) of the RMA.</p> <p>Clause 1 seeks to avoid adverse effects of activities on natural character in areas of the coastal environmental with outstanding natural character. Maketu Estuary and the</p>



<p>(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</p> <ul style="list-style-type: none"> <li>(a) natural elements, processes and patterns;</li> <li>(b) biophysical, ecological, geological and geomorphological aspects;</li> <li>(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</li> <li>(d) the natural movement of water and sediment;</li> <li>(e) the natural darkness of the night sky;</li> <li>(f) places or areas that are wild or scenic;</li> <li>(g) a range of natural character from pristine to modified; and</li> <li>(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.</li> </ul>	<p>lower Kaituna are considered as having high natural character.</p>
<p><b>Policy 14 Restoration of natural character</b>          Promote restoration or rehabilitation of the natural character of the coastal environment, including by :</p> <ul style="list-style-type: none"> <li>(a) identifying areas and opportunities for restoration or rehabilitation;</li> <li>...</li> </ul>	<p>One of the key goals for the Project is to restore to the extent possible the natural functioning and character of the estuary environment. With the mitigation measures proposed adverse effects will be avoided.</p>
<p><b>Policy 15 Natural features and natural landscapes</b>          To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> <li>(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and</li> <li>(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;</li> <li>...</li> </ul>	<p>Under the proposed Regional Coastal Environment Plan the area is identified as outstanding (Maketu). The Plan has only just been notified so little weight should be applied. However, the adverse effects are temporary and overall there will be a significant positive effect on the estuary environment through improving the natural functioning.</p>
<p><b>Policy 18 Public open space</b>          Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</p> <ul style="list-style-type: none"> <li>(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</li> <li>(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</li> <li>(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</li> </ul>	<p>Public access will not be adversely affected. Access will be improved through provision of the boating facilities and access to Papahikahawai Island.</p>

<p>(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</p> <p>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</p>	
<p><b>Policy 23 Discharge of contaminants</b></p> <p>(1) In managing discharges to water in the coastal environment, have particular regard to:</p> <p>(a) the sensitivity of the receiving environment;</p> <p>(b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and</p> <p>(c) the capacity of the receiving environment to assimilate the contaminants; and:</p> <p>(d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;</p> <p>(e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and</p> <p>(f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.</p> <p>...</p>	<p>The discharges proposed are related to construction activities. These are temporary in nature and the construction methodology has been developed to address the matter. The matters in the Policy are considered under s105 and 107.</p>

# Operative Regional Policy Statement

1 December 1999 (updated 23 March 2010)

Objective/Policy	Assessment Summary
<b>Chapter 5: Resource Management Practice</b>	
<p><b>5.3.1 Treaty of Waitangi</b></p> <p><b>Objective 5.3.1(a):</b> The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and taken into account in the practice of resource management.</p> <p><b>Policy 5.3.1(b)(i):</b> To ensure that functions and powers under the Act are exercised in a manner consistent with the principles of the Treaty.</p> <p><b>Policy 5.3.1(b)(ii):</b> To recognise that the principles of the Treaty will continue to evolve and be defined.</p> <p><b>Policy 5.3.1(b)(iii):</b> To promote awareness and understanding of councils' obligations under the Act regarding the principles of the Treaty, tikanga Maori and Maori kaupapa, among council decision makers, staff and the community.</p> <p><b>Policy 5.3.1(b)(iv):</b> To recognise that the tangata whenua, as indigenous peoples, have rights protected by the Treaty and that consequently the Act accords iwi authorities, tribal runanga and hapu a status distinct from that of interest groups and members of the public.</p> <p><b>Policy 5.3.1(b)(v):</b> To recognise the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Act.</p>	<p>Consultation with iwi is ongoing. The four CIAs show there is general support for the Project. The recommendations and outcomes sought in the CIAs have been accepted in principle.</p> <p>A primary goal of the Project is to enhance the mauri of an area of cultural significance in response to calls from local iwi and as a means of providing redress after a number of actions resulting in the continued degradation of the estuary.</p>
<p><b>5.3.2 Maori Culture and Traditions</b></p> <p><b>Objective 5.3.2(a):</b> Recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p><b>Policy 5.3.2(b)(i):</b> To recognise and provide for traditional Maori uses and practices relating to natural and physical resources such as mahinga maataitai, waahi tapu and taonga raranga, where appropriate.</p> <p><b>Policy 5.3.2(b)(ii):</b> To recognise and provide for the role of tangata whenua as kaitiaki of their resources, where appropriate.</p> <p><b>Policy 5.3.2(b)(iii):</b> To recognise the particular sensitivity of Maori heritage and the inappropriateness of expressly identifying some sites of value to tangata whenua.</p> <p><b>Policy 5.3.2(b)(iv):</b> To recognise that only Maori can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>	

<p><b>Policy 5.3.2(b)(v):</b> To assess the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, in relation to section 6(e) of the Act, by the extent to which criteria not inconsistent with those in Appendix F set 4: Maori Culture and Traditions are met.</p> <p><b>Policy 5.3.2(b)(vi):</b> To use criteria not inconsistent with those in set 4 of Appendix F when preparing provisions relating to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, in relation to section 6(e) of the Act, for inclusion in regional and district plans for the purpose of Part V of the Act.</p>	
<p><b>5.3.3 Consultation</b></p> <p><b>Objective 5.3.3(a):</b> The timely exchange, consideration of and response to, relevant information by all parties with an interest in the resolution of a resource management issue.</p> <p><b>Policy 5.3.3(b)(ii):</b> To consult all potentially affected parties and interest groups in the planning, implementation and review of councils' own operational activities in relation to the use, development and protection of natural and physical resources.</p>	<p>Consultation has been a key component of the Project. Changes have been made to the Project, where appropriate, as a result of consultation.</p>
<p><b>5.3.6 Effects on Well-being</b></p> <p><b>Objective 5.3.6(a):</b> Adverse effects of activities on social, economic and cultural well-being are avoided, remedied or mitigated.</p> <p><b>Policy 5.3.6(b)(i):</b> To take into account the effects of activities on the social, economic and cultural well-being of people and communities in plan preparation and in the consideration of applications for resource consents.</p> <p><b>Policy 5.3.6(b)(ii):</b> To manage the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.</p>	<p>A primary goal of the Project is to address the social, economic, and cultural well-being of the community. The AEE has identified the effects that need to be avoided, remedied, or mitigated. The Project also has significant positive benefits that need to be recognised. The Project will help contribute to the well-being and health and safety of the Maketu community.</p>
<p><b>Chapter 6: Land</b></p>	
<p><b>6.3.1 Land</b></p> <p><b>Objective 6.3.1(a):</b> The adoption of sustainable land use and management practices.</p> <p><b>Policy 6.3.1(b)(ii):</b> To safeguard the life-supporting capacity of the soil and associated ecosystems, particularly indigenous ecosystems, and to protect soil from degradation.</p> <p><b>Policy 6.3.1(b)(iii):</b> To avoid, remedy or mitigate adverse effects on the environment associated with the inappropriate subdivision, use, and development of land.</p> <p><b>Policy 6.3.1(b)(v):</b> To enable land use practices that are consistent with:</p> <p>(a) effects of upstream activities on down-stream river management needs, and</p> <p>(b) established water quality standards.</p>	<p>A key part of the Project is to improve the life-supporting capacity of ecosystems and address the social, economic, and cultural well-being of the community.</p>

<p><b>Policy 6.3.1(b)(viii):</b> To manage the use and development of land resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing.</p> <p><b>Policy 6.3.1(b)(ix):</b> To recognise that landowners have the primary responsibility for the sustainable management of riparian and wetland areas.</p> <p><b>Policy 6.3.1(b)(xi):</b> To protect, and enhance where practicable, the region’s remaining wetlands.</p> <p><b>Policy 6.3.1(b)(xiv):</b> To protect water quality from the adverse effects of land use.</p> <p><b>Policy 6.3.1(b)(xv):</b> To recognise the need for the integrated management of riparian areas and wetlands.</p>	
<p><b>Chapter 7: Air</b></p>	
<p><b>7.3.2 Emissions</b></p> <p><b>Objective 7.3.2(a):</b> No significant adverse effects on people and the environment result from discharges of chemical, odorous and particulate contaminants into the air.</p> <p><b>Policy 7.3.2(b)(i):</b> To avoid, remedy or mitigate the adverse effects on air quality of discharges of contaminants into air.</p> <p><b>Policy 7.3.2(b)(ii):</b> To give priority to avoiding significant adverse effects from the discharge of particulate and chemical contaminants and odour into the air.</p>	<p>Any air discharge will be limited to dust from earthworks, the effects of which can be appropriately managed.</p>
<p><b>Chapter 8: Fresh Water</b></p>	
<p><b>8.3.1 Water Quality</b></p> <p><b>Objective 8.3.1(a):</b> Water quality is maintained, and where practicable enhanced, to a level sufficient to safeguard aquatic life, to sustain the potential of water resources to be used and developed to meet existing and reasonably foreseeable future needs, and to provide for the protection of aesthetic or cultural values associated with water.</p> <p><b>Policy 8.3.1(b)(i):</b> To manage the use and development of water resources in a manner which enables people and communities to provide for their social, economic and cultural well-being and to ensure that the adverse effects of contaminants on water are avoided, remedied or mitigated.</p> <p><b>Policy 8.3.1(b)(ii):</b> To improve the quality of the region’s water resources by avoiding, remedying or mitigating the adverse effects of diffuse and point source discharges of contaminants onto or into land or into water.</p> <p><b>Policy 8.3.1(b)(vi):</b> To avoid, remedy or mitigate any adverse effects of water-related activities on water quality.</p>	<p>The AEE notes that dissolved oxygen levels will improve. The external and internal nutrient load will be balanced. Bacteria levels are currently high but in the long term are expected to improve.</p>
<p><b>8.3.2 Water Allocation</b></p> <p><b>Objective 8.3.2(a):</b> The efficient management of water-body levels and flows which enables people and communities to provide for their well-being, preserves the natural character of wetlands, lakes and rivers and their margins, and protects outstanding natural features, aquatic life and significant values.</p>	<p>A key component of the Project is the creation of wetland.</p>

<p><b>Policy 8.3.2(b)(iv):</b> To recognise and provide for the preservation of the natural character of wetlands, and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.</p> <p><b>Policy 8.3.2(b)(v):</b> To protect significant natural water features from inappropriate human-induced changes in flows and levels.</p> <p><b>Policy 8.3.2(b)(vi):</b> To protect aquatic life in water bodies from inappropriate human-induced changes in flows and levels.</p> <p><b>Policy 8.3.2(b)(viii):</b> To avoid, remedy or mitigate adverse effects of changes in water levels and yields due to changes in land use.</p>	<p>A culvert is proposed to address the water levels at the Lower Kaituna Wildlife Management Reserve.</p>
<p><b>8.3.3 Integrated Management</b></p> <p><b>Objective 8.3.3(a):</b> Integrated management of land and water resources in a manner which provides for the maintenance and, where practicable, enhancement of water related values and the quality of the environment and enables people and communities to provide for their well-being.</p> <p><b>Policy 8.3.3(b)(iii):</b> To provide for conservation values and the maintenance and enhancement of public access to and along lakes and rivers, unless it is inappropriate to do so.</p>	<p>The Project over time will provide for the enhancement of the environment.</p> <p>Public access will be improved.</p>
<p><b>Chapter 9: The Coastal Environment</b></p>	
<p><b>9.3.1 Natural Values</b></p> <p><b>Objective 9.3.1(a):</b> Recognition of and provision for:</p> <ul style="list-style-type: none"> <li>(i) The preservation of the natural character of the coastal environment;</li> <li>(ii) The protection of outstanding natural features and landscapes in the coastal environment; and</li> <li>(iii) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment.</li> </ul> <p><b>Policy 9.3.1(b)(i):</b> To ensure that adverse effects on significant indigenous vegetation, significant habitat of indigenous fauna and outstanding natural features and landscapes located in the coastal environment are avoided, remedied or mitigated.</p> <p><b>Policy 9.3.1(b)(ii):</b> To ensure that all proposed subdivision, use and development in the coastal environment provides for the preservation of natural character.</p> <p><b>Policy 9.3.1(b)(iii):</b> To ensure that in the coastal environment-</p> <ul style="list-style-type: none"> <li>(a) New subdivision, use and development is located in areas where natural character is already substantially compromised by existing development;</li> <li>(b) Sprawling and sporadic subdivision, use or development is avoided; and</li> <li>(c) Cumulative effects on natural character are avoided unless dispersal of subdivision, use and development can be demonstrated to be more effective as a means of avoiding adverse effects.</li> </ul>	<p>The Project will enhance values even though significant earthworks are required. The earthworks are a temporary activity.</p>

<p><b>Policy 9.3.1(b)(iv):</b> To ensure that, where natural character is already substantially compromised by development, all practicable steps are taken to avoid, remedy or mitigate adverse effects on remaining natural character, particularly when further subdivision, use or development is proposed.</p> <p><b>Policy 9.3.1(b)(v):</b> To consider the restoration or enhancement of natural character and heritage places in areas that have been degraded by past or existing use and development.</p>	
<p><b>9.3.2 Water Quality</b></p> <p><b>Objective 9.3.2(a):</b> The water quality of the coastal marine area is maintained and, in some cases, enhanced.</p> <p><b>Policy 9.3.2(b)(i):</b> To ensure that, after reasonable mixing has occurred, discharges do not have significant adverse effects on habitats, feeding grounds or ecosystems.</p> <p><b>Policy 9.3.2(b)(ii):</b> To promote the enhancement of the quality of degraded coastal waters.</p>	<p>The AEE notes that dissolved oxygen levels will improve. The external and internal nutrient load will be balanced. Bacteria levels are currently high but in the long term are expected to improve. The Project will promote and enhance the quality of the degraded estuary environment.</p>
<p><b>9.3.3 Access</b></p> <p><b>Objective 9.3.3(a):</b> The coastal marine area is generally accessible to members of the public.</p> <p><b>Policy 9.3.3(b)(i):</b> To enhance public usage and enjoyment of the coastal marine area.</p> <p><b>Policy 9.3.3(b)(ii):</b> To provide for the expansion of existing facilities or the locating of new facilities which would enhance public access to the coastal environment, while ensuring that adverse effects are avoided, remedied or mitigated.</p> <p><b>Policy 9.3.3(b)(iii):</b> To restrict public access to the coastal marine area only where the restriction is necessary-</p> <ul style="list-style-type: none"> <li>(a) To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;</li> <li>(b) To protect Maori cultural values;</li> <li>(c) To protect public health and safety;</li> <li>(d) To ensure a level of security consistent with the purpose of a resource consent; or</li> <li>(e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.</li> </ul>	<p>The Project will enhance public access by providing opportunities for recreation in the lower Kaituna River and upper estuary as a result of public ownership of land.</p>
<p><b>Chapter 11: Natural Hazards</b></p>	
<p><b>11.3.1 Natural Hazards</b></p> <p><b>Objective 11.3.1(a):</b> The vulnerability to natural hazards of the region’s people and communities, and its natural and physical resources, is avoided or mitigated.</p> <p><b>Policy 11.3.1(b)(ii):</b> To ensure a co-operative and integrated approach to natural hazard risk management.</p>	<p>There is an existing flood and hazard risk. Measures are proposed to ensure that any additional risk as a result of the Project is mitigated or avoided.</p>

<p><b>Policy 11.3.1(b)(v):</b> To recognise and protect the integrity of natural ecosystems that are natural defences against flooding, inundation or erosion, particularly where new subdivision, use and development is proposed.</p> <p><b>Policy 11.3.1(b)(vii):</b> To ensure that where existing hazard mitigation works are having adverse effects on ecological, cultural or natural character values, the adverse effects will be remedied or mitigated, to the extent practicable.</p> <p><b>Policy 11.3.1(b)(xi):</b> To avoid or mitigate the vulnerability of existing urban subdivision, use and development, and significant infrastructure that are at risk from natural hazards.</p> <p><b>Policy 11.3.1(b)(xii):</b> To maintain the integrity of existing flood protection works to the greatest extent practicable.</p> <p><b>Policy 11.3.1(b)(xiii):</b> To take into account any actual or potential effect of climate change on the occurrence or severity of natural hazards.</p> <p><b>Policy 11.3.1(b)(xv):</b> To recognise that some natural features may migrate inland as a result of dynamic coastal processes and to take account of this in providing for the preservation of natural character and the protection of ecological values when subdivision, use or development in the coastal environment is being assessed.</p>	
<p><b>Chapter 16: Natural Character and Indigenous Ecosystems</b></p>	
<p><b>16.3.1 Preservation and Protection</b></p> <p><b>Objective 16.3.1(a):</b> The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems.</p> <p><b>Policy 16.3.1(b)(ii):</b> To ensure that intrinsic values of ecosystems are given particular regard to in resource management decisions and operations.</p> <p><b>Policy 16.3.1(b)(iii):</b> To protect the diversity of the region’s significant indigenous ecosystems, habitats and species including both representative and unique elements.</p> <p><b>Policy 16.3.1(b)(iv):</b> To manage resources in a manner that will ensure recognition of and provision for significant indigenous habitats and ecosystems.</p> <p><b>Policy 16.3.1(b)(v):</b> To avoid, remedy or mitigate any adverse effects of inappropriate subdivision, use and development on natural character, habitats and ecosystems.</p> <p><b>Policy 16.3.1(b)(vi):</b> To recognise indigenous marine, lowland forest, freshwater, wetland and geothermal habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty Region.</p> <p><b>Policy 16.3.1(b)(xi):</b> To assess, using criteria not inconsistent with those in Appendix G whether subdivision, use and development is inappropriate in regard to natural character and indigenous vegetation and habitats of indigenous fauna considered to warrant protection under section 6 of the Act.</p>	<p>The Project area is not within a Coastal Habitat Preservation Zone. The Project over time will provide for the enhancement of the environment.</p>



**16.3.2 Ecological Restoration and Rehabilitation**

**Objective 16.3.2(a):** The restoration or rehabilitation of natural communities and habitats in order to increase the survival probabilities of significant indigenous flora, fauna and ecosystems.

**Policy 16.3.2(b)(i):** To consider retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer zones.

**Policy 16.3.2(b)(ii):** To encourage a co-ordinated and co-operative approach to ecological restoration.

**Policy 16.3.2(b)(iii):** To consider the protection of remaining habitats from further fragmentation, degradation and invasion by pests.

**Policy 16.3.2(b)(iv):** To support non-regulatory initiatives for the restoration or rehabilitation of degraded habitats.

The Project over time will provide for the enhancement of the environment – wetland creation is a key aspect of the Project.

# Proposed Regional Policy Statement

9 November 2010 (Clear Copy Appeals Version 8.0c issued 14 August 2012)<sup>12</sup>

Objective/Policy	Assessment Summary
<b>Part 2.1: Air Quality</b>	
<p><b>Objective 1:</b> People and the environment are protected from the adverse effects of odours, chemical emissions and particulates.</p> <p><b>Policy AQ 2A:</b> Managing adverse effects from the discharge of odours, chemicals, and particulates</p> <p>Protect people’s health and the amenity values of neighbouring areas from discharges of offensive and objectionable odours, chemical emissions and particulates.</p>	<p>Any air discharge will be limited to dust from earthworks, the effects of which can be appropriately managed through the Construction Environmental Management Plan.</p>
<b>Part 2.2: Coastal Environment</b>	
<p><b>Objective 2:</b> Preservation, restoration and enhancement of the natural character and ecological functioning of the coastal environment.</p> <p><b>Policy CE 2A:</b> Preserving natural character within the coastal environment</p> <p>Preserve the high natural character of the coastal environment and protect it from inappropriate subdivision, use and development by;</p> <p>(a) Avoiding adverse effects of activities on areas in the coastal environment with outstanding natural character;</p> <p>(b) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on natural character in all other areas of the coastal environment</p> <p><b>Policy CE 4A:</b> Protecting and restoring natural coastal margins</p> <p>Protect the natural functioning of coastal margins and identify opportunities to restore and enhance natural functioning to allow for:</p> <p>(a) The continued natural functioning of physical processes, including changes arising as a result of climate change; and</p> <p>(b) The capacity of natural features (such as beaches, estuaries, sand dunes, wetlands, coastal vegetation and barrier islands) to provide subdivision, use or development with a protective buffer from natural hazards.</p> <p><b>Policy CE 7B:</b> Ensuring use and development is appropriate to the natural character of the coastal environment</p>	<p>The area is recognised as having high natural character.</p> <p>One of the key goals for the Project is to restore to the extent possible the natural functioning and character of the estuary environment.</p> <p>With the mitigation measures proposed adverse effects will be avoided.</p> <p>Aspects of the Project area already modified (e.g. Ford’s Cut, stopbanks, drainage network, causeways, Ford Rd) contain man made elements.</p> <p>The Project over time will provide for the enhancement of the environment - ecosystems and character.</p>

<sup>1</sup> Those provisions which are subject to outstanding appeals are shaded grey as indicated in Version 8.0c

<sup>2</sup> Where policies are listed under more than one objective, they are included here under the objective to which they are most relevant in the context of this Project.

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

- (a) Maintaining coastal margins in a natural state and protecting the natural values of beaches and dune systems, including their ability to reduce the impacts of coastal hazards such as tsunami and storm surge;
- (b) Avoiding the introduction or accumulation of man-made elements where none are planned (consented or designated) or were previously present or obvious; and
- (c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:
  - (i) Visually, ecologically or culturally sensitive landforms, including ridgelines, coastal cliffs, beaches, headlands, and peninsulas and visually prominent public open space;
  - (ii) Estuaries, lagoons, wetlands and their margins (saline and freshwater), dune lands, rocky reef systems and areas of eelgrass and salt marsh;
  - (iii) Terrestrial and marine ecosystems;
  - (iv) Natural patterns of indigenous and exotic vegetation and processes that contribute to the landscape and seascape value of the area; and
  - (v) Regionally significant surf breaks and their swell corridors, including those at Matakana Island and the Whakatāne Heads
- (f) Encouraging efficient use of occupied space through intensification and clustering of developments, rather than sprawling, sporadic or unplanned patterns of settlement and urban growth.

**Policy CE 8B: Safeguarding the life supporting capacity of coastal ecosystems**

Safeguard the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:

- (a) Any area within the inter-tidal or sub-tidal zone that contains unique, rare, distinctive or representative marine and avian species or habitats;
- (b) Areas used by marine mammals as breeding, feeding or haul-out sites;
- (c) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species or any life stage of species listed as threatened or at risk by the Department of Conservation;
- (d) Any areas that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes;
- (e) The integrity, functioning and resilience of physical and ecological processes; and
- (f) Promoting water quality in the coastal marine area that sustains healthy aquatic ecosystems.

<p><b>Policy CE 9B:</b> Managing adverse effects of land-based activities in the coastal environment on marine water quality</p> <p>Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:</p> <ul style="list-style-type: none"> <li>(a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other water bodies within the coastal environment;</li> <li>(b) Minimising the creation of impervious surface areas;</li> <li>(c) Minimising contaminants in stormwater that discharges into water or on to land that may enter water, including discharges to existing and new stormwater infrastructure;</li> <li>(d) Minimising the risk of releasing contaminants and avoiding releasing discharges from contaminated land;</li> <li>(e) Adopting water-sensitive design and management principles;</li> <li>(f) Adopting on-site management techniques that will improve the quality of stormwater and/or wastewater prior to discharge;</li> <li>(g) Establishing, replacing, retaining and/or enhancing riparian and catchment vegetation for the purpose of promoting setbacks and ecological buffer areas around wetland areas; and</li> <li>(h) Assessing treatment alternatives for discharges and adopting the best practicable option for treatment.</li> </ul>	<p>The discharges proposed are related to construction activities. These are temporary in nature and the construction methodology has been developed to ensure the effects are appropriate.</p>
<p><b>Objective 3:</b> Equitable and sustainable allocation of public space within the coastal marine area.</p> <p><b>Policy CE 10B:</b> Allocating public space within the coastal marine area</p> <p>For allocation of space within the coastal marine area activities shall demonstrate:</p> <ul style="list-style-type: none"> <li>(a) A functional or positional need to be located in, or adjacent to, the coastal marine area;</li> <li>(b) Efficient use of the natural resources within the coastal marine area; and</li> </ul> <p>In addition to Policies MN 2B, MN 3B, MN 5B, MN 6B and MN 8B consideration shall also be given to the effect of the activity in relation to:</p> <ul style="list-style-type: none"> <li>(c) Whether any benefit to the public of the proposed activity compensates for the loss of public open space; Multiple use of space and/or rationalisation of infrastructure;</li> <li>(d) Multiple use of space and/or rationalisation of infrastructure;</li> <li>(e) Recreational use of the coastal marine area;</li> <li>(f) Ecological functioning and natural processes of the coastal marine area;</li> <li>(g) Compatibility with the natural features and landscapes, natural character and amenity values of the coastal environment;</li> <li>(h) Respect for Māori customary practices; and</li> <li>(i) Existing uses and constraints in the coastal marine area.</li> </ul>	<p>Occupation of space is limited to the intake structure (culverts) and marine facilities. The Project will improve public access.</p> <p>The provision of recreational opportunities provides a benefit to the public.</p>

**Pat 2.5: Integrated Resource Management**

**Objective 10:** Cumulative effects of existing and new activities are appropriately managed.

**Policy IR 1B:** Applying a precautionary approach to managing natural and physical resources

Apply a precautionary approach to the management of natural and physical resources, where there is scientific uncertainty and/or a threat of serious or irreversible adverse effects on the resource and the built environment. Such activities should be classified as discretionary or non-complying activities in regional and district plans.

**Policy IR 3B:** Adopting an integrated Approach

Adopt an integrated approach to resource management that:

- (a) Recognises the interconnected nature of natural and physical resources, including as they adjust to changes;
  - (b) Recognises the multiple values of natural and physical resources;
  - (c) Responds to the nature and values of the resource and the diversity of effects (including cumulative and reverse sensitivity effects) that can occur;
  - (d) Seeks to maximise benefits by considering opportunities to align interventions (including regulatory and non regulatory) and/or to achieve multiple objectives;
  - (e) Encourages developments, activities or land-use changes to:
    1. Provide for the relationship between land use and water quality and quantity
    2. Recognise the advantages and constraints of land use capability;
    3. Provide for infrastructure;
  - (f) Takes a long term strategic approach which recognises the changing environment and changing resource use pressures and trends;
  - (g) Applies consistent and best practice standards and processes to decision making; and
  - (h) Recognises different community values and social needs;
- and regards these as positive effects.

**Policy IR 5B:** Assessing cumulative effects

Give regard to the cumulative effects of a proposed activity in contributing to:

- (a) Incremental degradation of values of sites identified as having high natural character (in accordance with Policies CE 2A and CE 7B);
  - (aa) Incremental degradation of matters of significance to Māori (in accordance with Policy IW 5B);
  - (b) Incremental degradation of water quality from point source and non-point source discharges including urban stormwater;
  - (c) Inefficient use of space associated with sprawling or sporadic new subdivision, use or development;

Many of effects of implementation of the Project on the coastal environment are considered sufficiently certain and well understood, that a precautionary approach as required by the policy is not considered necessary.

Where effects of the Project are uncertain, this has been recognised in the assessments provisions have been developed in accordance with recommendations from those assessments, so as to enable the imposition of conditions which would incorporate a degree of precaution.

The Project is entirely consistent as it recognises the interconnectedness of the river and estuary, maximises benefits by implementing the Strategy, which has a long term approach.

The Project responds in a positive manner to the past incremental degradation of values that has occurred to date.

<p>(d) Incremental degradation of scenic values, amenity, open space, recreation and the general use and enjoyment by the public;</p> <p>(e) Adverse impacts on coastal processes, resource or values, biodiversity and ecological functioning;</p> <p>(f) The availability of freshwater resources;</p> <p>(g) Increased risk from natural hazards;</p> <p>(h) The loss of versatile land for rural production activities; and</p> <p>(i) Effects on the function, efficiency and safety of infrastructure.</p>	
<p><b>Objective 11:</b> An integrated approach to resource management issues is adopted by resource users and decision makers.</p> <p><b>Policy IR 2B:</b> Having regard to the likely effects of climate change</p> <p>Recognise and provide for the predicted effects of climate change having particular regard to:</p> <p>(a) Predicted increase in rainfall intensity, taking account of the most recent national guidance and assuming a minimum increase in the annual mean temperature of 2°C by 2090 (relative to 1990 levels); and</p> <p>(b) Predicted increase in sea level, taking into account the most recent national guidance and assuming a minimum increase in sea level of 0.8 m by 2090 (relative to 1990 levels).</p>	<p>There is an existing flood and hazard risk. Measures are proposed to ensure that any additional risk as a result of the Project is mitigated or avoided.</p>
<p><b>Objective 12:</b> The timely exchange, consideration of and response to relevant information by all parties with an interest in the resolution of a resource management issue.</p> <p><b>Policy IR 4B:</b> Using consultation in the identification and resolution of resource management issues</p> <p>Encourage the timely exchange, consideration of, and response to, relevant information by all parties with an interest in the resolution of a resource management issue by:</p> <p>(a) Consulting as widely as practicable in the preparation, implementation and review of policy statements and plans.</p> <p>(b) Consulting all potentially affected parties and interest groups in the planning, implementation and review of councils' own operational activities in relation to the use, development and protection of natural and physical resources.</p> <p>(c) Encouraging all parties undertaking resource use, development and protection activities to consult with others who may be affected.</p>	<p>Consultation has been a key component of the Project. Changes have been made to the Project, where appropriate, as a result of consultation.</p>
<p><b>Part 2.6: Iwi Resource Management</b></p>	
<p><b>Objective 13:</b> Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management.</p> <p><b>Policy IW 3B:</b> Recognising the Treaty in the exercise of functions and powers under the Act</p> <p>Exercise the functions and powers of local authorities in a manner that:</p>	<p>Consultation with iwi is ongoing. The four CIAs show there is general support for the Project. The recommendations and outcomes sought in the CIAs have been accepted in principle.</p>

<ul style="list-style-type: none"> <li>(a) Takes into account the principles of the Treaty of Waitangi;</li> <li>(b) Recognises that the principles of the Treaty will continue to evolve and be defined;</li> <li>(c) Promotes awareness and understanding of councils’ obligations under the Act regarding the principles of the Treaty, tikanga Māori and kaupapa Māori, among council decision makers, staff and the community;</li> <li>(d) Recognises that tangata whenua, as indigenous peoples, have rights protected by the Treaty and that consequently the Act accords iwi a status distinct from that of interest groups and members of the public; and</li> <li>(e) Recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Act.</li> </ul>	<p>A primary goal of the Project is to enhance the mauri of an area of cultural significance in response to calls from local iwi and as a means of providing redress after a number of actions resulting in the continued degradation of the estuary.</p> <p>The Project is a step towards addressing past modifications that have led to the degradation of the mauri of the river and estuary over time.</p> <p>The CIA recommendations, which have been adopted in principle, include cultural monitoring and accidental discovery protocols.</p>
<p><b>Objective 15:</b> Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning documents.</p> <p><b>Policy IW 4B:</b> Taking into account iwi and hapū resource management plans</p> <p>Ensure iwi and hapū resource management plans are taken into account in resource management decision making processes.</p> <p><b>Policy IW 6B:</b> Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects</p> <p>Encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from the use and development activities as part of consultation for resource consent applications and in their own resource management plans.</p>	
<p><b>Objective 17:</b> The mauri of water, land, air and geothermal resources is sustained or improved where degraded.</p> <p><b>Policy IW 5B:</b> Adverse effects on matters of significance to Māori</p> <p>When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on:</p> <ul style="list-style-type: none"> <li>(a) The exercise of kaitiakitanga;</li> <li>(b) Mauri, particularly in relation to fresh, geothermal and coastal waters, land and air;</li> <li>(c) Mahinga kai and areas of natural resources used for customary purposes;</li> <li>(d) Places sites and areas with significant spiritual or cultural historic heritage value to tangata whenua; and</li> <li>(e) Existing and zoned marae or papakāinga land.</li> </ul> <p><b>Policy IW 2B:</b> Recognising matters of significance to Māori</p> <p>Proposals which may affect the relationship of Māori and their culture and traditions must:</p> <ul style="list-style-type: none"> <li>(a) Recognise and provide for: <ul style="list-style-type: none"> <li>(i) Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaimai, waahi tapu, papakāinga and taonga raranga;</li> </ul> </li> </ul>	

<ul style="list-style-type: none"> <li>(ii) The role of tangata whenua as kaitiaki of their resource;</li> <li>(iii) The mana whenua relationship of tangata whenua with, and their role of kaitiaki of, characteristics of the natural environment;</li> <li>(iv) Sites of cultural significance identified in iwi and hapū resource management plans; and</li> </ul> <p>(b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>	
<p><b>Part 2.7: Matters of National Importance</b></p>	
<p><b>Objective 18:</b> The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development.</p> <p><b>Policy MN 1B:</b> Giving priority to matters of national importance</p> <ul style="list-style-type: none"> <li>(a) Identify which natural and physical resources arrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement.</li> <li>(b) Afford priority to the protection of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage from inappropriate subdivision, use and development.</li> <li>(ba) Afford priority to the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a).</li> <li>(c) Afford priority to enhancing and maintaining public access to and along those areas identified in accordance with (a).</li> <li>(d) Afford recognition and provision to the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B.</li> <li>(e) Afford protection to recognised customary activities.</li> </ul> <p><b>Policy MN 7B:</b> Using criteria to assess appropriateness of development</p> <p>Assess, whether subdivision, use and development is inappropriate using criteria consistent with those in Appendix G, for areas considered to warrant recognition and provision for under section 6 of the Act due to:</p> <ul style="list-style-type: none"> <li>(a) Natural character;</li> <li>(b) Outstanding natural features and landscapes;</li> <li>(c) Significant indigenous vegetation and habitats of indigenous fauna;</li> <li>(d) Public access;</li> <li>(e) Māori culture and traditions; and</li> <li>(f) Historic heritage.</li> </ul>	<p>The Operative RCEP identifies the estuary as having significant conservation or cultural value (Map 16b) and the Proposed RCEP as having indigenous biological values over certain areas. The Project is about improving values.</p>



<p><b>Policy MN 8B:</b> Managing effects of subdivision, use and development</p> <p>Avoid and, where avoidance is not practicable, remedy or mitigate any adverse effects of subdivision, use and development on matters of national importance assessed in accordance with Policy MN 1B as warranting protection under section 6 of the Act.</p>	
<p><b>Objective 19:</b> The preservation of the region’s natural character, and the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems.</p> <p><b>Policy MN 2B:</b> Giving particular consideration to protecting significant indigenous habitats and ecosystems</p> <p>Based on the prioritisation of indigenous habitats and ecosystems in accordance with Policy MN 1B:</p> <ul style="list-style-type: none"> <li>(a) Recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting significant indigenous biodiversity;</li> <li>(b) Ensure that intrinsic values of ecosystems are given particular regards to in resource management decisions and operations;</li> <li>(c) Protect the diversity of the region’s significant indigenous ecosystems, habitats and species including both representative and unique elements;</li> <li>(d) Manage resources in a manner that will ensure recognition of, and provision for, significant indigenous habitats and ecosystems.</li> <li>(e) Recognise indigenous marine, lowland forest, freshwater, wetland and geothermal habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty.</li> </ul> <p><b>Policies MN 1B, MN 7B, MN 8B (see above)</b></p>	<p>One of the key goals for the Project is to restore to the extent possible the natural functioning and character of the estuary environment.</p>
<p><b>Objective 20:</b> The maintenance, restoration and rehabilitation of natural communities and habitats of significant indigenous flora, fauna and ecosystems.</p> <p><b>Policy MN 4B:</b> Providing for ecological restoration</p> <p>Provide for ecological restoration and rehabilitation through:</p> <ul style="list-style-type: none"> <li>(a) Retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer zones;</li> <li>(b) A co-ordinated and co-operative approach;</li> <li>(c) The protection of remaining habitats from further fragmentation, degradation and invasion by pest species;</li> <li>(d) Non-regulatory initiatives for the restoration or rehabilitation of degraded habitats; and</li> <li>(e) The protection of ecosystems and habitats identified by the National Priorities for Biodiversity Protection on Private Land (Ministry for the Environment 2006).</li> <li>(f) Mitigation measures from the effects of the use and development of land and water resources.</li> </ul>	

<p><b>Objective 21:</b> Recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p><b>Policies MN 1B, MN 7B, MN 8B (see above)</b></p>	<p>Consultation with iwi is ongoing. The four CIAs show there is general support for the Project. The recommendations and outcomes sought in the CIAs have been accepted in principle.</p>
<p><b>Objective 22:</b> The coastal marine area, lakes and rivers are generally accessible to the public.</p> <p><b>Policy MN 5B:</b> Encouraging public access to and along the coast, lakes and rivers</p> <p>Retain or establish public access to and along the coast, lakes and rivers, giving priority to public access rights where:</p> <ul style="list-style-type: none"> <li>(a) Connections between existing public areas can be provided;</li> <li>(b) Improving access would promote outdoor recreation;</li> <li>(c) Physical access for people with disabilities is desirable;</li> <li>(d) The long-term availability of public access is threatened by erosion or sea level rise;</li> <li>(e) Walking access to the coastal marine area, lakes and rivers can be provided;</li> <li>(f) Access to areas or sites of cultural significance is important to tangata whenua; and</li> <li>(g) Subdivision, use, or development of land adjacent to the coastal marine area, lakes and rivers has reduced public access, or has the potential to do so.</li> </ul> <p><b>Policy MN 6B:</b> Restricting public access to and along the coast, lakes and rivers</p> <p>Restrict public access to and along the coast, lakes and rivers only where necessary to avoid compromising:</p> <ul style="list-style-type: none"> <li>(a) Public health or safety;</li> <li>(b) The protection of dunes, areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;</li> <li>(c) The protection of historic heritage and Māori cultural values and activities;</li> <li>(d) A level of security consistent with the purpose of a resource consent; and</li> <li>(e) One or more of the objectives of this policy Statement;</li> </ul> <p><b>Policies MN 1B, MN 7B, MN 8B (see above)</b></p>	<p>Occupation of space is limited to the intake structure and marine facilities. The Project will improve public access and promote outdoor recreation.</p>
<p><b>Part 2.8: Natural Hazards</b></p>	
<p><b>Objective 23:</b> Communities are not adversely affected by natural hazards and residual risks are managed to acceptable levels.</p> <p><b>Policy NH 1B:</b> Assessing natural hazard risk</p> <p>Assess natural hazard risk to human health and safety, buildings, property, infrastructure and to the social, economic and cultural well-being of people and communities in three categories – acceptable, tolerable, and intolerable.</p>	<p>There is an existing flood and hazard risk. Measures are proposed to ensure that any additional risk as a result of the Project is mitigated or avoided. The assessment of flood</p>

<p>An assessment of whether a risk is acceptable, tolerable or intolerable should:</p> <ul style="list-style-type: none"> <li>(a) Be in such detail as corresponds with the scale and significance of the risk having regard to the purpose of infrastructure and the land uses that could be affected;</li> <li>(b) Include an evaluation of the likelihood and consequences of maximum credible events and an appropriate range of lesser events;</li> <li>(c) Facilitate review;</li> <li>(d) Inform and take account of the community response to the risk and the proposed level of residual risk; and</li> <li>(e) Be informed by and recognise the relevant legislation, guidelines, standards and best practice.</li> </ul> <p><b>Policy NH 5B:</b> Facilitating reduced natural hazard risk</p> <p>Regard likely reduction in natural hazard risk deriving from elements of development or use proposals as a positive effect in the consideration of such proposals.</p> <p><b>Policy NH 6B:</b> Providing for climate change</p> <p>Incorporate the effects of climate change in natural hazard risk assessment.</p> <p>Use the following Projections as minimum values when undertaking coastal hazard assessments:</p> <ul style="list-style-type: none"> <li>(a) A 100-year time frame;</li> <li>(b) A Projection of a base sea-level rise of at least 0.6 m (above the 1980–1999 average) for activities/developments which are relocatable;</li> <li>(c) A Projection of a base sea-level rise of 0.9 m (above 1980–1999 average) for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated; and</li> <li>(d) An additional sea-level rise of 10 mm/annum for activities with life spans beyond 2112.</li> </ul>	<p>risk and water level changes includes an allowance for climate change.</p>
<p><b>Part 2.10: Water Quality and Land Use</b></p>	
<p><b>Objective 27:</b> The quality and mauri of water in the region is maintained or, where necessary to meet the identified values associated with its required use and protection, enhanced.</p> <p><b>Policy WL 1B<sup>3</sup>:</b> Enabling land use change</p> <p>Regard as a positive effect any significant reduction in contaminant discharge (including nitrogen and phosphorus) likely to result from land use change proposals.</p>	<p>The AEE notes that dissolved oxygen levels will improve. The external and internal nutrient load will be balanced. Bacteria levels are currently high but in the long term are expected to improve. The Project will enhance the mauri of water over time.</p>

<sup>3</sup> As confirmed by Consent Order dated 30 May 2013

<p><b>Objective 29<sup>4</sup>:</b> Land use activities are:</p> <ol style="list-style-type: none"> <li>1 within the capability of the land to support the activity;</li> <li>2 integrated with the wider environmental values of their surroundings; and</li> <li>3 within the capacity of receiving waters to assimilate any discharge.</li> </ol> <p><b>Policy WL 7A<sup>5</sup>:</b> Minimising the effects of land and soil disturbance</p> <p>Achieve regional consistency by controlling land and soil disturbance activities to:</p> <ol style="list-style-type: none"> <li>(a) Avoid accelerated erosion and soil loss; and</li> <li>(b) Minimise silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</li> </ol>	<p>Significant earthworks are required during construction. The effects are temporary and an appropriate construction methodology is proposed.</p>
<p><b>Part 2.11: Water Quantity</b></p>	
<p><b>Objective 31:</b> The quantity of available water:</p> <ol style="list-style-type: none"> <li>(a) meets the range of uses and values for which water is required;</li> <li>(b) safeguards the mauri and life supporting capacity of water bodies; and</li> <li>(c) meets the reasonably foreseeable needs of future generations.</li> </ol> <p><b>Policy WQ 2A:</b> Setting and applying minimum flows and allocation limits for taking water</p> <ol style="list-style-type: none"> <li>(a) Set and apply instream minimum flow requirements for surface water bodies; and</li> <li>(b) Set and apply allocation limits for the total amount of water that can be taken from surface water bodies; and</li> <li>(c) Set and apply allocation limits for groundwater which take into account, among other things, the interaction between groundwater and surface water.</li> </ol> <p><b>Policy WQ 3B:</b> Allocating water</p> <p>Have regard to the following matters when allocating and reallocating water:</p> <ol style="list-style-type: none"> <li>(a) Ensuring water in a water body is not over allocated;</li> <li>(b) Giving priority to making water available to meet existing and reasonably foreseeable domestic or municipal water supply needs;</li> <li>(c) The relative economic benefits of the proposed end use of the water, when allocation limits are exceeded, or are close to being exceeded;</li> <li>(e) The cultural values of a water body;</li> </ol>	<p>The proposal is a diversion as opposed to a water take for abstraction (i.e. consumptive take). The Project will improve the flows between the river and the estuary.</p> <p>The effects on private water supplies has been appropriately mitigated.</p>

<sup>4</sup> As amended by Consent Order dated 30 May 2013

<sup>5</sup> As amended by Consent Order dated 30 May 2013

<p>(f) Requiring the volume of water allocated and taken to be reasonable and justifiable with regard to its intended use;</p> <p>(g) The value of investments that existing consent holders have made which depend on the water abstracted;</p> <p>(h) The availability of the water for other uses; and</p> <p>(i) The benefits to be derived from the use of water for, or directly associated with electricity generation from renewable sources.</p> <p><b>Policy WQ 8B: Managing water takes to ensure efficient use</b></p> <p>When considering an application for resource consent to take water, regard shall be given to:</p> <p>(a) The extent to which water users have demonstrated a reasonable need for the rates and volumes sought;</p> <p>(b) The extent to which water users have demonstrated that the water will be used efficiently;</p> <p>(ba) The extent of potential adverse effects on other authorised users;</p> <p>(c) Specifying the maximum allowable water use as well as maximum abstraction rates;</p> <p>(d) Requiring the consent holder to measure and report the actual amount of water taken;</p> <p>(e) Whether water is able to be taken within pressure catchments and aquifers that are nearing full allocation;</p> <p>(f) Preventing saltwater intrusion;</p> <p>(g) The reasonably foreseeable impacts of climate change;</p> <p>(h) Establishing and applying a consent term of no more than 15 years, unless:</p> <p style="padding-left: 20px;">(i) The take and use of water is necessary to enable the use or development of regionally significant infrastructure;</p> <p style="padding-left: 20px;">(ii) The take and use of water is for a non-typical activity such as dewatering and the access to, and use and development of mineral resources; or</p> <p style="padding-left: 20px;">(iii) a longer term is demonstrated by the applicant to be appropriate in the circumstances;</p> <p>(i) The benefits to be derived from the use of water for, or directly associated with electricity, generation from renewable sources.</p>	
<p><b>Proposed Variation1 (Coastal Policy)<sup>6</sup></b></p>	
<p><b>Objective 2:</b> Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment.</p> <p><b>Policy CE 2A</b> Preserve the high natural character of the coastal environment and protect it from inappropriate subdivision, use and development by;</p> <p>(a) Avoiding adverse effects of activities on areas in the coastal environment with outstanding natural character;</p>	<p>The Project is about enhancing the natural environment. The AEE identifies that over time life-supporting capacity of the estuary will improve, additional habitat will be</p>

<sup>6</sup> Includes consent order wording

<p>(b) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on natural character in all other areas of the coastal environment</p> <p><b>Policy CE 2B:</b> Managing adverse effects on natural character within the coastal environment</p> <p>Preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development by including provisions in regional and district plans, and when making decisions on resource consents to:</p> <p>(a) Avoid adverse effects of activities on the attributes that comprise natural character in areas of the coastal environment with outstanding natural character as identified in the maps and tables in Appendix I and J ;</p> <p>(b) Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on the attributes comprising the natural character in all other areas of the coastal environment, recognising that areas identified in maps in Appendix I as having high or very high natural character can be especially sensitive to the adverse effects of inappropriate subdivision, use and development: and</p> <p>(c) Recognise that open coastal water in the region is of at least high natural character.</p> <p><b>Policy CE 4A:</b> Protecting and restoring natural coastal margins</p> <p>Protect the natural functioning of coastal margins and identify opportunities to restore and enhance natural functioning to allow for:</p> <p>(a) The continued natural functioning of physical processes, including changes arising as a result of climate change; and</p> <p>(b) The capacity of natural features (such as beaches, estuaries, sand dunes, wetlands, coastal vegetation and barrier islands) to provide subdivision, use or development with a protective buffer from natural hazards.</p> <p><b>Policy CE 6A</b></p> <p>Use the criteria in Policy 11 of the New Zealand Coastal Policy Statement 2010 to identify and protect areas of indigenous biological diversity in the coastal environment requiring protection under that policy.</p> <p><b>Policy CE 7B:</b> Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment</p> <p>When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:</p> <p>(a) The level of natural character as shown in Maps in Appendix I, as described in Appendix J, and the level of protection to be afforded by Policy CE 2B;</p> <p>(b) The criteria contained in Set 1 of Appendix F to further refine natural character for resource consents or site-specific mapping;</p> <p>(c) Maintaining coastal margins in a natural state and protecting the natural values of beaches and dune systems, including their ability to reduce the impacts of coastal hazards such as tsunami and storm surge;</p> <p>(d) Avoiding the introduction or accumulation of man-made elements where none are planned (consented, zoned or designated) or were previously present or obvious; and</p>	<p>provided, and over time water quality should improve.</p>
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- (e) Subject to Policy CE2B avoiding significant adverse effects and avoiding, remedying or mitigating (including, where appropriate, through provision of buffers) other adverse effects on:
  - (i) Visually, ecologically or culturally sensitive landforms, including ridgelines, coastal cliffs, beaches, headlands, and peninsulas and visually prominent public open space;
  - (ii) Estuaries, lagoons, wetlands and their margins (saline and freshwater), dune lands, rocky reef systems and areas of eelgrass and salt marsh;
  - (iii) Terrestrial and marine ecosystems;
  - (iv) Natural patterns of indigenous and exotic vegetation and processes that contribute to the landscape and seascape value of the area; and
  - (v) Regionally significant surf breaks and their swell corridors, including those at Matakana Island and the Whakatāne Heads
- (f) ....
- (g) Setting buildings and structures back from the coastal marine area and other waterbodies where necessary, practicable and reasonable to protect natural character, open space, public access and amenity values of the coastal environment, while recognising marine structures may have a functional need to be located in the coastal environment, for which a setback would be inappropriate.

**Policy CE 8B: Safeguarding the life-supporting capacity of coastal ecosystems**

Safeguard the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:

- (a) Any area within the inter-tidal or sub-tidal zone that contains unique, rare, distinctive or representative marine and avian species or habitats;
- (b) Areas used by marine mammals as breeding, feeding or haul-out sites;
- (c) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species or any life stage of species listed as threatened or at risk by the Department of Conservation;
- (d) Any areas that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes;
- (e) The integrity, functioning and resilience of physical and ecological processes; and
- (f) Promoting water quality in the coastal marine area that sustains healthy aquatic ecosystems.

<p><b>Policy CE 9B:</b> Managing adverse effects of land-based activities in the coastal environment on marine water quality</p> <p>Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:</p> <ul style="list-style-type: none"> <li>(a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other water bodies within the coastal environment;</li> <li>(b) Minimising the creation of impervious surface areas;</li> <li>(c) Minimising contaminants in stormwater that discharges into water or on to land that may enter water, including discharges to existing and new stormwater infrastructure;</li> <li>(d) Minimising the risk of releasing contaminants and avoiding releasing discharges from contaminated land;</li> <li>(e) Adopting water-sensitive design and management principles;</li> <li>(f) Adopting on-site management techniques that will improve the quality of stormwater and/or wastewater prior to discharge;</li> <li>(g) Establishing, replacing, retaining and/or enhancing riparian and catchment vegetation for the purpose of promoting setbacks and ecological buffer areas around wetland areas; and</li> <li>(h) Assessing treatment alternatives for discharges and adopting the best practicable option for treatment.</li> </ul>	<p>Significant earthworks are required during construction. The effects are temporary and an appropriate construction methodology is proposed.</p>
<p><b>Objective 3:</b> Equitable and sustainable allocation of public space within the coastal marine area</p> <p><b>Policy CE 10B:</b> Allocating public space within the coastal marine area</p> <p>For allocation of space within the coastal marine area activities shall demonstrate:</p> <ul style="list-style-type: none"> <li>(a) A functional or positional need to be located in, or adjacent to, the coastal marine area;</li> <li>(b) Efficient use of the natural resources within the coastal marine area; and</li> </ul> <p>In addition to policies MN 2B, MN 3B, MN 5B, MN 6B and MN 8B consideration shall also be given to the effect of the activity in relation to:</p> <ul style="list-style-type: none"> <li>(c) Whether any benefit to the public of the proposed activity compensates for the loss of public open space; Multiple use of space and/or rationalisation of infrastructure;</li> <li>(d) Recreational use of the coastal marine area;</li> <li>(e) Ecological functioning and natural processes of the coastal marine area;</li> <li>(f) Compatibility with the natural features and landscapes, natural character and amenity values of the coastal environment;</li> <li>(g) Respect for Māori customary practices; and</li> <li>(h) Existing uses and constraints in the coastal marine area.</li> </ul>	<p>Occupation of space is limited to the intake structure and marine facilities. The Project will improve public access and promote recreational use.</p>



# Operative Regional Coastal Environment Plan

1 July 2003 (updated 22 March 2011)

Objective/Policy	Assessment Summary
<b>Chapter 4: Natural Character</b>	
<p><b>Objective 4.2.2:</b> The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.</p> <p><b>Policy 4.2.3(a):</b> To recognise that there are areas of exceptional natural character which require preservation and for which no development is appropriate. These include but are not limited to the Coastal Habitat Preservation Zone (see chapter 6 – Significant Areas of Flora and Fauna, and the maps).</p> <p><b>Policy 4.2.3(b):</b> To recognise that most of the coast has some degree of natural character which needs to be protected from inappropriate use and development. The following plan provisions should be used as a guide to the relative weight to be attached to the protection of natural character in particular localities:</p> <ul style="list-style-type: none"> <li>• The purpose of the zones as set out in chapter 3 – Plan Structure.</li> <li>• Policies 4.2.3(f), 4.2.3(i), 5.2.3(a), 5.2.3(b), 6.2.3(a) and 6.2.3(b).</li> <li>• Policies 13.2.3(b), 13.2.3(c) and 13.2.3(d).</li> <li>• The outstanding and regionally significant landscapes and natural features identified in the maps and the Fourth Schedule – Natural Features and Landscapes.</li> <li>• The sites of ecological significance and areas of significant conservation or cultural value identified in the maps, the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, the Seventh Schedule – Significant Indigenous Vegetation Areas, and the Fourteenth Schedule – Areas of Significant Cultural Value.</li> <li>• Fifth Schedule – Management Guidelines for Natural Features and Landscapes.</li> </ul> <p><b>Policy 4.2.3(c):</b> To recognise that all remaining areas of indigenous vegetation and habitats in the coastal environment contribute to the overall natural character of the environment. Cumulative adverse effects on these areas should be avoided.</p> <p><b>Policy 4.2.3(d):</b> To recognise the important ecological interconnections that are necessary to sustain species and their habitats. Cumulative and irreversible adverse effect on these interconnections should be avoided.</p> <p><b>Policy 4.2.3(g):</b> Natural character must be restored where appropriate in areas where it has been degraded.</p>	<p>The Operative RCEP identifies Maketu estuary as having significant conservation or cultural value (Map 16b) and the Proposed RCEP as having indigenous biological values over certain areas. The Project is about improving habitat and ecological values.</p>
<b>Chapter 5: Natural Features and Landscapes</b>	

<p><b>Objective 5.2.2:</b> The maintenance of the quality of the outstanding and regionally significant landscape features.</p> <p><b>Policy 5.2.3(a):</b> To ensure the visual quality, and the physical and ecological integrity of the outstanding and regionally significant natural features and landscapes of the coastal environment are maintained. The guidelines contained in the Fifth Schedule – Management Guidelines for Natural Features and Landscapes, will be applied.</p> <p><b>Policy 5.2.3(b):</b> To recognise and provide appropriate protection for natural features and landscapes of district or local significance in the coastal environment. The guidelines contained in the Fifth Schedule – Management Guidelines for Natural Features and Landscapes, should be applied.</p> <p><b>Policy 5.2.3(c):</b> Adverse visual effects on the outstanding and regionally significant natural features and landscapes identified in the Fourth Schedule – Natural Features and Landscapes, and the significant sub-tidal scenery identified in the Third Schedule – Areas of Significant Conservation Value, should be avoided or remedied.</p> <p><b>Policy 5.2.3(d):</b> To maintain significant public views and visual corridors associated with the outstanding and regionally significant natural features and landscapes identified in the Fourth Schedule – Natural Features and Landscapes. This includes views from within the landscapes or features, and views of the landscape and features.</p> <p><b>Policy 5.2.3(e):</b> To avoid damage to visually significant vegetation such as Pohutukawa and other native vegetation on headlands, coastal cliffs, and margins of the outstanding and regionally significant landscapes and features identified in the Fourth Schedule – Natural Features and Landscapes.</p> <p><b>Policy 5.2.3(g):</b> To protect the cumulative landscape qualities of channels, tidal flats, beaches, coastal margins, vegetation and the land backdrop.</p> <p><b>Policy 5.2.3(h):</b> Reclamations and seawalls must reflect natural coastal landforms (curves, embayments and headlands) rather than straight lines and rectangular shapes.</p> <p><b>Policy 5.2.3(i):</b> New development should be of a design, materials and colours which blend the development with the surrounding environment, and maintain amenity values. Markers or high visibility materials may be required to provide for safety where relevant.</p>	<p>The Operative RCEP identifies Maketu estuary as having significant conservation or cultural value (Map 16b) and the Proposed RCEP as having indigenous biological values over certain areas. The Project is about improving habitat and ecological values.</p>
<p><b>Chapter 6: Significant Areas of Flora and Fauna</b></p>	
<p><b>Objective 6.2.2:</b> The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.</p> <p><b>Policy 6.2.3(b):</b> To avoid or remedy adverse effects on the values of the sites and areas of significance in the Coastal Management Zone. The sites and areas are shown on the maps, and a summary of values is provided in the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas. Remediation can be achieved by means of a financial contribution, where appropriate, as set out in the Tenth Schedule – Financial Contributions.</p>	<p>A number of indigenous species, habitats, and areas have been considered in the technical reports. Indigenous biodiversity will be protected and enhanced.</p>

<p><b>Policy 6.2.3(c):</b> To promote and encourage the appropriate protection and management of all sites of significance on land within the coastal environment, as identified in the maps, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas.</p> <p><b>Policy 6.2.3(d):</b> To afford an appropriate level of protection to significant indigenous vegetation and habitats of indigenous fauna which are not specifically identified in this plan.</p> <p><b>Policy 6.2.3(e):</b> To ensure that all Environment Bay of Plenty planning, decision-making and operations within the coastal environment provide for the protection of significant sites of indigenous vegetation and significant habitats of indigenous fauna as matters of national importance.</p>	
<b>Chapter 7: Public Access</b>	
<p><b>Objective 7.2.2:</b> The maintenance and enhancement of appropriate public access to and along the coastal marine area.</p> <p><b>Policy 7.2.3(a):</b> To promote public access to and along the coastal marine area and ensure that public access is restricted only where necessary:</p> <ul style="list-style-type: none"> <li>• To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;</li> <li>• To protect Maori cultural values;</li> <li>• To protect public health or safety;</li> <li>• To ensure a level of security consistent with the purpose of a resource consent; or</li> <li>• In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.</li> </ul> <p>Further provision for and enhancement of public access to and along the coastal marine area will, as far as practicable, avoid any adverse effects on other values.</p> <p>The provisions of chapter 3 – Plan Structure, chapter 4 – Natural Character, the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, the Seventh Schedule – Significant Indigenous Vegetation Areas, the Fourteenth Schedule – Areas of Significant Cultural Value, and the maps, should be used as a guide to the relative sensitivity of the coastal environment to public access.</p> <p><b>Policy 7.2.3(b):</b> To promote the use of a limited number of official accessways to and along the coastal marine area in sensitive areas.</p> <p><b>Policy 7.2.3(d):</b> New facilities should be designed to maximise public use and access as well as private use.</p>	<p>Occupation of space is limited to the intake structure and marine facilities. The Project will improve public access. There will be temporary restrictions during construction for safety reasons.</p>
<b>Chapter 8: Tangata Whenua Interests</b>	
<p><b>Objective 8.2.2(a):</b> The involvement of tangata whenua in management of the coastal environment.</p>	<p>Consultation with iwi is ongoing. The four CIAs show there is general support for the Project.</p>

<p><b>Objective 8.2.2(b):</b> The protection of the characteristics of the coastal environment of special spiritual, cultural and historical significance to tangata whenua.</p> <p><b>Objective 8.2.2(c):</b> Sustaining the mauri of coastal resources.</p> <p><b>Policy 8.2.3(a):</b> To recognise the significance of the coastal environment to tangata whenua, and to provide for customary uses and management practices relating to the natural and physical resources of the coastal environment, including mahinga mataitai, waahi tapu and taonga raranga, in accordance with tikanga Maori.</p> <p><b>Policy 8.2.3(b):</b> To recognise the role of tangata whenua of the Bay of Plenty as kaitiaki of the region’s coastal resources, and the right of each iwi to define their own preferences for coastal management within their tribal boundaries.</p> <p><b>Policy 8.2.3(c):</b> To avoid, remedy or mitigate adverse effects on resources or areas of special spiritual, historical or cultural significance to tangata whenua. This includes, but is not limited to, those areas and values identified in the maps and Fourteenth Schedule – Areas of Significant Cultural Value.</p>	<p>The recommendations and outcomes sought in the CIAs have been accepted in principle.</p>
<p><b>Chapter 9: Coastal Discharges</b></p>	
<p><b>Objective 9.2.2:</b> Maintenance and enhancement of the water quality and mauri of the Bay of Plenty coastal marine area.</p> <p><b>Policy 9.2.3(a):</b> To integrate the management of water quality in the coastal marine area with the management of land use and freshwater.</p> <p><b>Policy 9.2.3(b):</b> Discharges must not have significant adverse effects on aquatic life, habitats, feeding grounds, ecosystems or amenity values in the coastal marine area. This policy applies whether or not the actual point of discharge is in the coastal marine area.</p> <p>Environment Bay of Plenty will apply the classifications and standards contained in the Thirteenth Schedule – Water Quality Standards, unless other standards can be demonstrated to be more consistent with the purpose of the Act. When existing water quality significantly exceeds the classification standards, a higher standard may be applied.</p> <p><b>Policy 9.2.3(c):</b> Discharges must not cause water quality to be unsuitable for the purposes of contact recreation, and shellfish gathering for human consumption, throughout harbours and estuaries and on the open coast out to a distance of 400 metres from the line of mean high water springs. This policy applies whether or not the actual point of discharge is in the coastal marine area.</p> <p>Environment Bay of Plenty will apply the classifications and the standards contained in the Thirteenth Schedule – Water Quality Standards, unless other standards can be demonstrated to be more consistent with the purpose of the Act. When existing water quality significantly exceeds the classification standards, a higher standard may be applied.</p>	<p>Significant earthworks are required. To address the potential effects of discharges during construction, a methodology has been developed to minimise effects.</p>
<p><b>Chapter 10: Taking, Using, Damming or Diversion of Coastal Water</b></p>	

<p><b>Objective 10.2.2(a):</b> No significant changes in marine ecosystems from the taking, diversion or damming of water.</p> <p><b>Objective 10.2.2(b):</b> The diversion of natural watercourses only where necessary to protect human safety.</p> <p><b>Policy 10.2.3(a):</b> Coastal water should not be taken in a quantity or at a rate that would cause adverse effects on marine fauna or ecosystems.</p> <p><b>Policy 10.2.3(b):</b> Damming or diversion of coastal water should not adversely affect ecosystems, the natural character of the coastal environment, or increase the danger of flooding.</p> <p><b>Policy 10.2.3(c):</b> Where estuaries are being adversely affected by existing flood protection and drainage works, then remedial work should be undertaken, where practicable, when maintenance or additional works are undertaken.</p> <p><b>Policy 10.2.3(d):</b> The integrity of major flood protection schemes is to be protected.</p>	<p>Dewatering may be required during construction. However it is not a consumptive take as water would be returned.</p> <p>The diversion of water is a key component of the Project, but for improving ecological and other values.</p> <p>Where potential effects on the flood and drainage scheme have been identified appropriate mitigation measures are proposed.</p>
<p><b>Chapter 11: Coastal Hazards</b></p>	
<p><b>Objective 11.2.2:</b> No increase in the total physical risk from coastal hazards.</p> <p><b>Policy 11.2.3(j):</b> To protect natural values and features that provide natural hazard protection. This includes but is not limited to dunes, active offshore sand reservoirs and estuarine vegetation. Allowance should be made for the future inland migration of some natural features as a result of coastal processes (including sea level rise).</p> <p><b>Policy 11.2.3(l):</b> To take into account the most recent mid-range IPCC IS92a sea level rise scenario when considering the design and location of structures in the coastal marine area.</p>	<p>The modelling has taken into consideration climate change and sea levels.</p>
<p><b>Chapter 12: Occupation of Space</b></p>	
<p><b>Objective 12.2.2:</b> Provision for the exclusive occupation of land and any related part of the coastal marine area while avoiding, remedying or mitigating any associated adverse environmental effects.</p> <p><b>Policy 12.2.3(a):</b> To recognise and provide for the benefits to the wellbeing of present and future generations of maintaining public access to the coastal marine area. Public access should only be restricted where the criteria in policy 7.2.3(a) apply, or specific areas have been identified in accordance with method 7.2.4(a).</p>	<p>Occupation of space is limited to intake structure and marine facilities. The Project will improve public access. There will be temporary disruption to access during construction.</p>
<p><b>Chapter 13: Structures</b></p>	
<p><b>Objective 13.2.2:</b> Any structures in the coastal marine area are to be appropriate.</p> <p><b>Policy 13.2.3(e):</b> To allow an activity in the Coastal Management Zone where it is appropriate having considered the actual or potential effects on the environment, including the values of the site.</p>	<p>The intake structure, protection works, and marine facilities are proposed in the CMA. Their location is fixed by the Project as they are located near existing man-made</p>

<p><b>Policy 13.2.3(f):</b> Consideration will be given to the effects of any activity having regard to adjoining activities or activities located in an adjoining Harbour Development Zone.</p> <p><b>Policy 13.2.3(g):</b> To discourage the proliferation of structures in the coastal marine area and promote the efficient use of existing structures, facilities and network utility corridors.</p> <p>Where practicable, new services and structures are to be located in or adjacent to existing infrastructure, provided that:</p> <ul style="list-style-type: none"> <li>• they are not incompatible with the existing services or utilities; and</li> <li>• the environmental effects of locating at an existing facility will be less than the effects of alternatives.</li> </ul> <p><b>Policy 13.2.3(h):</b> To avoid, remedy or mitigate any adverse effects of activities associated with structures in the Coastal Management Zone.</p> <p><b>Policy 13.2.3(i):</b> The effects of structures on coastal hydrological and geomorphic processes will be specifically taken into account.</p> <p><b>Policy 13.2.3(j):</b> Activities will not result in any nuisance to adjoining occupiers of the coastal marine area or nearby land, which is not controlled to acceptable levels or avoided altogether. Nuisance effects such as noise, dust, traffic, light, glare or smell are to be avoided, remedied or mitigated.</p> <p><b>Policy 13.2.3(k):</b> Stormwater outfall structures should be designed so that coastal erosion is minimised.</p> <p><b>Policy 13.2.3(l):</b> To recognise that structures that would adversely affect navigation and mooring within navigation channels and mooring areas are inappropriate.</p> <p><b>Policy 13.2.3(r):</b> Consideration should be given to the installation of vessel waste disposal facilities at frequently used boat ramps (see chapter 9 – Coastal Discharges).</p>	<p>structures. The AEE has considered the effects of the structures. A number of the structures are provided to ensure other adverse effects do not occur.</p>
<p><b>Chapter 14: Disturbance, Deposition and Extraction</b></p>	
<p><b>Objective 14.2.2(a):</b> Provisions for disturbance and deposition within the coastal marine area only as appropriate and while avoiding, remedying or mitigating any associated adverse environmental effects.</p> <p><b>Policy 14.2.3(a):</b> To avoid the adverse effects of disturbance and deposition within the coastal marine area caused by disposal of spoil from land-based activities.</p> <p><b>Policy 14.2.3(e):</b> To provide for dredging, disturbance and deposition, where necessary to protect the integrity of major flood protection and/or drainage schemes.</p> <p><b>Policy 14.2.3(f):</b> To avoid, remedy or mitigate any adverse environmental effects associated with disturbance, deposition or mineral extraction.</p> <p><b>Policy 14.2.3(g):</b> To discourage channelisation or piping of streams flowing into estuaries or harbours.</p> <p><b>Policy 14.2.3(i):</b> To take a precautionary approach to sand, shell and shingle removal, or dredging; within the coastal environment in recognition of:</p>	<p>Disturbance is required to widen Fords Cut, remove causeways and stopbanks and for general construction activities. The AEE has considered the effects of the activities and where necessary mitigation measures are proposed.</p>

<ul style="list-style-type: none"> <li>• the importance of maintaining the ability of coastal land forms to resist erosion and flooding; and</li> <li>• the limited nature of knowledge on coastal processes in general and local sediment dynamics in particular; and</li> <li>• rising sea level and the impact this will have on beach erosion.</li> </ul>	
<p><b>Chapter 15: Reclamation</b></p>	
<p><b>Objective 15.2.2(a):</b> Provision for reclamations within the coastal marine area that are either necessary or otherwise appropriate while avoiding, remedying or mitigating any associated adverse environmental effects.</p> <p><b>Policy 15.2.3(b)</b> To take a precautionary approach to reclamations within the Coastal Management Zone. The precautionary approach should consider effects on:</p> <ul style="list-style-type: none"> <li>• siltation rates;</li> <li>• flushing of harbours and estuaries;</li> <li>• the life supporting capacity of harbours and estuaries;</li> <li>• hydrodynamic, geomorphic and ecological processes.</li> </ul> <p><b>Policy 15.2.3(g):</b> Reclamations must:</p> <ul style="list-style-type: none"> <li>• be constructed of inert materials which will not result in contaminants leaching into the coastal marine area; and</li> <li>• be finished with materials which are compatible with the amenity values, landscape and natural character of the coastal environment in the location; and</li> <li>• be designed by an engineer to a high standard of structural integrity; and</li> <li>• not impede the flow of floodwater.</li> </ul>	<p>The location of the Project is fixed. The purpose of the reclamation is to ensure that the volume of freshwater diverted into the estuary can be maximised. In addition, it will provides additional wetland habitat.</p> <p>The material used for the reclamation will be inert.</p>
<p><b>Chapter 18: Historic and Cultural Heritage</b></p>	
<p><b>Objective 18.2.2:</b> The protection of the heritage values and heritage resources within the coastal marine area.</p> <p><b>Policy 18.2.3(a):</b> To protect the heritage resources within the Bay of Plenty coastal marine area which are either scheduled by the Historic Places Trust, recorded in the New Zealand Archaeological Association Site Recording Scheme, or listed in the Regional Heritage Inventory (proposed in 18.2.5(a)).</p> <p><b>Policy 18.2.3(c):</b> To require the conservation and protection of heritage resources within the coastal marine area not registered by the Historic Places Trust or in the New Zealand Archaeological Association Site Recording Scheme, but nevertheless of significance.</p> <p><b>Policy 18.2.3(d):</b> To recognise the sensitivity associated with certain forms of Maori cultural heritage within the coastal marine area.</p>	<p>There are recorded archaeological sites in area. An Archaeological Authority is being sought.</p> <p>The CIA recommendations, which have been adopted in principle, include cultural monitoring and accidental discovery protocols.</p>

<p><b>Policy 18.2.3(e):</b> To avoid adverse effects on heritage resources as far as practicable, and where avoidance is not practicable, effects shall be remedied or mitigated.</p> <p><b>Note:</b> These policies are being given effect to through the heritage criteria of the Bay of Plenty Regional Policy Statement and will also be considered when assessing any resource consent application located in or likely to affect any site of historical or cultural importance.</p>	
<p><b>Chapter 19: Recreation</b></p>	
<p><b>Objective 19.2.2:</b> Appropriate recreation within the Bay of Plenty coastal environment.</p> <p><b>Policy 19.2.3(a):</b> To recognise the recreational values of the Bay of Plenty coastal marine area as being of national significance. Effects on those values shall be avoided as far as practicable, and where avoidance is not practicable, remedied or mitigated.</p> <p><b>Policy 19.2.3(d):</b> To promote provision of the appropriate land-based infrastructure to support recreational activities within the coastal environment while ensuring minimal adverse effects associated with such facilities.</p> <p><b>Policy 19.2.3(e):</b> To avoid, remedy or mitigate any significant adverse environmental effects of recreation.</p> <p><b>Policy 19.2.3(g):</b> Areas of high actual or potential use for recreation should be protected from incompatible activities.</p>	<p>Recreational access to the CMA at Te Tumu Cut will be maintained, and additional recreational opportunities provided.</p>



## Proposed Regional Coastal Environment Plan

Notified 24<sup>th</sup> June 2014- The relevant objectives and policies have been included in this table for information as a proposed plan needs to be considered under the RMA. However, as the Proposed Plan has only just been notified it has not been subject to testing and could change, little weight should be applied.

Objective/Policy	Assessment Summary
<b>Integrated management</b>	
<p><b>Objective 1:</b> Achieve integrated management of the coastal environment by:</p> <ul style="list-style-type: none"> <li>(a) providing a consistent, efficient and integrated management framework,</li> <li>(b) adopting a whole of catchment approach to management of the coastal environment; and</li> <li>(c) recognising and managing the effects of land uses and freshwater-based activities (including discharges) on the Coastal Marine Area; and</li> <li>(d) Enabling kaitiakitanga</li> </ul>	
<b>Natural Heritage</b>	
<p><b>Objective 2:</b> Protect, and where necessary restore:</p> <ul style="list-style-type: none"> <li>(a) The visual quality and the physical and ecological integrity of the outstanding natural features and landscapes of the coastal environment.</li> <li>(b) Indigenous biological diversity areas.</li> <li>(c) Areas of high, very high and outstanding natural character.</li> </ul> <p><b>Objective 3:</b> 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, sandy unvegetated intertidal flats and sand dunes.</p> <p><b>Objective 4:</b> Enable the restoration and enhancement of the natural heritage of the coastal environment, including kaimoana resources.</p>	
<p><b>1.1.1 Appropriate use and development</b></p> <p><b>Policy NH 1:</b> In relation to the natural heritage of the coastal environment, activities may be considered appropriate if they contribute to the restoration and integrity of natural heritage and cultural values (including kaimoana resources), or if they:</p> <ul style="list-style-type: none"> <li>(a) are compatible with the existing level of modification to the environment,</li> <li>(b) are compact, and do not add to sprawl or sporadic development,</li> </ul>	

- (c) have a functional need to be located in or near the coastal environment and no reasonably practicable alternative locations exist,
- (d) are of an appropriate form, scale and design to blend with the existing landforms, geological features and vegetation,
- (e) will not, by themselves or in combination with effects of other activities, significantly disrupt natural processes or existing ecosystems, and
- (f) manage the adverse effects on natural heritage values in accordance with Policies NH 2-17.

**Policy NH 4:** Adverse effects must be avoided on the values and attributes that contribute to the following areas:

- (a) Outstanding Natural Character Areas (as identified in Appendix I of the Regional Policy Statement or by site specific assessment).
- (b) Outstanding Natural Features and Landscapes (as identified in Schedule 3 or by site specific assessment).
- (c) Any Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1 or by site specific assessment).
- (d) Taxa that meet the criteria listed in Policy 11(a)(i) or (ii) of the New Zealand Coastal Policy Statement.

A summary of values and attributes is provided in Schedules 2 and 3 of this Plan and Appendix J of the Regional Policy Statement.

**Policy NH 5:** Subdivision, use and development proposals within the areas listed in Policy NH 4 may be considered appropriate where:

- (a) the proposal is related to the construction or maintenance of regionally or nationally significant infrastructure, or otherwise gives rise to a demonstrable and significant social, cultural or natural heritage benefit,
- (b) there are no practical alternative locations available outside the areas listed in Policy NH 4, and
- (c) the associated adverse effects on natural heritage values will be managed in accordance with Policy NH 11.

**Policy NH 6:** Significant adverse effects must be avoided on the values of any Indigenous Biodiversity Area B (as identified in Schedule 2, Table 2).

**Policy NH 7:** All remaining areas of indigenous biodiversity in the coastal environment contribute to the overall natural character of the environment and cumulative adverse effects on these areas should be avoided.

**Policy NH 8:** There should be no further net loss of the quality and extent of seagrass beds, saltmarsh wetlands, sandy unvegetated intertidal flats, sand dunes and coastal forest

**Policy NH 9:** Maintain, and where degraded, enhance ecological interconnections that are necessary to sustain indigenous species, including migratory routes, intact ecological sequences and ecological corridors. Irreversible and other significant adverse effects on these interconnections should be avoided, including significant cumulative effects.

**Policy NH 10:** Recognise that there is limited information available on the natural heritage values of the subtidal coastal environment. A site specific assessment will be required for activities that may impact subtidal areas. A precautionary approach should be adopted if the adverse effects have the potential to be serious or irreversible.

<p><b>Policy NH 11:</b> Manage the adverse effects of the subdivision, use, maintenance and development activities in the coastal environment in accordance with the following management regime:</p> <ul style="list-style-type: none"> <li>(a) Route or site selection considers the avoidance of significant natural heritage areas listed in Policy NH 4,</li> <li>(b) Adverse effects are avoided to the extent reasonable, having regard to the technical and operational requirements associated with regionally or nationally significant infrastructure.</li> <li>(c) Adverse effects which cannot be avoided are remedied or mitigated, and</li> <li>(d) Adverse effects on the values and attributes that contribute to any Indigenous Biological Diversity Area A (as defined in Schedule 2, Table 1) or on any taxa that meet the criteria listed in Policy 11(a)(i) or (ii) of the NZCPS which cannot be avoided, remedied or mitigated are offset with no net loss and preferably a net gain. A biodiversity offset should be developed in a manner consistent with the principles contained in Schedule 13.</li> </ul> <p><b>Policy NH 12:</b> When assessing an offset in accordance with Policy NH 10, decision-makers must have regard to:</p> <ul style="list-style-type: none"> <li>(a) the need to achieve no net loss of overall biodiversity values;</li> <li>(b) the desirability of providing for a net gain within the same habitat type;</li> <li>(c) the desirability of providing for a net gain in the same ecologically relevant locality as the affected habitat;</li> <li>(d) the appropriateness of establishing infrastructure and other physical resources of regional or national importance as identified in Policy NH 5;</li> <li>(e) the need to design a biodiversity offset to exchange affected biodiversity with the same type of biodiversity and as close as possible to where the impact occurs; and</li> <li>(f) Where an exchange of the same biodiversity is not possible, and the affected biodiversity values are not high, a net biodiversity gain may be achieved by offsetting with biodiversity of demonstrably greater conservation value that that to be lost.</li> </ul>	
<p><b>1.1.2 How to remedy and mitigate</b></p> <p><b>Policy NH 13:</b> The guidelines contained in Schedule 4 Management Guidelines for Natural Features and Landscapes, should be applied during the development of a proposal to undertake an activity in the coastal environment. These guidelines will also be applied during the consideration of resource consent application to undertake activities in the coastal marine area.</p> <p><b>Policy NH 14:</b> Subdivision, use and development in the coastal environment should be of a design, materials and colours that are compatible with the surrounding environment in order to maintain natural character values. Markers or high visibility materials may be required to provide for safety where relevant. Subdivisions in the coastal environment may require to be set-back from beaches and sand dunes to avoid adverse effects on natural character.</p> <p><b>Policy NH 15:</b> Planting associated with remediation or mitigation should use appropriate native species and consider whether the use of eco-sourced native plants is practicable. The introduction of exotic plants into areas of outstanding natural character or an Indigenous Biological Diversity Area A is inappropriate.</p>	

<p><b>Policy NH 16:</b> Where the natural heritage values of the Coastal Marine Area are likely to be adversely affected by the effects of activities, the consent authority may impose financial contributions as set out in Schedule 11 Financial Contributions, in order to avoid, remedy, mitigate or offset those adverse effects.</p>	
<p><b>1.1.3 Maintain</b>  <b>Policy NH 17:</b> Maintain significant public views and visual corridors associated with the outstanding natural features and landscapes identified in Schedule 3 - Outstanding Natural Features and Landscapes. This includes views from within the landscapes or features, and views of the landscape and features.</p>	
<p><b>1.1.4 Promoting protection and management of existing high value areas</b>  <b>Policy NH 18:</b> To maintain or enhance the values of existing natural heritage areas listed in Policy NH 4 by encouraging landowners and the community to:</p> <ul style="list-style-type: none"> <li>(a) maintain or improve water quality in wetlands, while recognising that wetlands themselves are natural water filtering systems;</li> <li>(b) maintain or improve the hydrological regime, including enhancing water quantity and flows, providing for flood retention, and fluctuations of water levels;</li> <li>(c) maintain or improve aquatic and terrestrial indigenous biodiversity;</li> <li>(d) maintain or enhance cultural values;</li> <li>(e) maintain or enhance amenity values;</li> <li>(f) Retain natural landforms; and</li> <li>(g) covenant or otherwise protect significant landscape and natural character areas.</li> </ul>	
<p><b>Water Quality</b></p>	
<p><b>Objective 5:</b> Development and implementation of a framework for enhancement of coastal water quality where there 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 users (including cultural activities).</p> <p><b>Objective 6:</b> Sediment accumulation in harbours and estuaries resulting from land use and accelerated erosion is minimised and progressively reduced compared to current levels</p> <p><b>Objective 7:</b> Discharges of contaminants to the coastal marine are managed to meet the following goals:</p> <ul style="list-style-type: none"> <li>(a) After reasonable mixing, discharges of contaminants meets the water quality classification of the receiving water bodies as a minimum; and have no more than minor adverse effects on aquatic life, habitats, and recreational uses.</li> </ul>	

<p>(b) Discharges of contaminants are in a manner that takes into account the cultural values of mana whenua acknowledged for that area.</p>	
<p><b>Policy WQ 1:</b> To manage land and water resources, including coastal waters, in the Bay of Plenty within an integrated catchment management framework 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.</p> <p><b>Policy WQ 2:</b> 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:</p> <p>(a) ...</p> <p>(c) Kaituna River to Ōngātoto/Maketū Estuary Strategy.</p> <p>(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 (Takutai Moana) Act 2011.</p> <p>(e) Any relevant Iwi Management Plan recognised by an iwi authority and lodged with the Regional Council.</p>	
<p><b>Iwi Resource Management</b></p>	
<p><b>Objective 12:</b> The active involvement of tangata whenua in management of the coastal environment when activities may affect their interests and values.</p> <p><b>Objective 13:</b> Tangata whenua are able to undertake customary activities in the Coastal Marine Area, and have access to sites used for cultural practices, gathering kaimoana and sites of cultural significance.</p> <p><b>Objective 14:</b> The protection of those taonga, relationship characteristics, sites, features, resources or attributes of the coastal environment (including the Coastal Marine Area) which are either of cultural value or special significance to tangata whenua (where these are known).</p> <p><b>Objective 15:</b> 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.</p> <p><b>Objective 16:</b> 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><b>Objective 17:</b> 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>	
<p><b>Policy IW 1:</b> Proposals which may affect the relationship of Māori and their culture and traditions must recognise and provide for:</p>	

- (a) traditional Māori uses and practices relating to natural and physical resources of the coastal environment such as mahinga kai, mātaítai, wāhi tapu, nga toka (rocks), tauranga waka, tauranga ika (fishing ground) and taiāpure in accordance with tikanga Māori,
- (b) the role and mana of tangata whenua as kaitiaki of the region's coastal environment and the practical expression of kaitiakitanga,
- (c) the right of each iwi to define their own preferences for coastal management within their tribal boundaries, and
- (d) sites of cultural significance identified in Schedule 6, other areas or sites of significant cultural value identified by Statutory Acknowledgement, iwi and hapū resource management plans or by tangata whenua.

**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 tangata whenua in the coastal environment unless that that effect can specifically be remedied or mitigated, or where not possible to remedy or mitigate, that effect can be offset.

**Policy IW 3:** To recognise the sensitivity associated with identifying Maori cultural heritage sites.

**Policy IW 4:** The following shall be taken into account during decision-making:

- (a) The consistency of the proposal with any Iwi or Hapū Management Plan lodged with the 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 Mātaítai under the Kaimoana Customary Fishing Regulations 1998 and the customary rights recognitions available under the Marine and Coastal Area (Takutai Moana) Act 2011.

**Policy IW 5:** Decision-makers shall recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

**Policy IW 6:** All applications for coastal permits should include sufficient evidence of consultation with all tangata 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 7:** Where proposals are likely to 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.

**Policy IW 8:** Tangata whenua shall be consulted 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)).

**Policy IW 9:** Appropriate mitigation and remediation may include, but is not limited to, the following:

- (a) Restoring and protecting culturally significant areas and mahinga kai sties; and
- (b) Contribution of resources (financial or otherwise) to environmental, social or cultural enhancement and improvement programmes run by affected tangata whenua.

<p><b>Policy IW 10:</b> To not allow use and development which would restrict the access of tangata whenua to sites 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><b>Policy IW 11:</b> To give consideration to appointing a commissioner or commissioners with expertise in Maoritanga 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 Maori:</p> <ul style="list-style-type: none"> <li>(a) Taiāpure established under the provisions of the Fisheries Act 1996;</li> <li>(b) Mātaitai reserves established under the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992;</li> <li>(c) Areas of significant cultural value (identified in Schedule 6);</li> <li>(d) Sites subject to a Statutory Acknowledgement;</li> <li>(e) A Customary Rights Area recognised under the Marine and Coastal Area (Takutai Moana) Act 2011; and</li> <li>(f) Māori reserves.</li> </ul>	
<p><b>Historic Heritage</b></p>	
<p><b>Objective 18:</b> Protection of historic heritage values and historic heritage resources in the coastal environment.</p> <p><b>Policy HH 1:</b> Protect historic heritage resources within the Bay of Plenty Coastal Marine Area that are:</p> <ul style="list-style-type: none"> <li>(a) registered by the Historic Places Trust;</li> <li>(b) recorded in the New Zealand Archaeological Association Site Recording Scheme;</li> <li>(c) listed in the Regional Historic Heritage Inventory in Schedule 7;</li> <li>(d) identified in any iwi and hapū resource management plan; or</li> <li>(e) otherwise identified as being of significance</li> </ul> <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><b>Policy HH 2:</b> 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"> <li>(a) assess whether the historic heritage resource is of national importance in accordance with Policy MN 1B of the Proposed RPS and Appendix F set 5,</li> <li>(b) determine whether the activity is appropriate based on Policy MN 7B and Appendix G of the Proposed RPS;</li> <li>(c) ensure matters of significance to Maori are managed in accordance with the Proposed RPS Policies IW 2B, IW 4B, and IW 5B; and</li> <li>(d) ensure an integrated management approach is taken in accordance with the Proposed RPS Policy IR 6B.</li> </ul>	

Coastal Hazards	
<p><b>Objective 20:</b> Coastal communities are aware of risks from natural hazards, and mitigation actions are in place to enhance the resilience of existing and future communities.</p> <p><b>5.1.1 General Approach to Coastal Hazard Management</b></p> <p><b>Policy CH 2:</b> 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><b>Policy CH 8:</b> Require any hard protection structures to be:</p> <ul style="list-style-type: none"> <li>(a) Located landward of the coastal marine area, where the primary purpose of the structure is to protect private property;</li> <li>(b) Designed and constructed by a suitably qualified and experienced professionals</li> <li>(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;</li> <li>(d) Designed to incorporate the use of ‘soft’ protection options, such as beach re-nourishment and planting, where practical;</li> <li>(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;</li> <li>(f) Designed to avoid any significant adverse effects at either end of the structure or on neighbouring land; and</li> <li>(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 adaption actions that may be required over 100 years.</li> </ul>	
Recreation	
<p><b>Objective 22:</b> 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.</p> <p><b>6.1.2 Public open space</b></p> <p><b>Policy RA 2:</b> 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"> <li>(a) have a functional need to locate in the Coastal Marine Area;</li> <li>(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;</li> </ul>	



<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;</p> <p>(d) are designed and located to:</p> <ul style="list-style-type: none"> <li>(i) maximise public use and access,</li> <li>(ii) ensure safe public access, and</li> <li>(iii) avoid any restrictions on recreational access or people’s enjoyment of any foreshore and public reserve areas abutting coastal settlements, and</li> </ul> <p>(e) take particular account of Proposed RPS Policies CE 5A, CE 7B(d), CE 10B(c) and CE 10B(d).</p>	
<p><b>6.1.3 Public access</b></p> <p><b>Policy RA 3:</b> 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><b>6.1.4 Walking access</b></p> <p><b>Policy RA 4:</b> 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"> <li>(a) to protect threatened indigenous species;</li> <li>(b) to protect significant areas of indigenous vegetation or habitats of indigenous fauna, including in particular those indigenous biological diversity areas identified in Schedule 2;</li> <li>(c) to protect sites and activities of cultural value to Māori;</li> <li>(d) to protect historic heritage;</li> <li>(e) to protect any other regionally significant sites or values;</li> <li>(f) to protect public health or safety;</li> <li>(g) to avoid or reduce conflict between public uses of the coastal environment;</li> <li>(h) for management of short-term activities or special events;</li> <li>(i) for defence purposes in accordance with the Defence Act 1990;</li> <li>(j) to ensure a level of security consistent with the purposes of a resource consent, or</li> <li>(k) in other exceptional circumstances sufficient to justify the restriction.</li> </ul>	
<p><b>6.1.6 Access infrastructure</b></p> <p><b>Policy RA 6:</b> 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><b>Policy RA 7:</b> 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.</p>	
<p><b>Activities in the CMA: Objectives</b></p>	
<p><b>Objective 23:</b> Exclusive occupation of parts of the common marine and coastal area is provided for in appropriate locations for temporary or permanent activities that have a functional need to be in the coastal marine area.</p> <p><b>Objective 24:</b> Resources and space in the coastal marine area are used efficiently and public access is appropriately provided for.</p> <p><b>Objective 25:</b> Activities and structures that depend upon the use of natural and physical resources in the coastal marine area, or have a function need to be located in the coastal marine are recognised.</p> <p><b>Objective 26:</b> Activities and structures in the coastal marine area are located, designed and undertaken in a manner that is appropriate given the values and existing uses of their location.</p> <p><b>Objective 28:</b> Inappropriate reclamation or drainage of the foreshore or seabed is avoided.</p> <p><b>Objective 29:</b> No significant changes in marine ecosystems from the taking, diversion or damming of water.</p> <p><b>Objective 31:</b> The integrity of existing flood protection and land drainage schemes and associated works is protected unless their original purpose is changed or they are shown to be unsustainable.</p> <p><b>Objective 32:</b> Provide for safe and convenient navigation of ships and aircraft in the Coastal Marine Area.</p>	
<p><b>Activities in the CMA: Structures and occupation of space in the Coastal Marine Area (SO)</b></p>	
<p><b>Policy SO 1:</b> Recognise the following structures are appropriate in the coastal marine area, subject to Natural Heritage Policy NH 1 and NH 4, Iwi Resource Management Policy IW 2 and an assessment of adverse effects on the location:</p> <p>(a) Structures associated with activities that are functionally dependent on being located in the Coastal Marine Area (including aquaculture); and</p> <p>(b) Regionally and nationally significant infrastructure; or</p> <p>(c) Structures that provide for public access and recreation that is dependent on a coastal location; or</p> <p>(d) Structures associated with Existing River Schemes and land Drainage Schemes.</p> <p><b>Policy SO 2:</b> Structures in the Coastal Marine Area shall:</p> <p>(a) comply with the requirements of the NZCPS, in particular Policies 6(1)(a), 6(2), 11, 13(1)(a) and (b), 15(a) and (b);</p>	

- (b) comply with the requirements of the Proposed PRS in relation to the Coastal Environment, in particular Policies CE 2A, CE 4A, CE 5A, CE 7B, CE 8B, CE 10B, and CE 11B;
- (c) avoid, remedy or mitigate effects on coastal hydrological and geomorphic processes;
- (d) be designed to avoid or mitigate erosion or scour (including stormwater outfall structures);
- (e) avoid adverse effects on navigation channels and mooring areas, while recognising structures associated with transportation (marine and land), public access, and structures below the seabed may be appropriate in such areas; and
- (f) not exceed the airport height restrictions in Tauranga Harbour identified in Map Sheets 9c, 10c, 11c, 12c, 13c, 14c and 15c.

**Policy SO 3:** Adverse effects from the use of structures in the coastal marine area:

- (a) will be controlled to acceptable levels or avoided altogether; and
- (b) will not result in nuisance effects (such as noise, dust, traffic, light, glare or smell) to adjoining occupiers of the Coastal Marine Area or nearby land.

Appropriate controls on nuisance effects will consider the district or city plan provisions relevant to the adjoining land.

**Policy SO 4:** Require the efficient use of space in the coastal marine area, including:

- (a) concentration of mooring areas, so as to leave some areas in a natural state free of boats, and to provide for efficient management of parking, storage and facilities;
- (b) efficient use of existing structures, facilities and network utility corridors. Where practical, new services and structures are located in, or adjacent to, existing infrastructure, provided that:
  - (i) they are not incompatible with the existing services or utilities; and
  - (ii) whether the environmental effects of locating at an existing facility will be less than the effects of alternatives.
- (c) removal of derelict, redundant or abandoned structures; and
- (d) that structures be made available for public or multiple use where it will not conflict with operational or safety requirements.

**Policy SO 6:** When considering the occupation of space in the common marine and coastal area, comply with the following:

- (a) The requirements of Policy 6(2) of the NZCPS;
- (b) The requirements Policy CE 10B of the Proposed RPS;
- (c) Only impose restrictions on public walking access to or along the coastal marine area where necessary in accordance with Policy 19(3) NZCPS; and
- (d) Encourage the provision of public access over erosion protection structures, where appropriate to the location and public safety.

**Policy SO 8:** New moorings outside the designated mooring areas identified in the Bay of Plenty regional Navigation Safety Bylaw shall:

<ul style="list-style-type: none"> <li>(a) avoid adverse effects on navigation channels; and</li> <li>(b) not be located:             <ul style="list-style-type: none"> <li>(i) in an Indigenous Biological Diversity Area A (as identified in Schedule 2, table 1):</li> <li>(ii) along the open coastal;</li> <li>(iii) in the Port Zone; or</li> <li>(iv) in the Harbour Development Zone.</li> </ul> </li> </ul>	
<p><b>Activities in the CMA: Disturbance, deposition and extraction (DD)</b></p>	
<p><b>Policy DD 1:</b> Avoid the adverse effects of disturbance and deposition within the coastal marine area caused by disposal of spoil from land-based activities.</p> <p><b>Policy DD 6:</b> Discourage channelisation or piping of watercourses flowing into estuaries or harbours.</p> <p><b>Policy DD 7:</b> Activities that cause disturbance of the foreshore and seabed shall:</p> <ul style="list-style-type: none"> <li>(a) be undertaken at times of the day or year that will avoid as far as practicable, remedy or mitigate adverse effects on the environment, particularly on:             <ul style="list-style-type: none"> <li>(i) the growth and reproduction of indigenous vegetation and the feeding, spawning and migratory patterns of indigenous fauna, including bird roosting, nesting and feeding, and whitebait runs;</li> <li>(ii) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including: estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</li> <li>(iii) habitats of indigenous species that are important for recreational, commercial, cultural or traditional purposes, including traditional Maori gathering , collection or harvest of kaimoana;</li> </ul> </li> <li>(b) ensure that the foreshore or seabed is, as far as practicable, reinstated in a manner which is in keeping with the natural character and visual amenity of the area,</li> <li>(c) avoid significant adverse effects on biota caused by the release of contaminants; and</li> <li>(d) Be undertaken at times of the day or year, and using methodologies, that will avoid as far as practicable, remedy or mitigate adverse effects on:             <ul style="list-style-type: none"> <li>(i) recreational use of the coastal marine area; and</li> <li>(ii) other lawfully established activities in the coastal marine area.</li> </ul> </li> </ul>	
<p><b>Activities in the CMA: Coastal discharges (CD)</b></p>	
<p><b>Policy CD 1:</b> Discharges to the coastal marine area must:</p>	

- (a) avoid significant adverse effects on aquatic life, habitats, feeding grounds, kaimoana, ecosystems or amenity values in the coastal marine area after reasonable mixing;
- (b) minimise adverse effects on the life-supporting capacity of water within the mixing zone
- (c) not alter the salinity of the receiving waters such that it adversely affects the ability to support indigenous flora and fauna and kaimoana beds;
- (d) not cause water quality to be unsuitable for the purposes of contact recreation, and shellfish gathering for human consumption, throughout harbours and estuaries and on the open coast out to a distance of 400 metres from the line of mean high water springs;
- (e) avoid the accumulation of persistent toxic contaminants in the environment;
- (f) avoid, remedy or mitigate adverse effects on the stability of the coastal environment, including localised erosion and scour resulting from the discharge;
- (f) avoid changes to the physical characteristics of receiving waters that adversely affect their life-supporting capacity;
- (g) be of a quality that has particular regard to:
  - (i) the sensitivity of the receiving environment;
  - (ii) the capacity of the receiving environment to assimilate contaminants; and
  - (iii) the nature of the contaminants to be discharged, the concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded.

**Policy CD 2:** Apply the water quality classifications and standards contained in Schedule 10 to discharges to the coastal marine area, unless other standards can be demonstrated to be more consistent with the purpose of the Act. When existing water quality significantly exceeds the classification standards, a higher standard will be applied to prevent degradation of existing water quality.

**Policy CD 3:** To define the radius of a reasonable mixing zone in the conditions of a resource consent for the point source discharge of contaminants to coastal waters having regard to the following matters:

- (a) use of the smallest mixing zone necessary to achieve the required water quality standard of the receiving environment.
- (b) The water quality standard in Schedule 10 of this Plan.
- (c) The hydrological regime of the receiving water.
- (d) The ambient concentrations of contaminants in the receiving water.
- (e) Effluent discharge flow rate and contaminant concentrations.
- (f) Existing discharge and abstraction consents in the area affected by the proposed point source discharge.
- (g) the need to avoid significant adverse effects on ecosystems and habitats after reasonable mixing.
- (h) the values and existing uses eof the area affected by the proposed point source discharge.

<p>(j) Maori cultural values (refer to Policy CD 4 and Iwi Resource Management policies).</p> <p>(k) Proximity to bathing sites.</p> <p>(l) Adverse environmental effects of the discharge, including cumulative effects in relation to (a) to (j).</p> <p>(m) The location of the discharge and position of the outfall.</p> <p>(n) Outfall diffuser design criteria.</p> <p>(o) Information provided by the applicant.</p> <p>(p) Any other information relevant to the nature of the discharge and the site characteristics.</p> <p><b>Policy CD 4:</b> To recognise and provide for the effects on the mauri of the receiving environment caused by the discharge of contaminants to the coastal marine area by:</p> <p>(a) ...</p> <p>(c) Avoid, remedy or mitigate adverse effects on coastal resources or sites that are of significance to tangata whenua, where such resources or sites have been identified by tangata whenua. Also refer to Policies CD 7, 8 and 9.</p>	
<p><b>Reclamation (RM)</b></p>	
<p><b>Policy RM2;</b> Only consider granting consent for reclamation of land in the coastal marine area where all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>(a) land outside the coastal marine area is not available for the proposed activity,</li> <li>(b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area,</li> <li>(c) the reclamation will not cause the loss of kaimoana beds,</li> <li>(d) there are no practicable alternatives methods of providing the activity, and</li> <li>(e) the reclamation will provide significant regional or national benefit. In particular, the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmissions, railways and ferry terminals, and or marinas and electricity generation.</li> </ul>	
<p><b>Activities in the CMA: Taking, using, damming or diversion of coastal water (TD)</b></p>	
<p><b>Policy TD 1:</b> Coastal water shall not be taken in a quantity or at a rate that would cause adverse effects on marine fauna or ecosystems.</p> <p><b>Policy TD 2:</b> Damming or diversion of coastal water shall not adversely affect ecosystems, the natural character of the coastal environment, or increase the danger of flooding.</p>	

# Operative Regional Water and Land Plan

1 December 2008 (updated 2 March 2010 and 28 June 2011)

## Objective/Policy

## Assessment Summary

### Chapter 2: Kaitiakitanga

**Objective 1:** The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and taken into account in the management of water, land and geothermal resources.

**Objective 3:** Consultation with tangata whenua that recognises their societal structures, practices, protocols, and procedures, and status under the Act.

**Objective 4:** The water, land and geothermal concerns of tangata whenua are taken into account and addressed as part of resource management processes, while recognising that different iwi and hapu may have different concerns or practices.

**Objective 5:** Water, land and geothermal resource management decisions have regard to iwi resource management planning documents.

**Objective 6:** Maintain the biological and physical aspects of the mauri of water, land and geothermal resources; and where practicable achieve the ongoing improvement of the biological and physical aspects of the mauri where it has been degraded, as it relates to:

- (a) Water quality meeting the specified water quality classifications.
- (b) Water flows not breaching the instream minimum flow requirements.
- (c) The life-supporting capacity of soils are sustained.
- (d) Protection of geothermal surface features identified by, and of special value to tangata whenua.

**Objective 7:** The extent of the spiritual, cultural and historical values of water, land and geothermal resources (including waahi tapu, taonga and sites of traditional activities) to tangata whenua are identified.

**Policy 1:** To recognise that tangata whenua, as indigenous peoples, have rights protected by the Treaty of Waitangi (Te Tiriti o Waitangi) and that consequently the Act accords Maori a status distinct from that of interest groups and members of the public.

**Policy 2:** To take into account the principles of the Treaty of Waitangi in the management of land, water and geothermal resources.

**Policy 5:** To ensure that resource management issues of concern to tangata whenua are taken into account and addressed, where these concerns are relevant and within the functions of Environment Bay of Plenty.

**Policy 8:** To recognise that kaitiakitanga involves both:

Consultation with iwi authorities has been undertaken by the applicant. Four CIAs have been commissioned that discuss the characteristics of the environment that are of value. The four CIAs show there is general support for the Project.

A primary goal of the Project is to enhance the mauri of an area of cultural significance in response to calls from local iwi and as a means of providing redress after a number of actions resulting in the continued degradation of the estuary.

The Project is a step towards addressing past modifications that have led to the degradation of the mauri of the river and estuary over time.

The recommendations and outcomes sought in the CIAs have been accepted in principle.

<p>(a) The use and development of land, water and geothermal resources by tangata whenua, and</p> <p>(b) The protection of taonga, waahi tapu, significant sites, traditional use sites, and other natural and physical resources of importance to tangata whenua.</p> <p><b>Policy 9:</b> To have particular regard to kaitiakitanga, including customary use and management practices relating to water, land and geothermal resources, including mahinga kai whenua and mahinga kai awa, waahi tapu and taonga raranga, in accordance with tikanga Maori, and the mana and responsibilities of Nga Tangata Pukenga, where this is consistent with the Act.</p> <p><b>Policy 11:</b> To recognise and provide for the mauri of water, land and geothermal resources when assessing resource consent applications.</p> <p><b>Policy 13:</b> To advise and encourage resource consent applicants to consult directly with tangata whenua where it is necessary to identify the relationships of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga, and the actual and potential adverse effects of proposed activities on that relationship.</p> <p><b>Policy 14:</b> To consult tangata whenua on water, land and geothermal resource management issues according to the requirements of the Act, tikanga Maori methods of consultation, and in a manner consistent with case law.</p> <p><b>Policy 15:</b> To consult all appropriate tangata whenua holding mana whenua in circumstances where rohe (tribal boundaries), or areas of ancestral or historic interest overlap.</p> <p><b>Policy 16:</b> To recognise that different iwi and hapu may have different water, land and geothermal resource management concerns, practices and management methods.</p> <p><b>Policy 17:</b> To:</p> <p>(a) Take into account iwi resource management planning documents, when preparing or changing a regional plan, where such documents exist.</p> <p>(b) Have regard to iwi resource management planning documents when considering resource consent applications, where such documents exist.</p> <p><b>Policy 18:</b> To avoid, remedy or mitigate adverse effects on water, land and geothermal resources or sites of spiritual, cultural or historical significance to tangata whenua, where these resources and sites have been identified by tangata whenua.</p> <p><b>Policy 19:</b> To encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate the adverse environmental effects of the use and development of water, land and geothermal resources.</p> <p><b>Policy 20:</b> To assess effects of proposed development activities on the cultural and historic values and sites of water, land and geothermal resources in consultation with tangata whenua.</p>	
<p><b>Chapter 3: The Integrated Management of Land and Water</b></p>	
<p><b>Objective 8:</b> Integrated management of land and water resources.</p>	<p>The Project is entirely consistent as it recognises the interconnectedness of the river and estuary, maximises benefits by</p>



<p><b>Objective 9:</b> Land use and land management practices are appropriate to the environmental characteristics and limitations of the site, and avoid, remedy or mitigate adverse effects on the life-supporting capacity of soil resources, the receiving environment and heritage values.</p> <p><b>Objective 10:</b> Stewardship of natural resources which:</p> <p>(a) Sustains the life-supporting capacity of soil, water and ecosystems.</p> <p>(b) Maintains, and where appropriate, protects cultural, ecological, amenity, natural character and landscape values through management practices that avoid, remedy or mitigate adverse effects.</p> <p><b>Objective 13:</b> The water quality in rivers and streams is maintained or improved to meet the Water Quality Classifications set in the Water Quality Classification Map, and the following environmental outcomes:</p> <p>(e) Contact Recreation Water Quality Classification - water quality shall be sufficient to allow contact recreational uses.</p> <p><b>Objective 14:</b> The water quality of lakes and bathing sites on rivers and streams listed in Schedule 10 is maintained at a level suitable for swimming.</p> <p><b>Objective 17:</b> Riparian margins are appropriately managed to protect and enhance their soil conservation, water quality and heritage values.</p> <p><b>Objective 19:</b> Protect vulnerable areas from erosion.</p> <p><b>Objective 21:</b> Maintain and improve the protective function of coastal sand dunes.</p> <p><b>Objective 22:</b> Recognition of the beneficial effects of the use and development of water, land and geothermal resources on the social, cultural and economic wellbeing of people and communities.</p> <p><b>Policy 21:</b> To manage land and water resources in the Bay of Plenty within an integrated catchment management framework to:</p> <p>(a) Maintain or enhance water quality in individual lakes to meet their Trophic Level Index ('TLI') and Water Quality Classification.</p> <p>(d) Maintain or improve water quality in streams and rivers to meet their Water Quality Classification.</p> <p>(e) Have full regard to the water quality classifications for coastal waters (including harbours and estuaries), and policies relevant to the coastal environment in the Bay of Plenty Regional Coastal Environment Plan.</p> <p>(f) Recognise and provide for heritage values in resource management decisions.</p> <p>(j) Understand the effects of changing land cover and land use practices on water flows and levels in rivers, streams, lakes.</p> <p>(k) Promote and encourage the adoption of sustainable land management practices that are appropriate to the environmental characteristics and limitations of the site to:</p> <p>(i) Protect the soil and avoid, remedy or mitigate the adverse effects of erosion.</p> <p>(ii) Maintain the health of the region's soil resources for future generations.</p>	<p>implementing the Kaituna River and Ongatoro/Maketu Estuary Strategy, which has a long term approach. One of the key goals for the Project is to restore to the extent possible the natural functioning and character of the estuary environment.</p> <p>The Project responds in a positive manner to the past incremental degradation of values that has occurred to date.</p> <p>The Project involves a large volume of earthworks, riparian works and the diversion of water. The construction methodology has been developed to manage potential erosion and sedimentation.</p>
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<p>(iii) Achieve the appropriate management of riparian areas, including the retirement and planting of riparian areas of streams, rivers, lakes, wetlands and estuaries.</p> <p>(iv) Avoid, remedy or mitigate adverse effects on water quality in the receiving environment.</p> <p>(v) Take into account the assimilative capacity of the soil.</p> <p>(vi) Recognise and provide for heritage values of the site.</p> <p>(vii) Maintain or improve the protective function of coastal sand dunes.</p> <p>(viii) Control sediment entering estuaries and harbours from use and development activities.</p> <p>(l) Manage land and water resources according to realistic management goals that are appropriate to the existing environmental quality and heritage values (including ecosystem values) of the location.</p> <p><b>Policy 24:</b> To recognise and provide for people and organisations who have adopted proven good environmental management practices.</p> <p><b>Policy 25:</b> To encourage and provide for community involvement in the management of water, and land resources.</p> <p><b>Policy 27:</b> To use a range of mechanisms, including education, and regulation where necessary and appropriate, to avoid, remedy or mitigate the adverse effects of land use activities on water quality, or for soil conservation purposes, in order to achieve stated environmental objectives. Areas of particular concern in the Bay of Plenty are riparian margins, steep slopes, erosion-prone soils, the recharge areas of potable groundwater supplies, and the catchments of the Rotorua lakes.</p> <p><b>Policy 31:</b> To promote the adoption of the stewardship of soil and water resources, ecosystems, and cultural, amenity, natural character and landscape values.</p> <p><b>Policy 32:</b> To allow resource use and development where there are beneficial effects on the social, cultural and economic wellbeing of people and communities; and adverse effects on the environment are avoided, remedied or mitigated.</p>	
<p><b>Chapter 4: Discharges to Water and Land</b></p>	
<p><b>4.1 Discharges of Contaminants or Water to Water, and Discharges of Contaminants to Land</b></p> <p><b>Objective 23:</b> Discharges of contaminants to water are managed to meet the following goals:</p> <p>(a) After reasonable mixing, discharges of contaminants to lakes, streams and rivers meet the water quality classification of the receiving water bodies as a minimum; and have no more than minor adverse effects on heritage values, existing users in downstream areas, and lakes, harbours and estuaries.</p> <p>(b) Discharges of contaminants to water are in a manner that takes into account the cultural values of tangata whenua acknowledged for that area.</p> <p><b>Objective 27:</b> Discharges of water to water avoid, remedy or mitigate adverse effects on the environment as appropriate to the values, uses and existing environmental quality of the activity site.</p>	<p>The Project involves a large volume of earthworks, riparian works and the diversion of water. The construction methodology has been developed to manage potential erosion and sedimentation. However, as there will be works in waterways the risk if sedimentation cannot be completely avoided. The construction works will be temporary.</p>

**Objective 28:** Cumulative effects of small-scale discharges of contaminants to water and land are managed appropriately to avoid, remedy or mitigate adverse effects on water quality (including coastal waters), and soil health and ecosystems.

**Policy 38:** Discharges of contaminants to water are to comply with the following requirements:

(b) Rivers and streams

(ii) Discharges to rivers and streams are to:

- Meet the water quality classification of the stream or river after reasonable mixing.
- Avoid, remedy or mitigate adverse effects on heritage values and existing users in downstream areas. This may include consideration of appropriate mixing methods for the discharge.

(iv) For discharges to rivers and streams that flow directly to the open coast, or are tributaries of harbours and estuaries, the effect on the water quality of coastal waters will be given full regard. This includes cumulative effects.

(vi) Where a river or stream has more than one water quality classification along its length, a discharge will be assessed relative to the water quality classification at the point of discharge, as shown on the Water Quality Classification map.

**Policy 42:** To recognise and provide for the effects on the mauri of the receiving environment caused by the discharge of contaminants to water by:

(d) Avoid, remedy or mitigate adverse effects on water, land and geothermal resources or sites that are of significance to tangata whenua, where such resources or sites have been identified by tangata whenua.

(e) Avoiding physical degradation of the life-supporting capacity of receiving waters.

**Policy 43:** To take appropriate action to avoid, remedy or mitigate the cumulative effects of discharges of contaminants to water or to land where such discharges are having an adverse effect on water quality, the life-supporting capacity of soil, or the coastal environment.

**Policy 43A:** When considering any application for a discharge the consent authority must have regard to the following matters:

- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and
- (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

**Policy 47:** To avoid, remedy or mitigate the adverse effects of discharges of water to water on:

- (a) Flooding.
- (b) Any relevant Maori cultural values.
- (c) Stability of the beds and banks of the receiving water body.
- (d) Ecological values.

**Policy 48:** To encourage, as appropriate, discharge activities to comply with current best engineering practices and best practicable options to avoid or mitigate adverse effects on the environment so that the requirements of this regional plan and

<p>other Environment Bay of Plenty requirements are met. Best engineering practices are relevant where the scale, intensity and potential adverse effects require such engineering practices.</p>	
<p><b>Chapter 5: Water Quantity and Allocation</b></p>	
<p><b>5.1 Take and Use of Surface Water and Groundwater</b></p> <p><b>Objective 41:</b> Water flows in streams and rivers are maintained to:</p> <ul style="list-style-type: none"> <li>(a) Provide protection for existing aquatic life in the water body.</li> <li>(b) Maintain identified significant ecological values, landscape values, recreational values, and Maori customary values and traditional instream uses of rivers and streams.</li> <li>(c) Maintain water quality relative to the assimilative capacity of the water body, and the Water Quality Classification of the water body.</li> <li>(d) Avoid or mitigate adverse effects on downstream environments, and existing uses of the water resource.</li> </ul> <p><b>Objective 42:</b> Instream flow variability is maintained to sufficient levels to allow for instream biota and stream flushing requirements.</p> <p><b>Policy 65:</b> To allow for flow variation in streams and rivers when allocating water, and controlling the effects of damming and diversion activities.</p> <p><b>Policy 66:</b> To allocate surface water according to Policy 71, Policy 73, and Policy 69, and the following (refer to Figure 5 for explanation):</p> <ul style="list-style-type: none"> <li>(a) Low flow allocation. To allocate no more than the maximum allocatable flow in a stream reach. The maximum allocatable flow is Q5 7 day low flow minus the instream minimum flow requirement.</li> <li>(b) High flow allocation (water harvesting) during periods of high flow. To consider allocating water flow above the Q5 7 day low flow for water takes that are of short duration, and do not compromise the instream minimum flow requirement</li> </ul> <p><b>Policy 68A:</b> When considering any application the consent authority must have regard to the following matters:</p> <ul style="list-style-type: none"> <li>(a) the extent to which the change would adversely affect safeguarding the lifesupporting capacity of fresh water and of any associated ecosystem and</li> <li>(b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.</li> </ul> <p><b>Policy 79:</b> To assess the adverse effects of proposed abstraction of surface water or the discharge of contaminants to water on the assimilative capacity of the water body when processing resource consent applications. The assimilative capacity will be determined relative to the water quality classification, instream minimum flow requirement, ecological values, landscape values, recreational values, Māori customary values and traditional instream uses of the water body, amount of water already abstracted from the water body, and cumulative effect of existing and proposed activities in the catchment.</p>	<p>Dewatering may be required during construction. However it is not a consumptive take as water will be returned.</p>

## 5.2 Damming and Diversion of Water

**Objective 47:** Damming and diversion activities avoid, remedy or mitigate adverse effects on the environment, as appropriate to the values, uses and existing environmental quality of the water body and downstream of the activity.

**Objective 48:** Land use and development activities avoid, remedy or mitigate adverse effects on the natural flow of water, including flood flows.

**Policy 81:** All new damming and diversion activities, or changes to existing damming and diversion activities, are required to comply with the following environmental standards:

### (a) Water flow

- Ensure a sustainable residual flow to maintain the instream minimum flow requirement and provide for existing surface water takes, and for existing assimilative requirements associated with existing discharges of contaminants to water in downstream areas.
- Provide for natural flow-variability where appropriate.

### (b) Water quality

- Not cause the breach of Water Quality Classification of the stream, river or lake.
- Note – the discharge of contaminants to water is addressed in section 4.1. Refer to Policy 38(b)(vii) with regards to the discharge of sediment resulting from maintenance dredging of dams. Dam owners and operators are not responsible for contaminants discharged within the catchment above the dam.

### (c) Stability of Banks and Beds of Water bodies

- Avoid, remedy or mitigate adverse effects on the stability of banks and beds of surface water bodies, including scour, erosion and slumping which can be directly attributed to the existence and operation of the dam. Any erosion events that can be directly attributed to the existence and operation of the dam are to be remedied or mitigated as soon as practicable.

### (d) Landscape values, natural character, recreational use, public access to and along the margins of rivers and lakes, and Maori cultural values

- Refer to section 15.3.1 and 16.3.1 of the Bay of Plenty Regional Policy Statement. Refer to Policy 100 for requirements for aquatic habitats. Refer to Section 2 of this regional plan for matters relating to Maori cultural values.

### (e) Wetlands

- Refer to section 8 of this regional plan for provisions regarding wetlands.

**Policy 82:** Where a resource consent holder applies for a change to an existing damming or diversion activity, only the aspects in Policy 81 relevant to the change in the activity will be considered.

**Policy 83:** Mitigation or remediation is a requirement for all existing dams and diversions, and associated maintenance activities, to address adverse effects on aquatic ecosystems, water quality, water flow, the beds and banks of surface water

Diversion of water a key component of the Project but for improving ecological and other values.

<p>bodies, and significant heritage values, where appropriate. Actions to mitigate or remedy adverse effects are to be appropriate to the scale of the effect, and have regard to the requirements of Policy 81.</p> <p><b>Policy 84:</b> To recognise that damming and diversion of water may be necessary to maintain or enhance wetlands.</p>	
<p><b>5.3 Management of Flood Hazards and Land Drainage</b></p> <p><b>Objective 49:</b> The effects of flood hazards on the region’s people, communities, and natural and physical resources are avoided or mitigated.</p> <p><b>Objective 50:</b> The adverse environmental effects of flood hazard mitigation works, including river and land drainage schemes are avoided, remedied or mitigated.</p> <p><b>Objective 51:</b> Flood hazard mitigation works that are agreed by the community as being necessary are not threatened by inappropriate land use activities.</p> <p><b>Policy 87:</b> To adopt and promote an integrated, catchment-based approach to flood hazard mitigation.</p> <p><b>Policy 88:</b> To co-operate with the city council and district councils to ensure that flood hazard mitigation works and flood paths are protected from inappropriate land use activities.</p> <p><b>Policy 90:</b> To require river schemes and land drainage schemes to be constructed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(a) Avoid adverse effects on significant heritage values. Where existing works are having adverse effects on such values, the effects are to be remedied or mitigated.</li> <li>(b) Avoid, remedy or mitigate adverse effects on the environment while maintaining the integrity of the scheme.</li> <li>(c) Remedy adverse effects on natural character, and terrestrial and aquatic habitats, where practicable.</li> </ul> <p><b>Policy 91:</b> To recognise that some maintenance activities of river schemes and land drainage schemes have short-term adverse effects on the environment, but can have longterm benefits for flood and erosion mitigation, the protection of community assets, and environmental quality.</p>	<p>There is an existing flood and hazard risk. Measures have been proposed to ensure that any additional effect as a result of the Project is avoided or mitigated. An allowance for climate change was included in the modelling work undertaken.</p>
<p><b>Chapter 6: Beds of Rivers, Streams, Lakes and Wetlands</b></p>	
<p><b>6.1 Activities in the Beds of Rivers, Streams and Lakes</b></p> <p><b>Objective 55:</b> Aquatic ecosystems, aquatic habitats of indigenous species, spawning areas and migratory pathways of fish, and significant aquatic vegetation are maintained and enhanced.</p> <p><b>Objective 57:</b> Adverse effects on fish passage and migration along rivers and streams is avoided, remedied or mitigated.</p> <p><b>Objective 58:</b> Activities in, on, under or over the beds of streams, rivers and lakes:</p> <ul style="list-style-type: none"> <li>(a) Do not significantly impede the flow of flood waters, except where the activity is necessary for flood control purposes.</li> <li>(b) Provide for water flow and volume requirements in downstream areas, including authorised water abstractions and non-consumptive uses.</li> </ul>	<p>The majority of the physical works are in CMA however, a section of the proposed channel and the point of diversion are upstream of the CMA boundary and are therefore considered to be in the bed of the Kaituna River.</p> <p>Protection works along the edge of the proposed new channel are proposed to avoid erosion.</p>

<p>(c) Avoid, remedy or mitigate adverse effects on natural hydrological processes of the stream, river or lake, or downstream areas.</p> <p>(d) Do not lead to accelerated erosion of the beds and banks of streams, rivers and lakes.</p> <p>(e) Maintain existing public access to and along the margins of rivers and lakes, where appropriate.</p> <p>(f) Avoid or mitigate the contamination of water by sediment.</p> <p>(g) Avoid adverse effects on areas of significant natural character.</p> <p>(h) Avoid, remedy or mitigate adverse effects on ecological values.</p> <p><b>Objective 59:</b> Structures in, on, under or over the beds of streams, rivers and lakes are:</p> <p>(a) Designed to commonly accepted design standards (including flood design standards) in relation to the use and location of the structure.</p> <p>(b) Constructed to a standard to withstand flood events.</p> <p>(c) Designed and used to account for natural lake level fluctuations.</p> <p><b>Objective 61:</b> Avoid introduction of plants into the beds of streams, rivers and lakes, except where indigenous species are planted to enhance the stream, river or lakes; or the planting is necessary for river control works.</p> <p><b>Policy 98:</b> To require activities in the beds of rivers, streams and lakes to be undertaken in a comprehensive and integrated manner that recognises and provides for the water quality, water quantity (including flood hazards), soil conservation, aquatic ecosystem issues in the water body, and areas of significant natural character.</p> <p><b>Policy 99:</b> All new activities in the beds of streams, rivers and lakes, reconstruction of existing structures, re-planting of plants, and existing activities upon renewal of consents, are required to comply with the following:</p> <p>(a) Stability of Banks and Beds of Water Bodies</p> <ul style="list-style-type: none"> <li>• Avoid, remedy or mitigate adverse effects on the stability of banks and beds of surface water bodies, including scour and erosion that can be directly attributed to the existence and operation of the activity. Any erosion or scour events that can be directly attributed to the existence or operation of the activity is remedied as soon as practicable.</li> </ul> <p>(b) Water Quality</p> <ul style="list-style-type: none"> <li>• Avoid or mitigate the release of sediment to water from activities in the bed of streams, rivers and lakes.</li> <li>• Require practices that minimise the release of sediment to water.</li> <li>• Not cause the breach of Water Quality Classification of the stream, river or lake.</li> </ul> <p>(c) Water and Flood Flows</p> <ul style="list-style-type: none"> <li>• Avoid impeding the flow of flood waters, except where the activity is specifically for flood or water level control purposes, or is a dam.</li> </ul>	<p>The values and effects discussed in coastal policy sections applies to the works in the river.</p> <p>Fish passage in the bed of the river will not be affected.</p>
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<ul style="list-style-type: none"> <li>• Avoid, remedy or mitigate adverse effects on natural hydrological processes, instream minimum flow requirements, and non-consumptive uses.</li> </ul> <p>(d) Natural Character, Landscape Values, Māori Cultural Values</p> <ul style="list-style-type: none"> <li>• Avoid adverse effects on areas of significant natural character.</li> <li>• Refer to sections 15 and 16 of the Bay of Plenty Regional Policy Statement. Also refer to Policies 18, 19, 20 and 100 of this regional plan.</li> <li>• Markers or high visibility materials required for navigational safety are excluded from requirements relating to natural character.</li> </ul> <p>(e) Wetlands</p> <ul style="list-style-type: none"> <li>• Refer to section 8 of this regional plan.</li> </ul> <p>(f) Existing Uses</p> <ul style="list-style-type: none"> <li>• Avoid, remedy or mitigate adverse effects on existing users of the water body, including water abstractions, except where written approval of affected parties is obtained.</li> </ul> <p>(g) Public Access</p> <ul style="list-style-type: none"> <li>• When assessing the adverse effects of proposed activities, consider the effects on authorised public access to and along the margins of rivers, streams and lakes.</li> </ul> <p><b>Policy 100:</b> To avoid, remedy or mitigate adverse effects on aquatic ecosystems, the aquatic habitats of indigenous fauna, important trout habitats, and fish migration. This is to be achieved by designing, planning, constructing or undertaking, and maintaining activities to:</p> <p>(a) Avoid undertaking significant instream bed disturbance activities at spawning sites during relevant spawning periods of fish species present in the water body.</p> <p>(b) Avoid, remedy or mitigate the adverse effects of instream works on:</p> <ol style="list-style-type: none"> <li>(i) The aquatic habitats of indigenous aquatic fauna and flora, including spawning sites.</li> <li>(ii) The important aquatic habitats of trout, including spawning sites.</li> </ol> <p>(c) Provide for fish passage for migration, recruitment, and habitat range in areas where there are no natural barriers to fish passage. Where fish passage is necessary it is not to be impeded by new structures, or beyond the duration of any instream works. Manual transference will be considered to be the provision of fish passage for existing structures.</p> <p>(d) Remediate aquatic habitat characteristics at the activity site that have been degraded by the activity, except where restoration or enhancement of aquatic habitats at other locations is more appropriate.</p> <p><b>Policy 101:</b> New structures in, on, under or over the beds of rivers, streams and lakes, and the reconstruction of existing structures, are to be designed, constructed and maintained to comply with the requirements of Policies 99 and 100, and the following environmental standards:</p>	
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- (a) Designed to flood design standards that are appropriate to the Bay of Plenty region (refer to Method 206), and to the site of the structure. This does not apply to flood control structures (refer to Rule 45 and 51).
- (b) Designed, constructed and maintained to appropriate standards to:
  - (i) Withstand flood events.
  - (ii) Ensure the integrity of the structure is maintained for its specified use.
- (c) Located, designed, constructed and used a manner that accounts for the effect of natural lake water level fluctuations.

For the purpose of this regional plan, gabion baskets and rock riprap are considered to be structures.

**Policy 102:** To provide for the use and maintenance of any lawfully existing structure in, on, under or over the bed of a stream, river or lake, except where such structures are causing adverse effects on the environment that cannot be avoided, remedied or mitigated.

**Policy 107:** Reclamation of the bed of a river, stream or lake is to comply with Policy 83 and the following standards:

- (b) Reclamations are to use material that will not lead to the discharge of contaminants to water, excluding minor sediment.

**Policy 108:** The introduction of plants into the beds of rivers, streams and lakes is to comply with Policy 100, and the following standards:

- (a) Plants introduced into the bed of a surface water body are to be of a species and at a location suitable to maintain or enhance the values and uses of the water body.
- (b) Aquatic plant pests are not to be introduced into the beds of streams, rivers and lakes.

Note: Plants can only be introduced to the bed of a surface water body, or land where the permission of the landowner or administering body is obtained, and the activity complies with Rule 68 (permitted) or a resource consent is obtained.

**Policy 110:** To encourage and promote the use of appropriate indigenous plant species for plantings in the beds of rivers and lakes, including the use of eco-sourced stock where and when available.

**Policy 111:** To maintain legal public access to and along the margins of rivers and lakes when assessing the effects of activities in the beds of streams, rivers and lakes, or land disturbance activities, through the resource consent process, except where restriction is necessary to:

- (a) Prevent the occurrence or exacerbation of erosion of river or lake banks or beds.
- (b) Preserve the natural character of streams, rivers, lakes and wetlands.
- (c) Protect private property rights.
- (d) Safeguard ecological or intrinsic attributes of streams, rivers and lakes.
- (e) Preserve sites of natural and cultural heritage.
- (f) Avoid conflict between competing uses.
- (g) Protect cultural values of tangata whenua.

<p>(h) Provide for other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.</p> <p>(i) Protect the primary soil conservation functions of riparian plantings.</p> <p>(j) Protect the integrity of river and flood control works.</p> <p>(k) Protect public health and safety.</p>	
<p><b>Chapter 8: Wetlands</b></p>	
<p><b>Objective 73:</b> The preservation of the remaining wetlands in the Bay of Plenty.</p> <p><b>Objective 74:</b> The enhancement of the values and functions of degraded wetlands where enhancement is viable.</p> <p><b>Objective 75:</b> Creation of new wetland habitats where appropriate and practicable.</p> <p><b>Objective 76:</b> The adverse effects of any necessary maintenance in wetlands, or sustainable use of wetlands, on the ecological values, water quality, water quantity, or natural character of the wetland are avoided, remedied or mitigated.</p> <p><b>Policy 133:</b> To protect existing wetlands, including small wetlands, to maintain their natural functions.</p> <p><b>Policy 134:</b> To maintain or enhance migratory pathways to wetlands, and ecological sequences that include wetlands.</p> <p><b>Policy 135:</b> To maintain or enhance the values of existing wetlands by encouraging landowners and the community to:</p> <p>(a) Maintain or improve water quality in wetlands, while recognising that wetlands themselves are natural water filtering systems.</p> <p>(b) Maintain or improve the hydrological regime, including enhancing water quantity and flows, providing for flood retention, and fluctuations of water levels.</p> <p>(c) Maintain or improve soil conservation values.</p> <p>(d) Maintain or improve aquatic and terrestrial indigenous biodiversity of flora and fauna.</p> <p>(e) Maintain or enhance cultural values.</p> <p>(f) Maintain or enhance amenity values.</p> <p>These are to be applied relative to the type of wetland and specific values of individual wetlands.</p> <p><b>Policy 136:</b> To prioritise action to enhance wetlands where:</p> <p>(a) The wetland has significant heritage values, including ecological values.</p> <p>(b) The hydrology is sufficient to sustain wetland species and habitat.</p> <p><b>Policy 139:</b> To encourage and promote the creation of new wetland habitats in appropriate locations.</p>	<p>There is a small section of existing wetland that will be affected by the proposed channel but the Project involves creation of a large area of wetlands so will enhance values overall. Monitoring is proposed to ensure there are not adverse effects on existing wetland areas that will be retained.</p>

**Policy 140:** To determine water levels for those wetlands where water quantity is artificially managed, and establish water levels at an appropriate level that provides for the natural functions of the wetland and has regard to the concerns of adjacent landowners.

**Policy 142:** To recognise and provide for the sustainable use of wetlands, including the use of wetlands for customary practices by tangata whenua. Sustainable use means the use of resources within a wetland at a rate or in a manner that does not damage or destroy the water quality, water quantity, soil conservation, natural character, habitat values of indigenous flora and fauna, or cultural values of the wetland.

**Policy 143:** To allow for the removal or disturbance of low-growing indigenous wetland vegetation (such as flax, raupo and sedges) to maintain existing amenity values in accordance with an approved management document, plan or agreement.

**Policy 144:** To assess the appropriateness of the creation of new open water areas within a natural wetland on a case by case basis in relation to the adverse or beneficial effects on:

- (a) Aquatic ecosystems.
- (b) Indigenous biodiversity.
- (c) Significant indigenous vegetation and the significant habitats of indigenous fauna.
- (d) Soil conservation.
- (e) Water quality.
- (f) Water quantity.
- (g) Affected parties.

## Operative Regional Air Plan

15 December 2003 (updated 1 August 2012)

Objective/Policy	Assessment Summary
<b>Part 3 and 4</b>	
<p><b>Objective 1:</b> Maintain and protect high air quality in the Bay of Plenty region and in instances or areas where air quality is degraded, to enhance it by specifically addressing discharges into air of gases, particulates, chemicals, agrichemicals, combustion and odour.</p> <p><b>Objective 2:</b> Avoid, remedy or mitigate the adverse effects of all discharges of contaminants into air on the environment which includes the effects on: ecosystems, human health and safety, crops and livestock, amenity values, cultural values, the mauri of natural and physical resources and the global environment.</p> <p><b>Policy 1A:</b> Significant adverse effects of discharges of contaminants into air should be avoided.</p> <p><b>Policy 1B:</b> Adverse effects of discharges into air of contaminants that cannot be practicably avoided should be remedied or mitigated.</p>	<p>Discharges to air are limited to that from dust during construction. Dust will be managed through the Erosion, Sediment and Dust Control Plan. Significant adverse effects will not occur.</p>

<h1 style="margin: 0;">Operative Western Bay of Plenty District Plan</h1> <p style="margin: 0;">24 May 2012</p>	
Objective/Policy	Assessment Summary
<b>Part 4A: General</b>	
<p><b>4A.1 Activities Not Specifically Provided For</b></p> <p><b>4A.1.2 Objective</b></p> <p>The avoidance and/or minimisation of the likely adverse effects on the environment and on District Plan integrity arising from activities not specifically provided for in the District Plan.</p> <p><b>4A.1.3 Policy</b></p> <p>The adverse effects of activities not specifically provided for in the District Plan should not be of an unanticipated nature and scale nor should such activities either individually or cumulatively create the potential for the integrity of the District Plan to be undermined.</p>	<p>The AEE discussed the effects of the Project. Mitigation measures have been proposed were required. Effects can be appropriately avoided, remedied or mitigated.</p>
<b>Part 4C: Amenity</b>	
<p><b>4C.1 Noise and Vibration</b></p> <p><b>4C.1.2.1 Objective</b></p> <p>An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.</p> <p><b>4C.1.2.2 Policies</b></p> <ol style="list-style-type: none"> <li>2. Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. construction works, military training exercises).</li> <li>3. Have regard to any relevant New Zealand standards, guidelines, or codes of practice in the assessment of applications for resource consents.</li> </ol>	<p>Conditions are proposed to ensure construction noise complies with the standard.</p>
<b>Part 5: Natural Environment</b>	
<p><b>5.2.1 Objectives</b></p> <ol style="list-style-type: none"> <li>1. Protection of all significant native plant and animal habitats within the Western Bay of Plenty District.</li> </ol>	<p>A number of indigenous species, habitats, and areas have been considered in the technical</p>

<ol style="list-style-type: none"> <li>2. Support and encourage the protection and enhancement of ecosystems of importance for both the natural processes they offer and any ecological benefits in terms of connectivity, buffering or the provision of habitat for threatened species.</li> <li>3. Preservation of the natural character of the District’s coastal environment (including the coastal marine area), rivers, lakes, and their margins.</li> <li>4. Preservation of wetland and riparian areas and where practicable the enhancement or restoration of the values and function of degraded wetland and riparian areas.</li> <li>5. Greater public awareness, support and involvement in the protection and restoration of areas of ecological significance, particularly those in lowland and coastal areas.</li> </ol> <p><b>5.2.2 Policies</b></p> <ol style="list-style-type: none"> <li>1. Ecological sites that have been scientifically identified as significant should be protected.</li> <li>2. Support and encourage the protection and enhancement of ecological corridors, networks and connections between significant native habitats and ecosystems.</li> <li>3. Protective measures should account for the dynamics of water related effects on wetlands.</li> <li>4. Importance should be placed on the off site contributions of riparian areas to the health of adjoining habitats (wetlands, rivers, the sea, estuaries and other associated land/water interfaces).</li> <li>5. Likely changes in sea level should be provided for in ways that allow for the natural inland migration of the coast and associated identified native habitats and ecosystems.</li> <li>6. Protection measures should take into account natural seasonal fluctuations in habitat character and sensitivity.</li> <li>7. An approach which is precautionary but responsive to increased knowledge should be adopted where the management of the environment is hindered by lack of understanding about processes and the effects of activities.</li> <li>8. Activities should not adversely affect any identified significant native plant and animal habitats and ecosystems.</li> <li>9. The adverse effects of inappropriate subdivision, use and development on the natural character of the coastal environment, wetlands, rivers, lakes, and their margins should be avoided. Where avoidance is not practicable, such effects should be appropriately remedied or mitigated.</li> <li>11. To protect and maintain wetlands and riparian areas and enhance and restore wetlands and riparian areas in appropriate locations.</li> </ol>	<p>reports. Indigenous biodiversity will be protected and enhanced.</p> <p>The Project involves the creation of a significant area of wetlands and will enhance the values of degraded areas.</p> <p>A precautionary approach has been adopted through adaptive management.</p>
<p><b>Part 6: Landscape</b></p>	
<p><b>6.2.1 Objective</b></p> <p>The unique visual quality and character of the District’s outstanding natural features, landscapes and viewshafts are protected from inappropriate subdivision, use and development.</p>	<p>Maketu Estuary is included in the District Plan as an outstanding landscape feature and a significant ecological feature. The values of the</p>

<p><b>6.2.2 Policies</b></p> <ol style="list-style-type: none"> <li>1. Within areas identified as being outstanding natural features and landscapes, landscape character should be protected and enhanced by managing the adverse effects of inappropriate land use and development activities.</li> </ol>	<p>estuary have been compromised over decades as a result of past diversion works. The Project objective includes maximising the ecological and cultural benefits from increasing the volume of water. It will enhance the character of the area through the proposed enhancement works.</p>
<p><b>Part 7: Historic Heritage</b></p>	
<p><b>7.2.1 Objectives</b></p> <ol style="list-style-type: none"> <li>1. Protection and preservation of a unique or representative range of historic heritage items of value to the community and to the nation.</li> <li>2. The protection and conservation of buildings and objects of historic heritage value to the District.</li> <li>3. That the Kaitiakitanga of tangata whenua in relation to sites and objects of cultural and natural heritage is respected.</li> </ol> <p><b>7.2.2 Policies</b></p> <ol style="list-style-type: none"> <li>1. Public awareness and appreciation of historic heritage resources should be increased so as to minimise adverse effects on the historic heritage feature or on the spirituality associated with the site or feature.</li> <li>2. Public access to historic heritage sites should not jeopardise the integrity of the item, nor the reasonable operation of activities on the parent property.</li> <li>4. The effects of activities and development which could damage or destroy the historic heritage values associated with scheduled buildings and objects should be minimised.</li> <li>6. Identified sites and objects of significant cultural and natural heritage value to tangata whenua should be protected.</li> <li>7. Tangata whenua should be consulted regarding the identification, protection and management of sites and objects considered to be of cultural and natural heritage value.</li> </ol>	<p>There are recorded archaeological sites in the area. An Archaeological Authority is being sought. The CIAs identify the values and provide a number of recommendation for tangata whenua to be involved.</p> <p>The CIA recommendations, which have been adopted in principle, include cultural monitoring and accidental discovery protocols.</p>
<p><b>Part 8: Natural Hazards</b></p>	
<p><b>8.2.1 Objectives</b></p> <ol style="list-style-type: none"> <li>1. Minimisation of the threat of natural hazards to human life and the natural and physical environment.</li> <li>2. Protection of the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the District.</li> </ol> <p><b>8.2.2 Policies</b></p>	<p>There is an existing flood and hazard risk. Measures have been proposed to ensure that any additional effect as a result of the Project is avoided or mitigated. An allowance for climate change was included in the modelling work undertaken.</p>

<ol style="list-style-type: none"> <li>1. Adopt the best practicable options (including the 'do nothing' option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.</li> <li>2. Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.</li> <li>6. Enable natural ecosystems in currently undeveloped areas to migrate inland as a result of dynamic coastal processes (including sea level rise as predicted by recognised national or international agencies).</li> <li>7. Encourage the conservation and enhancement of natural features such as sand dunes and wetlands which have the capacity to protect existing developed land.</li> </ol>	
<p><b>Part 18: Rural</b></p>	
<p><b>18.2.1 Objectives</b></p> <ol style="list-style-type: none"> <li>1. The rural land resource and versatile land capability is maintained to enable its use for rural production activities.</li> <li>3. Appropriate provision for activities not directly based on primary production but which have a functional or other legitimate need for a rural location.</li> <li>5. Maintain the rural character and amenity values associated with the low density rural environment.</li> <li>6. Protection and enhancement of ecological, landscape, cultural, heritage and other features located in the rural environment which are of value to the wider community.</li> <li>9. Fulfilment of the special relationship of Maori with their ancestral land including the particular culturally based housing needs and traditions associated with such land.</li> </ol> <p><b>18.2.2 Policies</b></p> <ol style="list-style-type: none"> <li>4. Subdivision, use and development which has the potential to inhibit the efficient use and development of rural land for primary production or to inhibit the efficient use and development of existing mineral extraction sites (including vehicle access routes to such resources) should be avoided or minimised.</li> <li>5. Subdivision, use and development of rural land for purposes other than primary production and which have the potential to inhibit the efficient and lawful operation of existing or designated network utility operations should be avoided or minimised.</li> <li>15. The use and development of ancestral Maori land should be provided for in a manner consistent with and in recognition of the special relationship of Maori to such land, including provision for multiple housing and associated support facilities.</li> </ol>	<p>The Project area is zoned rural. The proposed channel and the main wetland creation area are currently used for primary production purposes which are enabled by earlier flood protection and drainage works. A small area of primary production land will be lost as protecting it has been assessed as cost prohibitive. The land will be purchased and subject to appropriate compensation.</p> <p>The proposed channel location has been selected so that the volume of freshwater diverted can be maximised. The main wetland creation area is adjacent to existing reserve land.</p> <p>Project is about improving cultural, amenity and ecological values.</p>



## Iwi Management Plans

### Tapuika Environmental Management Plan

Nga Aukati Taonga o Tapuika me Waitaha is a joint Iwi Management Plan prepared by Tapuika and Waitaha in 1993.

The CIA identifies that of particular relevance to this proposal are the following policies:

- The need for resource managers to take into account Maori spiritual values such as mauri, tapu, mana, wehi and karakia
- The need to protect those characteristics of the coastal environment that are of special value to Tapuika, including Te Arawa Whanui, including waahi tapu, tauranga waka, mahinga kai, mahinga mataitai and taonga raranga
- That all waahi tapu identified by the Tapuika Iwi Authority be protected from modification or desecration
- The right to modify waahi tapu shall remain solely with then Iwi of Tapuika
- Recognition of Tapuika kaitiakitanga over our natural resources

Tapuika is currently preparing a new Environmental Plan to replace Nga Aukati Taonga o Tapuika me Waitaha.

### Ngāti Rangiwewehi Iwi Environmental Management Plan

The Ngati Rangiwewehi Cultural Impact Assessment states “the proposed Kaituna River re-diversion and wetland creation Project is considered to be a positive move toward addressing a number of the issues identified within the Ngati Rangiwewehi Iwi Management Plan and is not in conflict with any of the policies and objectives contained within this document.” (page 8).

### Ngati Whakaue Iwi Resource Management Plan (August 2011)

The CIA notes that the following parts within the planning document apply to the Re-diversion Project:-

1. Part 3 of the IMP outlines consultation and how essential Ngāti Whakaue regard consultation concerning the Kaituna River / Maketū Estuary Strategy. The consultation to date on the re-diversion between Regional Council staff and Ngāti Whakaue has been positive and is well supported by its people.
2. Part 4 of the IMP identifies the issues that Ngāti Whakaue sees as significant to the cultural, historical, social, environmental and economic wellbeing of their people. The first issues identified are the estuarine margins, the fresh water, the coastal water and wetlands (p.20).
3. Fresh Water – In the IMP the recognition of fresh water to sustain the ‘mauri’ (life essence) of the people is essential. The plan identifies issues of a lack of fresh clean water flowing into the wetlands and estuarine margins (p.21 & 22).
4. Fresh Water consents to extract water from aquifers, deep water aquifers, rivers and streams have been highlighted (p.23).
5. Estuarine Margins – The plan explains that there are pressures on the Maketū and Little Waihi estuaries, swamplands and saltmarsh margins (p.21).
6. The plan recognizes that Council Environmental plans and information are outdated and need to reflect the ‘real’ condition of the Maketū Estuary (p.22).

7. Pollutants – The main contributors of pollutants affecting the waterways are the local farming practices which are the major contributors to the waterways and in particular the lower Kaituna River and Maketū Estuary being polluted (p.24).

Kaituna River / Maketū Estuary Re-diversion Strategy –This strategy is recognized as a positive outcome that will address the historical grievances that Ngāti Whakaue has long advocated to the councils of the day to address (p. 22 & 26).